

# ***OSHA – Where Do We Go From Here?***

**AIHA FL Spring 2009 Conference**

**St. Petersburg, Florida**

**May 8, 2009**

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President, Henshaw and Associates, Inc.**

# OSHA's Tool Kit

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- **Standards**
- **Enforcement**
- **Compliance Assistance - Education, Training, and Outreach**
  - **Consultation Program**
- **Cooperative Programs**
  - **Voluntary Protection Programs / SHARP**
  - **Strategic Partnerships**
  - **Alliances**

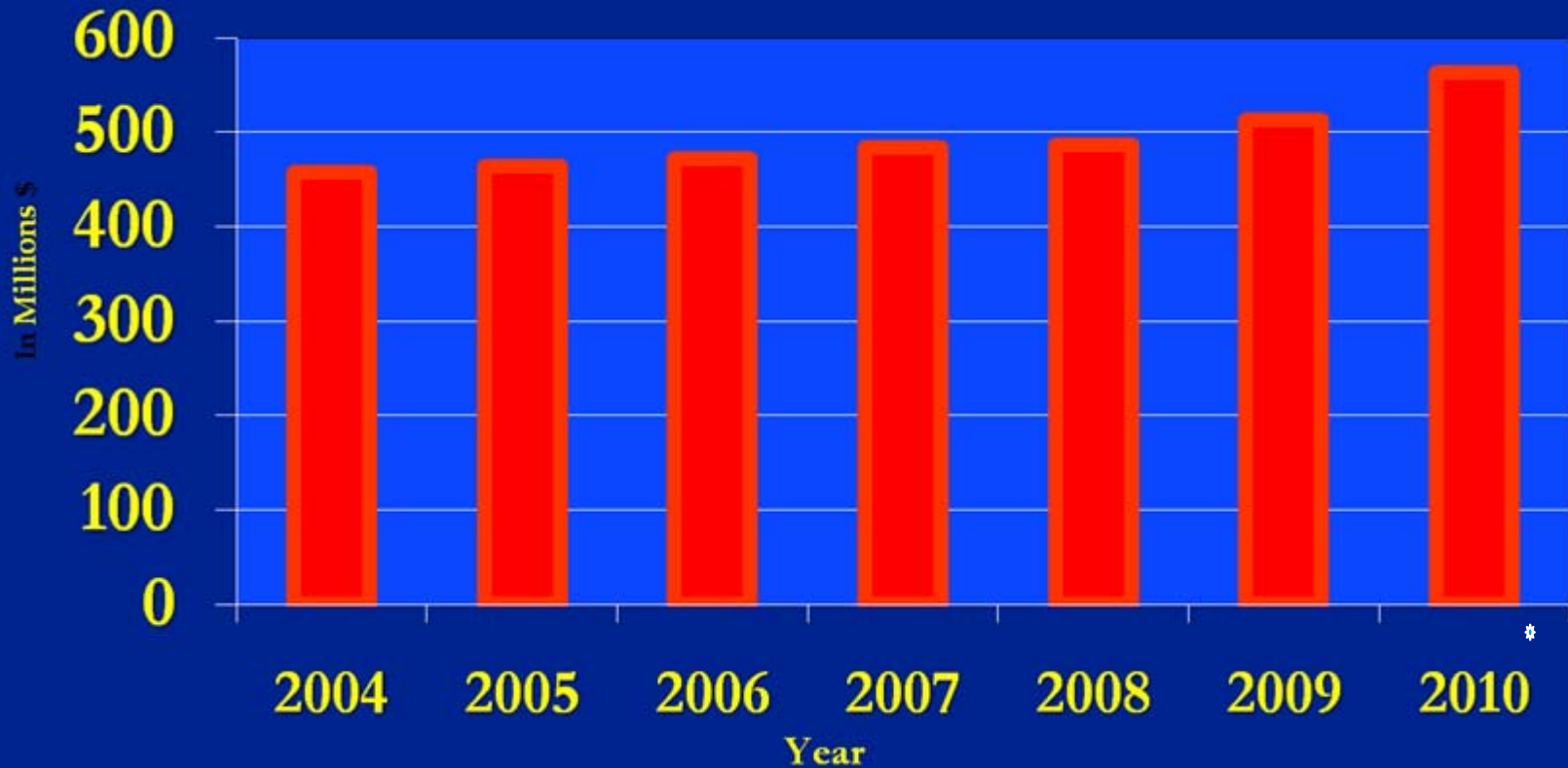
## The Obama Administration has released details on the 2010 Budget

	<u>2008</u>	<u>2009</u>	<u>Recovery Act</u>	<u>2010 Request</u>
<b>Safety and Health Standards</b>	16,597	17,204	0	19,569
<b>Federal Enforcement</b>	182,136	197,946	9,221	227,149
<b>State Programs</b>	89,502	92,593	3,750	106,393
<b>Technical Support</b>	21,681	22,632	0	25,920
<b>Compliance Assistance-Federal</b>	71,389	72,659	0	73,380
<b>Compliance Assistance-State Consultations</b>	52,425	54,531	0	54,798
<b>Compliance Assistance-Training Grants</b>	9,939	10,000	0	10,000
<b>Safety and Health Statistics</b>	31,522	34,128	600	34,875
<b>Executive Direction</b>	10,809	11,349	0	11,536
<b>Total Budget Authority</b>	486,000	513,042	13,571	563,620
<b>Total FTE</b>	2,118	2,147	76	2,360

## Details 2010 Budget Proposal

- **↑ Overall 10% increase to \$563 million - 2,360 FTE**
- **↑ \$50,578,000 and 213 FTE over FY 2009**
  - ✓ **↑ \$2,200,000 /20 FTE – safety and health standards**
  - ✓ **↑ \$25,511,000/160 FTE reinvigorated enforcement**
  - ✓ **\$13,800,000 State Plans partners**

# OSHA Budget – Last 7 years



2004

2005

2006

2007

2008

2009

2010

257.5

464.2

472.4

483.7

486.0

513.0

563.6

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## *Workplaces with high injury and illness rates notified by OSHA*

- 13,500 employers received a letter in April
- Federal OSHA (many states do same)
- DART rate above 5.0 (Nat'l Ave - 2.1)
- Encourages employers to consider an outside S&H consultant, talking to insurance carrier, WC agency, etc.
- Offers free assistance – consultation

Based on data reported by approximately 80,000 worksites surveyed by OSHA last year (the survey collected injury and illness data from calendar year 2007).

# The Future of VPP

May 6, 2009

Acting Assistant Secretary  
for OSHA Jordan Barab:

*“OSHA is not  
suspending the  
Voluntary Protection  
Programs (VPP).”*



Voluntary Protection Programs Participants' Association, Inc.

## NEWSRELEASE

FOR IMMEDIATE RELEASE  
May 6, 2009

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### OSHA CONFIRMS CONTINUANCE OF VPP

ARLINGTON, VA – The Voluntary Protection Programs Participants' Association, Inc. (VPPPA) has received confirmation from the U.S. Department of Labor's Acting Assistant Secretary for the Occupational Safety and Health Administration (OSHA), Jordan Barab, that OSHA is not suspending the Voluntary Protection Programs (VPP).

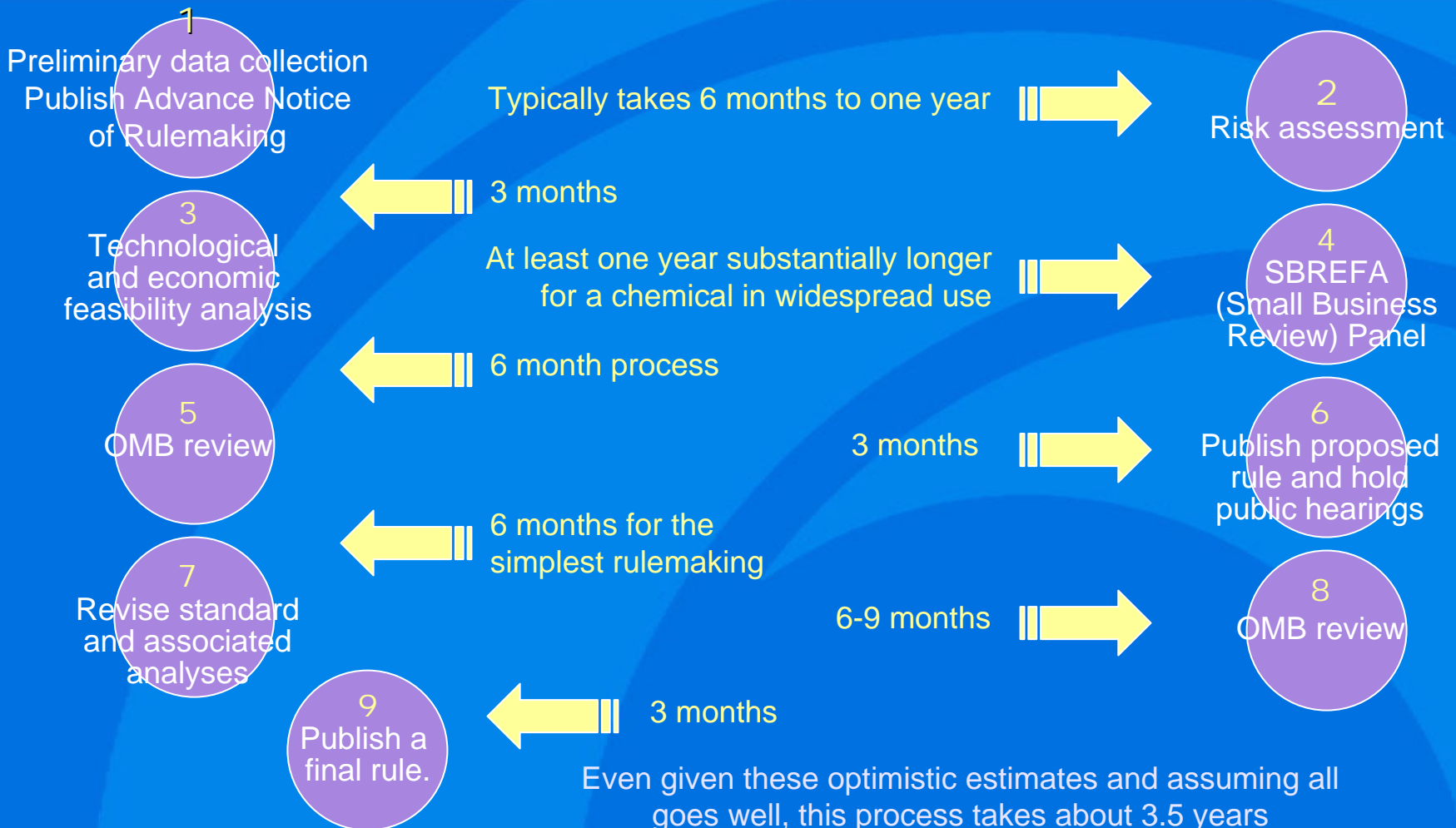
Recent media coverage of Acting Assistant Secretary Barab's statement on April 30, 2009, before the U.S. House of Representatives Subcommittee on Workforce Protections has caused some confusion for VPP sites and the safety and health community. He stated that, "We need to better utilize the resources that we already have. In order to direct more of OSHA's existing resources into enforcement and to provide time to address concerns in an upcoming GAO Report on the efficacy of OSHA's Voluntary Protection Program, I have informed the field staff that we will suspend the previous administration's practice of establishing goals for new Voluntary Protection Program sites and Alliances."

In response to the resulting confusion, Acting Assistant Secretary Barab called VPPPA's Executive Director R. Davis Layne and assured him that OSHA is not suspending VPP. Indicated changes represent a shift in focus toward enforcement but do not equate to an elimination of OSHA's VPP. In the course of the conversation, Barab accepted an invitation to attend the association's 25<sup>th</sup> Annual National VPPPA Conference in San Antonio, Texas, August 24-27, 2009, and address the anticipated 2,500 attendees.

VPPPA, Inc., a nonprofit 501(c)(3) charitable organization, is dedicated to promoting advances in worker safety and health excellence through cooperation among communities, workers, industries and governments. The nearly 2,000 VPPPA member sites primarily consist of worksites that have been approved, or are seeking approval, into VPP as administered by OSHA, state-plan OSHA and the Department of Energy.

--end--

# Highlights of the Regulatory Process for an Individual Chemical Substance:



# *Regulatory Reality*

*Can't assure worker health and safety - standard setting/enforcement alone*

- Workplaces are dynamic/constantly changing
- Insufficient science to develop standards for all hazards/risk
- OSH Act/Case Law/Time - limitation and constraints
- Insufficient financial resources

# Regulations Expected

- **Occupational Exposure to Crystalline Silica**
- **Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl**
- **Occupational Exposure to Beryllium**

# Regulations Expected

- **Combustible Dusts**
- **Confined Spaces in Construction (Part 1926): Preventing Suffocation/Explosions in Confined Spaces**
- **Electric Power Transmission and Distribution; Electrical Protective Equipment**
- **Cranes and Derricks**

# Enforcement Predictions

- More inspections
- Fewer violations reclassified
- Improved Enhances Enforcement Program
- Continue to improved targeting
- Continue to use National Emphasis Programs (combustible dusts, Amputations, Lead, Ship breaking, crystalline silica, trenching/excavations, flavoring chemicals, - 140 additional Regional/Local Emphasis)



# ***The Protecting America's Workers Act***

- **Expands to state and local public employees and federal government workers**
- **Expands to cover airline and railroad employees, and DOE contractors.**
- **Raises civil penalties and indexes those penalties to inflation.**
- **Establishes mandatory minimum penalties for violations involving worker deaths.**
- **Allows felony prosecutions against employers who commit willful violations that result in death or serious bodily injury - extends such penalties to responsible corporate officers.**

# ***The Protecting America's Workers Act***

- **Requires OSHA to investigate all cases of death and serious injuries (i.e. incidents that result in the hospitalization of 2 or more employees).**
- **Codifies regulations - right to refuse to do hazardous work.**
- **Clarifies that employees cannot be discriminated against for reporting injuries, illnesses or unsafe conditions**

# ***The Protecting America's Workers Act***

- **Provides workers and employee representatives the right to contest OSHA's failure to issue citations, classification of its citations, and proposed penalties.**
- **Gives injured workers, their families and families of workers who died in work-related incidents the right to meet with investigators, receive copies of citations, and to have an opportunity to make a statement before any settlement negotiations.**
- **Clarifies that the time spent by an employee accompanying an OSHA inspector during an investigation is considered time worked, for which a worker must be compensated.**
- **Prohibits OSHA from designating a citation as an "unclassified citation" where an employer can avoid the potential consequences of a "willful" violation, the most serious violation.**
- **Allows any worker or their representative to object to a modification or withdrawal of a citation, and entitles them to a hearing before the Occupational Safety and Health Review Commission.**

# *History: Florida Public Task Force on Workplace Safety*

- January 11, 2006, three employees -City of Daytona Beach - burned in a methanol tank fire – two died – one critically injured.
- The U.S. Chemical Safety and Hazard Investigation Board investigated - March 2007 findings - public workers in Florida are not covered by federal OSHA.
- The CSB recommended to Governor Charlie Crist/FL legislature - Florida require public employers to abide by OSHA standards

# Florida Public Task Force on Workplace Safety

2008 F1 Legislature/Governor Crist, creating the Florida Public Task Force on Workplace Safety.

- To develop findings and issue recommendations regarding innovative ways the state **may ensure Florida's public employers comply with applicable OSHA standards.**
- It addressed issues including :
  - (a) **differences in the workplace safety needs of private sector and public sector employers,**
  - (b) **the relationship between federal and state activities related to workplace safety; and,**
  - (c) **the economic effects of public sector workplace safety and health on the state.**

# Florida Senate SB 1878 / House 1029

By Senator Lynn / Rep Gibson

1. **Collect/Retain injury and illnesses data – BLS participation**
2. **Div Workers' Compensation - toll free number**
3. **Establish Professional Resource Website**
4. **Comply with OSHA CFR 1910 and CFR 1926 standards within 3 years.**