

TRICOR Safety Consulting

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Personal Protective Equipment Final Rule Issued

The Occupational Safety and Health Administration (OSHA) announced a final rule on payment for personal protective equipment (PPE) in November, 2007. Examples of PPE include face shields, safety glasses, hard hats, safety shoes, goggles, coveralls, gloves, vests, earplugs and respirators.

Employers are not required to pay for non-specialty safety-toe footwear or non-specialty prescription eyewear if the employer allows such items to be worn away from the workplace and does not require that the employee keep the items at the workplace. Everyday clothing and weather-protective clothing also are generally not subject to the new requirement, unless the clothing is specially designed to protect the employee from severe weather conditions required at the workplace.

If employees choose to use their own PPE at the workplace, an employer is not required to reimburse employees for that equipment. However, the employee's use of his own PPE must be completely voluntary, the employee must be able to withdraw use of his own PPE at any time, and the employer is still

responsible for making sure the PPE is adequate, properly maintained, and sanitary under the applicable PPE standard.

While the equipment costs will be greater for companies, the long term savings will be well worth it. About 20% of your corporate profits can be eaten up every year by preventable workplace injuries. In 2005, the cost of unintentional injuries was \$160.4 billion in work-related injuries in the United States. An expense to your company now will potentially save you far greater expenses in the future.

This new rule will be enforced beginning May 15, 2008, to allow time for employers to change their existing policies for payment of PPE costs.

OSHA anticipates that this rule will have substantial safety benefits that will result in more than 21,000 fewer occupational injuries per year. To learn more about this rule, please visit the OSHA website (www.osha.gov)

Source: www.osha.gov



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Top 10 List of Total Citations for 2007

Continuing a five-year pattern, the number of all Top 10 citations for Fiscal Year 2007 was below previous year's totals. The 34,098 citations in the Top 10 for Fiscal Year 2007 was 2,787 fewer than in Fiscal Year 2006 and 6,365 below Fiscal Year 2005 totals. Here's the entire Top 10:

- **Number 1: Scaffolding, General Requirements** - 7,592 citations (2006: 7,895). Comment: Scaffolding was the most cited standard for the fifth year in a row. And it wasn't even close. Scaffolding beat second place Hazard Communication by almost 2,500 violations, or roughly 33%.

- **Number 2: Hazard Communication** - 5,099 citations (2006: 5,586). Comment: Last year, Haz Com fell to number 3 on the Top 10 list after holding the second position the previous two years. This year, Haz Com leapfrogged back over Fall Protection to reclaim the 2 spot. Even so, total Haz Com citations for the year were almost 500 less than last year.

- **Number 3: Fall Protection** - 5,095 citations (2006: 5,746). Comment: Fall Protection fell back to the third spot that it had occupied in Fiscal Years 2004 and 2005. And after actually rising in Fiscal Year 2006, the number of Fall Protection citations decreased by about 700 (roughly 15%).

- **Number 4: Respiratory Protection** - 3,145 citations (2006: 3,410). Comment: Respiratory Protection remained in the fourth spot for the second year in a row. Total citations in the category were down about 300 from last year.

- **Number 5: Lockout/Tagout** - 2,973 citations (2006: 3,068). Comment: Lockout/Tagout remains locked in at number 5. Total Lockout/Tagout citations for the year were down by fewer than 100 (95).

- **Number 6: Powered Industrial Trucks** - 2,577 citations (2006: 2,582). Comment: Powered Industrial Trucks first cracked the Top 10 in 2004. In 2005, it jumped two places from 8 to 6. It seems to have settled in at number 6. Note that total citations were almost identical to last year.

- **Number 7: Electrical Wiring Methods, Components, and Equipment for General Use** - 2,412 citations (2006: 2,396). Comment:

This is the third year in a row that wiring has occupied the seventh position. But wiring bucked the trend and actually had slightly more citations than last year.

- **Number 8: Ladders** - 2,113 citations (2006: 2,115). Comment: In 2005, Ladders cracked the Top 10 for the first time. In 2006, it advanced from 10 to 9. This year, ladders maintained the pattern, moving up one place to eighth.

- **Number 9: Machine Guarding, General Requirements** - 2,054 citations (2006: 2,296). Comment: Machine Guarding fell back one place from seventh to eighth. Machine guarding violations are down by almost 33% in the past two years.

- **Number 10: Electrical, General Requirements** - 1,848 citations (2006: 1,790). Comment: Electrical, General finished at number 10 for the second year in a row. But total citations for the year actually increased by 58.

What Does It Mean?

The fact that scaffolding was OSHA's most frequently cited standard isn't surprising when you consider: The disproportionate number of construction sites on OSHA's list of priority enforcement targets; The high incidence of fall injuries; and The complexity of the scaffolding standard itself. The most striking observation we can make from this year's Top 10 list is how similar it is from last year's. In fact, all 10 of the standards are holdovers from last year; only the positioning has changed. And even those changes were miniscule. Two sets of standards swapped one spot (Haz Com replacing Fall Protection at number 2; and Ladders supplanting Machine Guarding, General at number 8); all of the other standards remained in the same position as last year.

The other aspect of this year's Top 10 that stands out is the continued drop in the overall numbers of citations. Eight of the 10 standards in the Top 10 had fewer citations than they did last year at this time. Critics will point to the decline as evidence of OSHA's relative lack of interest in enforcement. Defenders will claim that citations are down because workplace injuries have fallen. And so it goes.



Top 10 Highest OSHA Penalties

The Top 10 list below is based on frequency of OSHA violations. Which OSHA standards generated the highest penalties in Fiscal Year 2007? Here's the countdown:

- 10. Guarding Floor & Wall Openings & Hole**
 - 9. Aerial Lifts**
 - 8. Excavations, General**
 - 7. Powered Industrial Trucks**
 - 6. General Duty Clause**
 - 5. Machines, General**
 - 4. Excavations, Requirements for Protective Systems**
 - 3. Lockout/Tagout**
 - 2. Fall Protection**
- And the OSHA standard for which the highest total penalties were assessed is (drum roll, please):
- 1. Scaffolding, General**

Source: Safety XChange - Nicole R. Lefton - nicolel@bongarde.com

Acquiring 'Free' OSHA Publications and Posters

OSHA continues to learn of complaints from employers who have received "official looking" announcements and -- in some cases -- threatening notices, messages, or telephone calls from various companies requiring that employers purchase OSHA documents from them in order to remain in compliance with OSHA rules and regulations. The most popular document being offered for sale is the OSHA Workplace Poster (also available in Spanish). They have also learned of a few cases in which individuals, falsely identifying themselves as Department of Labor or OSHA employees, contact employers threatening fines if they do not purchase specific materials.

It's important that all employers do not become victim of fraudulent solicitation practices or incur unnecessary costs where these resources are concerned.

OSHA's publications and posters are available free to anyone who asks simply by visiting the publications page on the agency's Web site at <http://www.osha.gov/pls/publications/pubindex.list>. The publications, posters, fact sheets, etc., can be ordered through the publications

office or, in most cases, downloaded directly from the Web site.

As a reminder, employers are required to continually display a poster prepared by the Department of Labor that informs employees of protections afforded under the Occupational Safety and Health Act. The poster must be displayed in a conspicuous place where employees, as well as applicants for employment, can view it. Private employers may use the poster available from OSHA's Web site, or a suitable reproduction or facsimile.

If you feel you've received a fraudulent solicitation, contact the agency at 1-800-321-OSHA (6742). You can also contact any OSHA area office throughout the nation for information on specific workplace safety and health requirements. Those office addresses and phone numbers are available on the agency's Web site at <http://www.osha.gov/html/RAmap.html>.

OSHA updates its Web site daily. We invite you to refer to it often for important information about workplace safety and health.

source: www.osha.gov