

OSHA's Most Common Citations And How You Can Avoid Them



TABLE OF CONTENTS

» Disclaimer	3
» Introduction	3
» Ladders and Scaffolds	3
» Ladders and Scaffolds Compliance Checklist	4
» Hazard Communication	5
» Hazard Communication Compliance Checklist	5
» Respiratory Checklist	6
» Respiratory Checklist Compliance Checklist	7
» Lockout/Tagout	7
» Lockout/Tagout Compliance Checklist	8
» Powered Industrial Trucks	8
» Forklift Operating Training Compliance Checklist	9
» Machine Guarding	9
» Machine Guarding Compliance Checklist	10
» About Intelex	10

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INTRODUCTION

Each year, OSHA tallies up the citations it has issued and publishes a list of the ten most cited standards. There are about a half-dozen standards that almost always make that list. Here's what you need to know about OSHA's most common regulatory citations, and how you can avoid them.

LADDERS AND SCAFFOLDS

Falls are one of the leading causes of serious injury and death in the workplace, and OSHA is serious about preventing them. Four of the agency's 10 most cited standards in 2017 were related to fall prevention, including the rules for ladder safety and scaffolds.

In 2016, OSHA updated its general industry walking-working surfaces standards (found in 29 CFR 1910 Subpart D) and its scaffold standards (found in Subpart I). With the exception of some requirements for updating fixed ladders, the requirements of the updated standards became effective in 2017.

Ladders. Workers must be protected from falling when they use fixed or portable ladders, as well as mobile ladder stands and platforms. OSHA requires all ladders to be:

- Capable of supporting their maximum intended load. Mobile ladder stands and platforms must be capable of supporting four times their maximum intended load.
- Inspected before each work shift for defects that could cause injury.

Portable ladders are the kind you might use at home: folding stepladders, straight ladders, and extension ladders. Employers are responsible for ensuring that portable ladders:

- Have slip resistant rungs or steps
- Are secured and stabilized when they are used on slippery surfaces
- Are not moved, shifted, or extended while a worker is on them
- Are not fastened together to provide added length (unless they are designed for this kind of use)
- Are not placed on boxes, barrels, or other unstable bases to obtain added height

In addition, employers must ensure that employees do not use the top steps and caps of stepladders as steps.

Pain Point: As of November 19, 2018, all existing fixed ladders are required to have a cage, well, ladder safety system or personal fall arrest system. However, under the revised standard, cages or wells for fall protection are being phased out. Employers have until

November 18, 2036 (twenty years from the date of publication of the revised standard) to replace cages and wells on all ladders extending more than 24 feet with a ladder safety or personal fall arrest system. That's a generous amount of time – but it may also represent a significant capital outlay, especially if you have a lot of long fixed ladders to replace or retrofit. It's important to start mapping out your compliance strategy now.

Scaffolds. A scaffold is an elevated, temporary work platform. Supported scaffolds have rigid supports; suspended scaffolds are suspended by non-rigid means, such as ropes, from an overhead structure.

There are dozens of different types of scaffolds, each with its own set of hazards and protective measures. Make sure that you know what kind of scaffold you're using, and how to erect, dismantle, and use it safely. In general, supported scaffolds must:

- Be designed by a qualified person.
- Be able to support 4 times the maximum intended load.
- Be fully planked, with no gaps larger than 1 inch between the planking and the uprights (with limited exceptions that allow a gap of up to 9 ½ inches). Each platform must be at least 18 inches wide.
- Have solid footing, and be secured against tipping by guys, ties, or braces at regular intervals.
- Be equipped with a means of safe access. Use of crossbraces for access is prohibited.
- Have guardrails along all open sides and ends, except during specific activities.
- Be kept free of ice, snow, or other slippery materials.
- Have toeboards, screens, or other means of protecting workers against falling objects; in addition, workers must wear hard hats.

All employees must be trained by a qualified person to recognize scaffold hazards and how to control or minimize them. The training must include fall hazards, falling object hazards, electrical hazards, proper use of the scaffold, and handling of materials.

Pain point: Workers may be exposed to greater fall hazards while the scaffold is being erected or dismantled. Employers must evaluate fall protection measures that are available during erection and dismantling, both to ensure that workers are protected and to ensure that fall protection does not create a greater hazard for workers.

LADDERS AND SCAFFOLDING COMPLIANCE CHECKLIST

- Are all ladder rungs, steps and cleats parallel, level and uniformly spaced when the ladder is in position for use?
- Are ladder rungs, steps and cleats spaced not less than 10 inches and not more than 14 inches apart as measured between the centerlines of the rungs, cleats steps?
- Are ladders being used only for the purposes for which they were designed?
- Are employees not carrying any object or load that could the employees to lose balance and fall while climbing up or down the ladder?
- Are rungs and steps of portable metal ladders corrugated, knurled, dimpled, or costed with skid-resistant material to minimize the possibility of slipping?

- Are portable ladders not loaded beyond the maximum intended load?
- Is each stepladder or combination ladder equipped with a metal spreader or lacking device that securely holds it in an open position while the ladder is in use?
- Are fixed ladders capable of supporting their maximum intended load?
- Are individual-rung fixed ladders constructed to prevent the employee's feet from sliding off the ends of the rung?
- Do all scaffolds meet the requirements of 29 CFR 1926 subpart L?

HAZARD COMMUNICATION

Hazard communication is one of OSHA's perennial top-10 citations. Without the labeling and training required by the hazard communication standard (29 CFR 1910.1200), workers might not realize that the chemicals they work with every day could be causing cancer, allergies, lung disease, or reproductive harm. After all, while you can clearly see that a blade might cut your arm off, the link between a chemical exposure and a cancer that doesn't appear until twenty years later is much less visible.

That said, the requirements of the hazard communication standard are fairly straightforward.

- Employers are required to make a list of all chemicals that are present in the workplace.
- Employers must have a written hazard communication plan that addresses all facets of compliance, including in-house labeling systems, contractor chemical safety, and unlabeled pipes.
- Chemical manufacturers, importers and distributors are required to ensure that chemicals are properly labeled. Employers receiving these chemicals are required to ensure that the labels are maintained in legible condition.
- Employers must have a safety data sheet (SDS) for each chemical in the workplace. The SDS contains additional information that is not on the label. It must be readily accessible to employees.
- Workers must be trained in what chemicals they may be exposed to at work, what the hazards are, how to read labels and SDSs, and how to protect themselves against chemical exposures.

Pain point: The chemicals you use in your facility may not change frequently, however, that doesn't mean your hazard communication program is one-and-done. The standard has annual program review and training requirements. Make sure that at least once a year, you revisit your program, note any changes – and sign and date it when you do.

HAZARD COMMUNICATION COMPLIANCE CHECKLIST

- Are employees provided with effective training and information on hazardous chemicals in their work area at the time of their initial assignment and whenever a new chemical is introduced?
- Is chemical-specific information always available to employees through labels & SDSs?

- Does employee training include:
 - Methods and observations that can help detect the presence or release of a hazardous chemical in the work area?
 - The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified of the chemicals in the work area?
 - The measures employees can take to protect themselves, including appropriate work practices, emergency procedures, and PPE to be used?
 - The details of the HazCom program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer and the SDS, including the order of information?
 - How employees can obtain and use the appropriate hazard information?
- Does your written HazCom program explain how the standard's requirements will be met?
- Does it include a list of the hazardous chemicals used in the facility?
- Are the chemicals identified in a way that is referenced on the relevant SDS?
- Does the HazCom program explain how employees will be informed of the hazards of nonroutine tasks (for example, cleaning reactor vessels)?

RESPIRATORY PROTECTION

Sometimes, the best way to protect workers against airborne chemicals in the workplace is to use respirators. Unfortunately, it's not as simple as buying some facemasks out of the respiratory protection catalog and handing them out to workers. A respiratory protection program requires a fair bit of legwork to create and implement.

You may need a respiratory protection program (29 CFR 1910.134) if your workers are exposed to a hazardous level of an airborne contaminant, and their exposure cannot be reduced below the OSHA permissible exposure limit through the use of engineering controls (for example, substitution or mechanical ventilation), or if workers are exposed to oxygen-deficient atmospheres. You may also require workers to wear respirators if you deem it necessary, regardless of published exposure limits. Or, workers may choose to wear respirators even though you do not require it. In any of these situations, you will need a compliant respiratory protection program.

Your respiratory protection program must be overseen by a specific, qualified individual, and must be administered at no cost to the employee. It should include:

- A discussion of the hazard characterization and respirator selection process.
- The details of how workers will be medically evaluated to determine that they can safely wear a respirator.
- The fit testing procedures that will be used, and records of workers' fit tests.
- Procedures for proper use, storage, and maintenance of respirators, as well as schedules for the replacement of respirator cartridges.
- Details of the initial and annual retraining program for respirator users.
- Regular program evaluation.

Pain point: Respirators are hot and uncomfortable; they can impair workers' visibility, irritate workers' skin and make it harder to do heavy physical work. They impose physical constraints on workers, who must be clean-shaven in order to maintain the respirator's protection, and respirators are easy to misuse. So, you may get a lot of pushback and noncompliance from workers. It's important that you have a clear idea of what the hazards are, why they can't be controlled another way, and what the consequences are to workers who don't wear them – not just the health consequences, but the disciplinary consequences as well.

RESPIRATORY PROTECTION PROGRAM COMPLIANCE CHECKLIST

- Has a written respiratory protection program with worksite-specific procedures been established and implemented?
- Has the program been updated as necessary to reflect those changes in workplace conditions that affect respirator use?
- Does your program include the following elements:
 - Procedures for selecting respirators for use in the workplace?
 - Medical evaluations of employees required to use respirators?
 - Fit testing procedures for tight-fitting respirators?
 - Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations?
 - Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, and otherwise maintaining respirators?
 - Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators?
 - Employee training protocols concerning the respiratory hazards to which they have been exposed?
 - Employee training in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance?
 - Procedures for regularly evaluating the effectiveness of the program?

LOCKOUT/TAGOUT

When a machine or process is operating normally, workers may be protected from most of its hazards. But sometimes, it is necessary to open up a machine or part of a process for maintenance or repair. During these necessary tasks, workers may be exposed to hazards that are normally enclosed, guarded, or otherwise inaccessible. In order to protect them, it is important to make sure that no part of the machine could unexpectedly start up, cycle, fall, or release energy that could injure the worker. This is done by neutralizing all energy sources before beginning a task, and locking or tagging them out of service.

OSHA's lockout/tagout standard, (29 CFR 1910.147) requires employers to:

- Create energy control procedures for each piece of machinery or equipment that could pose a hazard to workers during servicing and maintenance operations.
- Ensure that all energy sources can be neutralized or locked out.
- Provide workers with the equipment necessary to control any hazardous energy sources, including locks, tags, valve covers, and group lock boxes.

- Train workers who perform servicing and maintenance in lockout/tagout procedures.
- Train all workers in an area where lockout/tagout may be used to recognize and understand the purpose of lockout/tagout.

Pain point: We think of “energy” as synonymous with “electricity,” but when it comes to controlling hazardous energy, that’s a mistake. A raised ram that could fall while worker is underneath is also a source of potentially hazardous energy, along with hydraulic, pneumatic, thermal, chemical, and mechanical energy. Make sure that you have identified all potentially hazardous energy sources, and neutralized them.

LOCKOUT/TAGOUT EQUIPMENT COMPLIANCE CHECKLIST

- Are the appropriate protective materials and hardware provided for isolating, securing or blocking of machines or equipment from energy sources?
- Are lockout/tagout devices singularly identified and the only devices used for controlling energy?
- Are lockout/tagout devices used only for controlling energy?
- Are lockout/tagout devices capable of withstanding the environment in which they will be used, and the time period for which they will be used?
- Are tagout devices constructed so that they will not deteriorate or become illegible in adverse conditions?
- Are lockout/tagout devices standardized throughout the facility?
- Are lockout devices substantial enough to prevent removal except by excessive force?
- Are tagout devices substantial enough to prevent accidental removal?
- Are lockout/tagout devices identified with the name of the employee who applied them?

POWERED INDUSTRIAL TRUCKS

Trucks, trains, ships, and planes carry goods all over the United States. But at either end of the shipping route, those vehicles are loaded and unloaded, and those goods are moved and distributed, using a much smaller piece of equipment: the powered industrial truck, or forklift.

There are many different types of powered industrial trucks, but they all pose similar hazards – primarily collisions, tipovers, falling loads, and fire/explosion hazards. The interaction of the forklift and the work environment may also create a hazard – for example, when forklifts are used in hazardous atmospheres. OSHA’s powered industrial truck standard, 29 CFR 1910.178, requires employers to address these hazards by:

- Not allowing attachments or modifications that are not approved by the manufacturer.

- Choosing forklifts with appropriate safeguards for the work environment.
- Handling forklift fuel and batteries safely.
- Ensuring that forklifts are regularly inspected and properly maintained.
- Providing extensive operator training and certification that is specific to the type of forklift and the work environment.

Pain point: In theory, a forklift operator's certification is portable – you do not have to retrain an operator who comes to you already certified. In practice, you are responsible for ensuring that the operator's training is appropriate both to the specific forklift and to the specific working conditions. Make sure that you evaluate any operator's existing certification before relying on it.

FORKLIFT OPERATING TRAINING REQUIREMENTS COMPLIANCE CHECKLIST

- Have employees who are assigned to operate powered industrial vehicles received the required training and evaluation to make sure that they are competent to operate the vehicle?
- Are trainees only permitted to operate powered industrial trucks under the supervision of someone with the knowledge, training and experience to train and evaluate operators?
- Does your training program consist of a combination of formal classroom instruction, practical training and on-the-job experience?
- Does your training program cover both truck-related topics and workplace-related topics required for the safe and effective operation of powered vehicles?
- Are operators required to take refresher training whenever:
 - The operator has been observed operating a vehicle in an unsafe manner?
 - The operator is involved in an accident or near miss incident?
 - The operator has received an evaluation that reveals that they are not operating the vehicle safely?
 - The operator is assigned to drive a different type of truck?
 - Conditions in the workplace change in a way that could affect safe operation?
- Do you evaluate the performance of all powered truck operators at least once every 3 years?
- Do all employees have written certification that includes the name of the operator, the date of evaluation, the date of the training and the name of the trainer/evaluator?

MACHINE GUARDING

When OSHA determines that a hazard is pervasive, it may create a special enforcement program, called a National Emphasis Program (NEP), designed to target that hazard. OSHA has had an active NEP targeting amputation hazards for more than a decade. Because the greatest single cause of amputations is inadequately guarded machinery, the NEP encourages OSHA inspectors to identify machine guarding deficiencies and cite them under the machine guarding standards found in 29 CFR 1910 Subparts O and R.

A well-designed safeguard should:

- Prevent contact with the hazardous area of the machine during operation.
- Avoid creating additional hazards.
- Be secure, tamper resistant, and durable.
- Avoid interfering with normal machine operations.
- Allow safe lubrication and maintenance.
- Be safe for the operator to use.

Pain point: Sometimes, it seems that you can either make a machine guard “secure, tamper resistant and durable” or allow for lubrication and maintenance, but not both. Because OSHA considers this an area of enforcement emphasis, it is probably better to err on the side of preventing amputations over allowing easy access.

MACHINE GUARDING SAFETY CHECKLIST

- Are one or more methods of machine guarding provided to protect the operator and other employees in the machine area from hazards created by point of operation, ingoing nip points, rotating parts, flying chips and sparks?
- Are all guarding devices in conformity with any appropriate standards or, in the absence of applicable standards, so designed and constructed as to prevent the operator from having any part of their body in the danger zone during the operating cycle?
- Are there any unguarded gears, sprockets, pulleys, or flywheels on the machine?
- Are there any exposed belts, chain drives, set screws, key ways, or collars?
- Are starting and stopping controls within easy reach of the operator?
- Do operators and maintenance workers have the necessary training in how to use the safeguards and why?
- Have operators and maintenance workers been trained in where the safeguards are located, how they provide protection, and what hazards they protect against?
- Have operators and maintenance workers been trained in how and under what circumstances guards can be removed?
- Have workers been trained in the procedures to follow if they notice guards that are damaged, missing or inadequate?

ABOUT INTELEX

Intelex Technologies is a Toronto, Canada-based provider of Environmental, Health & Safety, and Quality (EHSQ) Management and workflow software for organizations of all sizes. The company is a leader in software-as-a-service solutions and serves customers from across a wide range of industries, located around the world. The Intelex platform is a mobile solution and provides integrated tools for front-line EHSQ professionals. We can be found at www.intelex.com.