Instructor Guide

Course #7510

Introduction to OSHA for Small Businesses

Welcome to Course #7510
Introduction to OSHA for Small Businesses in the Forging Industry

Presented by the FIA Safety & Health Committee
Welcome!

Instructor Note: Welcome participants to workshop. Discuss housekeeping and safety information and go over participant materials.

The purpose of this course is to introduce you to the Occupational Safety and Health Administration, which is most commonly known by the acronym OSHA. By gaining an understanding of OSHA operations and procedures, you can learn how to work with OSHA to prevent or reduce injuries and illnesses in your workplace.

The course is divided into six sections:
1. Background of OSHA
2. Coverage, responsibilities and rights under OSHA
3. Standards
4. OSHA inspection process
5. Implementing a safety and health management system
6. Assistance to small businesses

To get the most out of this course, it’s important that you freely share your questions, comments and experience with the class.

Objectives

Instructor Note: Describe course objectives.

At the end of the workshop, participants will be able to:

1. Describe the tools OSHA uses to reduce workplace injuries and illnesses.
2. Identify basic employer and employee responsibilities and rights under OSHA.
3. Recognize how OSHA standards are organized and developed.
4. Select the steps of the OSHA inspection process.
5. Recognize the four elements of a safety and health management system.
6. Obtain information about compliance assistance.
Form Groups

Instructor Note: Divide participants into groups. Ask group members to get acquainted, and elect a group leader, a spokesperson, and recorders. Have the groups discuss how they became interested in this course and what they hope to bring back to their workplace. Have groups share major points with the entire class.

OVERVIEW

Small businesses are vital to the U.S. economy. Small firms:

- represent more than 99.7 percent of all employers,
- employ more than half of all private sector employees,
- pay 44.5 percent of total U.S. private payroll, and
- generate 60 to 80 percent of net new jobs annually.

However, prevention of occupational injuries and illnesses is often difficult in small establishments because you might not be able to hire staff devoted to safety and health activities or you may not be aware of the safety and health resources available to assist your small business.

Thousands of workers die each year and many more are injured or become ill from conditions at work. But how often would you, as a small business owner or manager, see or even hear about a work-related death or injury in a business similar to yours? In most small businesses, the answer is rarely. Because of this, to some small business owners and managers, OSHA is something to be avoided. Hearing only negative information, such as unannounced inspections, citations, and penalties, they hope they never have to deal with OSHA.

But, unfortunately, some companies have experienced losses and will tell you that it’s too late to do anything once a serious accident happens. They have learned that prevention is the only real way to avoid the loss.
“Knowledge is Power” The good news is – since you are here in this course, you have taken a step to learn more about the agency and how OSHA can work with you to prevent injuries and illnesses. This quotation reminds us that knowledge (of OSHA) is a means by which we can change the world (or at least the workplace) around us. So, let’s get started!

1. Background of OSHA

OSHA’s Establishment

As already mentioned, OSHA stands for the Occupational Safety and Health Administration, an agency of the U.S. Department of Labor. Congress passed the Occupational Safety and Health Act of 1970 (OSH Act) “... to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.” The law, signed by President Richard Nixon on December 29, 1970, established OSHA to provide worker safety and health protection.

Purpose – Why OSHA is needed

Until 1970, no uniform or comprehensive law existed to protect against workplace safety and health hazards. At that time:

- Job-related accidents accounted for more than 14,000 deaths.
- Nearly 2.5 million workers were disabled by workplace accidents.
- The estimated new cases of occupational diseases totaled 300,000.

In terms of lost productivity and wages, medical expenses, and disability compensation, the burden was staggering.

OSHA’s Impact

Since OSHA’s creation in 1970, substantial progress has been made in occupational safety and health.

- The work-related fatality rate has been cut by 62 per cent.
- Overall injury and illness rates have been reduced by 42 per cent.
- Brown lung disease has been virtually eliminated in the textile industry.
- Trenching and excavation fatalities have been reduced by 35 per cent.
Even with these successes, hazards still exist in today’s workplaces:

- Almost 6,000 workers die from workplace injuries each year.
- Nearly 6 million people suffer non-fatal workplace injuries.
- It is estimated that as many as 50,000 workers die from illnesses in which workplace exposures are a contributing factor.

Tools

OSHA uses three basic tools or strategies to help employers and employees reduce injuries, illnesses and deaths on the job.

Instructor Note: Ask the participants if they know what any of the three tools are. If not provided by the class, be sure the following are covered.

- Enforcement that is strong, fair and effective (This is what most people know about OSHA,);
- Outreach, education and compliance assistance; and,
- Partnerships and other cooperative programs.

We’ll talk more about each of these a little later.

Summary of Section 1: Now that we’ve discussed the background of OSHA, including the agency’s establishment, the purpose of the Act, OSHA’s impact and the tools OSHA uses, we’re going to move on to coverage and your rights and responsibilities under OSHA. Does anyone have any questions?

Instructor Note: If time permits, ask the class the following questions about the major points covered in Section 1.

- When was the Occupational Safety and Health Act signed? December 29, 1970
- Why was OSHA necessary? Workplace injuries, illnesses and death were increasing and no uniform or comprehensive law existed to protect against workplace hazards.
2. Coverage, Responsibilities and Rights under OSHA

Who OSHA Covers

The OSH Act covers all private sector employers and their employees in the 50 states and all territories and jurisdictions under federal authority.

Employers and employees in many fields, including but not limited to manufacturing, construction, longshoring, agriculture, law, medicine, charity and disaster relief are covered by OSHA. Religious groups are covered if they employ workers for secular purposes, such as maintenance or gardening.

So, what groups do not come under OSHA’s coverage?

- The self-employed;
- Immediate members of farming families not employing outside workers;
- Mine workers, certain truckers and transportation workers, and atomic energy workers who are covered by other federal agencies;
- Public employees in state and local governments, although some states* have their own plans that cover these workers.

*State Safety and Health Programs

State plans are OSHA-approved job safety and health programs operated by individual states instead of federal OSHA. States with approved plans cover most private sector employees as well as state and local government workers in the state. State plan programs respond to accidents and employee complaints and conduct unannounced inspections, just like federal OSHA. The states issue citations and proposed penalties under state law and use a state review board or other procedure to deal with employer appeals.

Instructor Note: For additional information on State Programs, see http://www.osha.gov/fso/osp/index.html
Group Exercise: Have participants answer the following in their groups and then discuss with the entire class.

<table>
<thead>
<tr>
<th>OSHA Coverage?</th>
<th>Example</th>
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<tbody>
<tr>
<td>YES NO</td>
<td>1. Dana Wilson, a public school teacher at Apple Valley Elementary.</td>
</tr>
<tr>
<td>YES NO</td>
<td>2. Harry Adams, a miner at Below Ground Inc.</td>
</tr>
<tr>
<td>YES NO</td>
<td>3. Adrian Smith, one of 3 employees of ABC landscaping.</td>
</tr>
<tr>
<td>YES NO</td>
<td>4. Taylor Dell, an accountant in business for herself.</td>
</tr>
</tbody>
</table>

Answers: 1. No, public employees are not covered; 2. No, miners are covered by MSHA; 3. Yes. 4. No, the self-employed are not covered.

Employer Responsibilities

Under the provisions of the OSH Act, as the employer, you have the following responsibilities:

- You must provide a workplace free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to your employees regardless of the size of your business.
- You must comply with OSHA standards and regulations under the OSH Act.
- You must also be familiar with those OSHA standards and regulations that apply to your workplace and make copies of them available to employees upon request.

These are the three broad employer responsibilities under OSHA. There are also specific requirements related to these duties, such as reporting fatalities to OSHA and not discriminating against employees who exercise their rights under OSHA.

Employer Rights

Along with the responsibilities come certain rights under the OSH Act. These include the right to obtain free advice and on-site consultation, to accompany the compliance officer on an inspection, and, following an inspection, the right to request an informal conference or to contest any citation or penalties.
Instructor Note: Refer participants to the handout entitled “Employer Responsibilities & Rights,” which is included in the Participant Handouts section of this guide and in the Participant Workbook, for additional information.

Employee Responsibilities and Rights

Under the OSH Act, employees are also expected to comply with applicable OSHA standards, rules, regulations and orders. Employees should follow all employer safety and health rules and regulations, wear required personal protective equipment, and report hazardous conditions to the supervisor.

Among the rights employees have under the OSH Act are the right to: review copies of appropriate OSHA standards; receive adequate safety and health training and information; request that OSHA investigate if there are violations or hazardous conditions in the workplace; keep their name confidential if they file a complaint; review the OSHA Log of Injuries and Illnesses; and have an authorized employee representative accompany an OSHA compliance officer during an inspection.

Section 11(c) and Whistleblower Protection

To help ensure that employees are free to participate in safety and health activities, Section 11(c) of the Act prohibits any person from discharging or discriminating in any manner against an employee because the employee has exercised rights under the Act. These rights include complaining to OSHA and seeking an OSHA inspection, participating in an OSHA inspection, and participating or testifying in any proceeding related to an OSHA inspection.

Depending on the circumstances of the case, discrimination can include the following actions:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denial of benefits
- Failure to hire or rehire
- Intimidation
- Reassignment affecting prospects for promotion
- Reducing pay or hours

OSHA also administers the whistleblower provisions of thirteen other statutes, protecting employees who report violations of various trucking, airline, nuclear power, pipeline, environmental and securities laws.

**Summary of Section 2:** In section 2, we’ve discussed OSHA coverage, employer and employee responsibilities and rights under OSHA, and Section 11(c). Are there any questions?

**Instructor Note:** If time permits, ask participants the following questions about the major points covered in Section 2.

- **True or False? The OSH Act covers the self-employed.** False. The self-employed are one of the categories not covered by the OSH Act.
- **Name one of an employer’s three major responsibilities under OSHA.** 1. Provide workplace free of recognized hazards; 2. Comply with OSHA standards; 3. Be familiar with pertinent standards and make them available to employees.
- **What is Section 11(c)?** Section 11(c) of the Act prohibits any person from discharging or discriminating in any manner against an employee because the employee has exercised rights under the Act.

### 3. Standards

**Standards Overview**

OSHA issues standards for a wide variety of workplace hazards, including:

- Toxic substances
- Electrical hazards
- Fall hazards
- Machine hazards
- Fire and explosion hazards
OSHA standards are found in the Code of Federal Regulations, also called the CFR. The CFR brings together rules published by the Federal Government. It is divided into 50 sections, called titles, which represent broad areas subject to Federal Regulation.

OSHA’s standards are located in 29 CFR, Labor. OSHA standards are further broken down into Parts. The standards for General Industry are Part 1910, while Part 1926 covers construction and Parts 1915, 1917, and 1918 are the standards for the maritime industry. Each part is grouped into subparts, and further broken down into sections and paragraphs.

An easy way to find the standard you’re looking for is to go to OSHA’s website (http://www.osha.gov/) and select “Standards” from the blue bar on the right-hand side of the page. The Standards page will allow you to do a “Text Search” by word or phrase.

Instructor Note: Refer participants to the handout entitled “OSHA Standards,” which is included in the Participant Handouts section of this guide and in the Participant Workbook. If you have Internet access in the classroom, conduct a search of OSHA standards using the Text Search feature.

General Duty Clause

Where OSHA has not passed specific standards, employers are responsible for following the Act’s General Duty Clause, which is Section 5(a)(1) of the Act. The General Duty Clause requires that each employer “furnish . . . a place of employment which is free from recognized hazards that are causing or likely to cause death or serious physical harm to employees.”

How OSHA Develops Standards

OSHA can begin standards-setting procedures on its own initiative or in response to petitions from other parties, such as the National Institute for Occupational Safety and Health (NIOSH) or state and local governments. Each spring and fall, the Department of Labor publishes a list of all regulations being developed in the Federal Register. This Regulatory Agenda provides a schedule for the development of standards and regulations for employers, employees and other interested parties.

OSHA publishes its intention to propose, amend, or revoke a standard in the Federal Register. Interested parties may submit written information and evidence. OSHA may also schedule a public hearing to consider points of view.

After reviewing public comments, evidence, and testimony, OSHA publishes:
The full text of any standard amended or adopted and the date it becomes effective, along with an explanation of the standard and the reasons for implementing it, or
- A determination that no standard or amendment is necessary.

Guidelines versus Standards

A guideline is a tool to assist employers in recognizing and controlling hazards. It is voluntary and not enforceable under the OSHA Act. Guidelines are more flexible than standards, and make it easier for employers to adopt programs to suit their workplaces. OSHA has issued ergonomic guidelines for nursing homes, the retail grocery industry and the poultry processing industry.

Reporting and Recordkeeping

OSHA’s Reporting Requirements

All employers must report to OSHA within eight hours of learning about:

- The death of any employee from a work-related incident, or
- The in-patient hospitalization of three or more employees from a work-related incident.

Reports may be made by telephone or in person to the nearest OSHA area office or by calling 800-321-OSHA.

Recordkeeping

Keeping records of workplace injuries and illnesses allows OSHA to identify high hazard industries and helps employers identify potential sources of injuries and illnesses at their individual sites.

Employers with 10 or fewer employees are exempt from maintaining the OSHA Log of Injuries and Illnesses, unless the Bureau of Labor Statistics or OSHA notifies them that they have been selected to participate in a mandatory data collection. OSHA also exempts employers in certain low-hazard industries, such as real estate agencies and clothing stores. But all employers covered by OSHA must post the OSHA poster and report a fatality or hospitalization of three or more employees.
Employers who are not exempt from recordkeeping requirements must record any work-related injuries and illnesses meeting OSHA’s recording criteria on the appropriate forms and post the annual summary from February 1 until April 30.

Instructor Note: If time permits, hand out copies of the recordkeeping forms and briefly discuss how to complete the forms. See OSHA’s Recordkeeping Page: http://www.osha.gov/recordkeeping/index.html

Summary of Section 3: In section 3, we’ve discussed OSHA’s standards and how they are organized, the General Duty Clause, how standards are developed, and OSHA recordkeeping and reporting. Are there any questions?

Instructor Note: If time permits, ask participants the following questions about the major points covered in Section 3.

- OSHA standards are broken into parts. Which part contains the standards for General Industry? Part 1910
- What must employers report to OSHA within eight hours? The death of any employee from a work-related incident, or the in-patient hospitalization of three or more employees from a work-related incident

4. OSHA Inspection Process

The OSH Act authorizes OSHA compliance officers to conduct workplace inspections to enforce its standards. Since all seven million workplaces covered by the Act cannot be inspected each year, OSHA has developed a system of inspection priorities.

- OSHA gives top priority to Imminent Danger situations. These are conditions where there is a reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures.
- Next are catastrophes and fatal accidents resulting in the death of an employee or the hospitalization of three or more employees.
- Employee complaints involving imminent danger or a violation threatening death or serious physical harm are the third priority. (In some cases, complaints may be addressed by telephone, fax, email or letter instead of an inspection. This generally involves lower priority hazards and enables the agency to concentrate resources on the most serious workplace hazards.)
Referrals from other individuals, agencies, organizations, or the media are the next priority. Following referrals, planned or programmed inspections in industries with a high number of hazards and injuries are next. (These are also called targeted inspections.) The last priority for inspections is follow-ups to previous inspections.

Opening Conference, Inspection Walkaround and Closing Conference

There are three major stages of an OSHA inspection, the Opening Conference, the Walkaround and the Closing Conference.

Opening Conference

When arriving at a worksite, the OSHA compliance officer presents official credentials, asks to meet with an employer representative, and explains that an opening conference will be held to discuss the inspection. OSHA encourages employers and employees to meet together in the spirit of open communication, so a joint opening conference with employer and employee representatives will be held unless either party objects.

In the opening conference, the compliance officer:

- Explains why OSHA selected the worksite for inspection;
- Obtains information about the company;
- Explains the purpose of the visit, the scope of the inspection, walkaround procedures, employee representation, employee interviews, and the closing conference; and
- Determines whether an OSHA-funded consultation is in progress or whether the facility has received an inspection exemption.

The employer selects a representative to accompany the compliance officer on the inspection. An employee representative may also be a part of the walkaround.
Selecting employee representatives

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<tr>
<th>If . . .</th>
<th>Then . . .</th>
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<tbody>
<tr>
<td>The employees are represented by a recognized bargaining representative</td>
<td>The union usually designates the employee representative to accompany the compliance officer</td>
</tr>
<tr>
<td>There is a plant safety committee and no recognized bargaining representative</td>
<td>The employee members of that committee or the employees at large will designate the employee representative</td>
</tr>
<tr>
<td>There is neither a recognized bargaining representative nor a plant safety committee</td>
<td>The employees themselves may select the employee representative, or the compliance officer will determine if any other employees would be suitable to represent the employees</td>
</tr>
<tr>
<td>There is no authorized employee representative</td>
<td>The compliance officer must consult with a reasonable number of employees concerning safety and health matters in the workplace</td>
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Records Review

Prior to the walkthrough, the compliance officer checks the injury and illness records. The compliance officer also checks that the OSHA poster is displayed and that the OSHA Summary of Injuries and Illnesses is posted from February 1 to April 30 each year. Other records related to safety and health issues may be requested.

Inspection Walkaround

After the opening conference, the compliance officer, along with the employer and employee representatives, proceed through the workplace, inspecting work areas for potentially hazardous working conditions. Apparent violations are brought to the attention of employer and employee representatives as the compliance officer observes and documents them. The compliance officer may also interview employees, take photographs or video, and monitor employee exposure to noise, air contaminants, or other substances.

Closing Conference

After the walkthrough, the compliance officer holds a closing conference with the employer and the employee representatives, either jointly or separately. At this time, apparent violations that have been observed on the walkthrough and
estimated times for correction are discussed. Employer obligations and appeal rights, as well as procedures for contesting citations, are covered.

**OSHA Citations**

Citations inform the employer and employees of:

- Regulations and standards the employer allegedly violated;
- Any hazardous working conditions covered by the OSH Act’s General Duty Clause;
- The proposed length of time set for abatement of hazards; and
- Any proposed penalties.

The employer must post a copy of each citation at or near the place the violation occurred for 3 days or until it is abated.

**Violations and Penalties**

Under the OSH Act, OSHA may cite the following violations and propose the following penalties.

- **Other-than-Serious.** A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm. OSHA may propose a penalty of up to $7,000 for each other-than-serious violation.
- **Serious.** A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. There is a mandatory penalty associated with serious violations and this may be up to $7,000.
- **Willful.** A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law. OSHA may propose penalties of up to $70,000 for each willful violation, with a minimum penalty of $5,000 for each willful violation.
- **Repeated.** A violation that is substantially similar to a previously cited violation. The previously cited violation must be final. Penalties of up to $70,000 for each repeated violation may be proposed.
- **Failure to Abate.** OSHA may propose an additional penalty of up to $7,000 for each day an employer fails to correct a previously cited violation beyond the prescribed abatement date.

OSHA may adjust a penalty downward depending on the gravity of the violation, the employer’s good faith (efforts to comply with the Act), history of previous violations, and size of business.
Appeals Process

Appeal of Inspection Results

If an employer receives a citation from OSHA, he or she may request an informal conference with an OSHA area director to discuss the case. Area directors are authorized to reach settlement agreements with employers that adjust citations and penalties in order to avoid prolonged legal disputes. This must be done within 15 working days after receiving the citation and notice of proposed penalty (the contest period).

If an employer decides to contest the citation, the abatement date, and/or the proposed penalty, this must be done, in writing, within the 15-working day contest period. The area director forwards the notice of contest to the Occupational Safety and Health Review Commission (OSHRC). This commission is an independent federal agency which decides contested citations and penalties. An administrative law judge decides the case. The employer and the employees have the right to participate in the hearing. Any party to the case may request a further review of the judge’s decision by the commission. Employers and OSHA may appeal commission rulings to the appropriate U.S. Court of Appeals.

Employers also have the right to request an extension of time for an abatement date if they cannot meet the time stated on the citation for a cited item. This is called a petition for modification of abatement, or PMA.

Employees and employee representatives may request an informal conference. Employees may contest the abatement time specified in the citation and an employer’s petition for modification of abatement, but they cannot contest citations or penalties.

Summary of Section 4: In section 4, we’ve discussed OSHA’s inspection process, including the opening conference, walkarounds, and closing conference, citations and penalties, and the appeals process. Are there any questions?

Instructor Note: If time permits, ask participants the following questions about the major points covered in Section 4.

- What are the stages of an OSHA inspection? Opening conference, walkaround, and closing conference
- What are the types of OSHA violations? Other-than-serious, serious, willful, repeated, and failure to abate
5. Implementing a Safety and Health Management System

Compliance with OSHA’s standards alone will not prevent all injuries and illnesses. OSHA standards are minimum standards. Progressive companies have realized that to minimize or eliminate workplace injuries and illnesses, they need to have a management system to manage worker safety and health.

An effective system, which will help prevent accidents and health hazard exposures, is not difficult to develop. Basically, it should address the types of accidents and exposures that could happen in your workplace. Because each workplace is different, your program should cover your specific needs and requirements.

Overview of the 4-Step Process

There are four basic elements to all good safety and health programs. They are:

1. Management Leadership and Employee Involvement
2. Worksite Analysis
3. Hazard Prevention and Control
4. Safety and Health Training

Let’s discuss each of these elements in more detail.

1. Management Leadership (or Commitment) and Employee Involvement.

Effective protection from occupational hazards takes commitment and leadership from the owner and managers. Management leadership provides the motivating force and the resources for organizing and controlling activities within an organization. In an effective program, management regards worker safety and health as a fundamental value of the organization. Ideally, this means that concern for every aspect of the safety and health of all workers throughout the facility is demonstrated.

Group Exercise: Have participants answer the following in their groups and then discuss with the entire class.

-- What are some specific things managers can do (or have done) at your workplace to demonstrate management leadership and commitment to safety and health?
Instructor Note: Every proactive activity that takes time or money could be included here. Proactive activities are those initiated before an injury or illness occurs. Their emphasis is on safe behaviors and good programs. If not already covered, mention the activities listed below, which are very visible ways to show management leadership and commitment:

- Post the safety and health policy for all to see.
- Involve employees in policy-making on safety and health issues.
- Invest time, effort, and money in your safety and health program.
- Get out where you can be seen, informally or through formal inspections.
- Be an example, by knowing and following the rules employees are expected to follow.
- Get involved by participating on the workplace safety and health meetings and inspections.

Employee involvement provides the means through which workers develop and express their own commitment to safety and health, for both themselves and their fellow workers. Employees who are encouraged to offer their ideas and whose contributions are taken seriously are more satisfied and productive on the job. Here are some reasons why employees should be involved:

- Rank and file workers are the persons most in contact with potential safety and health hazards. They have a vested interest in effective protection programs.
- Group decisions have the advantage of the group’s wider range of experience.
- Employees are more likely to support and use programs in which they have input.
Group Exercise: Have participants answer the following in their groups and then discuss with the entire class.

Discuss methods your company uses (or could use) to increase employee involvement in safety and health activities.

________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

Instructor Note: Ask each group to describe to the class one of the ideas they discussed. If not already covered by the groups, discuss the following.

Examples of ways to include employees in the safety and health process include:

- Participating on joint labor-management committees and other advisory or specific purpose committees.
- Conducting site inspections.
- Analyzing routine hazards in each step of a job or process, and preparing safe work practices or controls to eliminate or reduce exposure.
- Developing and revising the site safety and health rules.
- Training both current and newly hired employees.
- Providing programs and presentations at safety and health meetings.
- Conducting accident/incident investigations.
- Reporting hazards.
- Fixing hazards within worker control.
- Supporting fellow workers by providing feedback on risks and assisting them in eliminating hazards.
- Participating in accident/incident investigations.

2. Worksite Analysis. Worksite analysis involves a variety of worksite examinations to identify not only existing hazards, but also conditions and operations in which changes might create hazards. Effective management
actively analyzes the work and the worksite, to anticipate and prevent harmful occurrences.

Four major actions form the basis from which good hazard prevention and control can develop.

- A comprehensive survey of the facility
- Change analysis of planned and new facilities, processes, materials, and equipment
- Routine job hazard analyses (JHA) – also known as Job Safety Analysis (JSA), Process Hazard Analysis or other acronym
- Periodic and daily inspections

A good way to survey your facility to find the probable hazards and whether they are under control is to initiate a self-inspection program. Checklists can assist you in your fact-finding.

Instructor Note: OSHA’s Small Business Handbook, OSHA 2209-02R, 2005 includes a section on self-inspection and checklists that participants may find useful. A handout listing areas that should be included in a self-inspection is included in the Participant Handouts section of this guide and in the Participant Workbook.

3. Hazard Prevention and Control. The goal of a hazard prevention and control program is to make the workplace foolproof, to the extent feasible. It is an ongoing program, never finished. You will design and implement and then revise and improve preventive measures and controls as your worksite changes and as your store of hazard information grows.

Systems used to prevent and control hazards include:

- **Engineering controls** - The first and best strategy is to control the hazard at its source. **Engineering controls** do this, unlike other controls that generally focus on the employee exposed to the hazard. The basic concept behind engineering controls is that, to the extent feasible, the work environment and the job itself should be designed to eliminate hazards or reduce exposure to hazards.
- **Safe work practices** - Safe work practices include your company’s general workplace rules and other operation-specific rules. For example, even when a hazard is enclosed, exposure can occur when maintenance is necessary. Through established safe work practices, employee exposure to hazards can be further reduced.

- **Administrative controls** - While safe work practices can be considered forms of administrative controls, OSHA uses the term administrative controls to mean other measures aimed at reducing employee exposure to hazards. These measures include additional relief workers, exercise breaks and rotation of workers. These types of controls are normally used in conjunction with other controls that more directly prevent or control exposure to the hazard.

- **Personal protective equipment** - When exposure to hazards cannot be engineered completely out of normal operations or maintenance work, and when safe work practices and other forms of administrative controls cannot provide sufficient additional protection, a supplementary method of control is the use of protective clothing or equipment. This is collectively called personal protective equipment, or PPE. PPE may also be appropriate for controlling hazards while engineering and work practice controls are being installed.

### 4. Safety and Health Training

Training can help employees develop the knowledge and skills they need to understand workplace hazards. OSHA considers safety and health training vital to every workplace. The content of a company’s training program and the methods of presentation should reflect the needs and characteristics of the particular workforce. Therefore, identification of needs is an important early step in training design. Involving everyone in this process and in the subsequent teaching can be highly effective.

Some types of safety and health training needed include:

- Orientation training for site workers and contractors
- JSAs, SOPs, and other hazard recognition training
- Training required by OSHA standards, including the Process Safety Management standard
- Training for emergency response people
- Accident investigation training
- Emergency drill training

Training should target new hires, contract workers, employees who wear personal protective equipment, and workers in high risk areas.

Managers and supervisors should also be included in the training plan. Training for managers should emphasize the importance of their role in visibly supporting the safety and health program and setting a good example. Supervisors should receive training in company policies and procedures, as well as hazard detection
and control, accident investigation, handling of emergencies, and how to train and reinforce training.

Creating a Plan

Following this four-point approach to safety and health in your workplace is an important step in preventing injuries and illnesses. It may also help you reduce insurance claims and related costs. The key to the success of the program is to see safety and health as an integral part of your day-to-day business operations.

Decide what you want to accomplish and determine what steps are necessary to achieve your goals. Next, determine how and when each step will be done and who will do it. If you need help in deciding where to begin, you can contact your state Consultation Program. State consultants are available to survey your workplace and determine specific steps to implement or improve your safety and health system.

Finally, an annual evaluation of your safety and health program is vital because this evaluation assesses whether the year’s goal and objectives have been met. It sets a new goal for the next year and new objectives for meeting that goal. It may include action plans for meeting the objectives.

Instructor Note: There are also many publications and web resources available on implementing safety and health programs. OSHA’s Small Business Handbook, OSHA 2209-02R, 2005 and OSHA’s Safety and Health Management Systems eTool http://www.osha.gov/SLTC/etools/safetyhealth/index.html are particularly helpful.

Summary of Section 5: In section 5, we’ve discussed the four elements for an effective safety and health system and how to implement the elements. Are there any questions?

Instructor Note: If time permits, ask participants the following questions about the major points covered in Section 5.

- What are the four elements of a safety and health management system? Management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training.
What are some important factors in making your safety and health program successful? Answers include: following the four-point program; seeing safety and health as an integral part of your day-to-day business operations; deciding what you want to accomplish and determining what steps are necessary to achieve your goals; and conducting an annual evaluation of your program.

6. Assistance to Small Businesses

Now that you have been introduced to OSHA operations and procedures and learned about implementing a safety and health system in your workplace, we’ll discuss agency resources available to small businesses.

OSHA’s Office of Small Business Assistance and On-Site Consultation

OSHA created the Office of Small Business Assistance to provide information and direction to small businesses and to help them comply with OSHA regulations. This Office not only administers OSHA’s nationwide On-Site Consultation Program, but also serves as liaison and a point of contact within the agency for small businesses. It provides outreach and compliance assistance to small businesses and works to develop and enhance relations between the agency and small business employers. There is a link to the Small Business page from the main page on OSHA’s website.

The Small Business page provides employers with much useful information, as well as a link to the OSHA Compliance Quick Start program. Through Quick Start, employers can generate an initial set of compliance assistance materials tailored to their workplace. Quick Start has modules for General Industry and Construction, as well as a Hispanic Outreach module designed for employers with a Spanish-speaking workforce.

OSHA’s On-Site Consultation Service offers free and confidential advice to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. Consultation services are totally separate from enforcement and do not result in penalties or citations. By using the consultation service, employers can find out about potential hazards at their worksites, improve their occupational safety and health management systems, and even qualify for a one-year exemption from routine OSHA inspections.

There are many benefits to employers who use the consultation service. Knowledge of workplace hazards and ways to eliminate them will serve to improve operations. Professional advice and assistance on the correction of workplace hazards, as well as on-site training and assistance, are provided at no cost. The consultant can help establish or strengthen a workplace safety and health system, so that safety and health activities become an integral part of the overall operations.
SHARP

Employers participating in the On-Site Consultation Program may seek recognition under SHARP (Safety and Health Achievement Recognition Program) for their exemplary safety and health programs. SHARP provides incentives and support for small businesses to develop, implement, and continuously improve safety and health programs.

The On-Site Consultants Will:

- Help you recognize hazards in your workplace
- Suggest general approaches or options for solving a safety or health problem
- Identify kinds of help available if you need further assistance
- Provide you a written report summarizing findings
- Assist you to develop or maintain an effective safety and health program
- Provide training and education for you and your employees
- Recommend you for a one-year exclusion from OSHA programmed inspections, once program criteria are met

The On-Site Consultants Will Not:

- Issue citations or propose penalties for violations of OSHA standards
- Report possible violations to OSHA enforcement staff
- Guarantee that your workplace will "pass" an OSHA inspection

Instructor Note: Ask participants to discuss any experience they have had with OSHA’s Consultation program.

Other Cooperative Programs

OSHA offers a number of other ways for businesses and organizations to work cooperatively with the Agency, including:
Alliances. The Alliance Program enables trade or professional organizations, employers, labor organizations, and educational institutions that share an interest in workplace safety and health to collaborate with OSHA to prevent injuries and illnesses in the workplace. OSHA and the organization sign a formal agreement with goals that address training and education, outreach and communication, and promoting the national dialogue on workplace safety and health.

Strategic Partnerships. Organizations can enter into Strategic Partnerships with OSHA to address specific safety and health issues. In a partnership, OSHA enters into an extended, voluntary, cooperative relationship with groups of employers, employees, and employee representatives (sometimes including other stakeholders, and sometimes involving only one employer) in order to encourage, assist, and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health.

Voluntary Protection Programs (VPP). The VPP is designed to recognize and promote effective safety and health management. A hallmark of VPP is the principle that management, labor, and OSHA work together in pursuit of a safe and healthy workplace. VPP participants are worksites that have successfully designed and implemented outstanding health and safety management systems.

Small businesses are encouraged to investigate the full array of cooperative programs offered by OSHA. Participation can be on an individual basis or through an industry association. More information on these programs is available on OSHA’s website at www.osha.gov.

Compliance Assistance

OSHA provides compliance assistance resources on its website, www.osha.gov, and through Compliance Assistance Specialists. Compliance Assistance Specialists respond to requests for help from a variety of groups, including small businesses, trade associations, union locals, and community and faith-based groups. There is one Compliance Assistance Specialist in each OSHA area office in states under federal jurisdiction. They are available for seminars, workshops, and speaking events. They promote cooperative programs, such as Consultation Programs, the Voluntary Protection Programs, the Strategic Partnerships Program, and the Alliance Program. They also promote OSHA’s training resources and the tools available on the OSHA website.

Training

OSHA’s Office of Training and Education provides training in occupational safety and health for OSHA staff, federal agencies and the general public at the OSHA Training Institute, located in Arlington Heights, Illinois. In addition, there are OSHA education centers throughout the country, operating in conjunction with
universities, colleges and learning centers, which conduct OSHA courses for the public and federal agencies. More information about the OSHA Training Institute and OSHA Education Centers is available on OSHA’s website.

*Summary of Section 6:* In section 6, we’ve discussed assistance available to small businesses from various sources including the Office of Small Business Assistance and On-Site Consultation, OSHA’s cooperative programs, the compliance assistance website and specialists, and the OSHA Office of Training and Education. Are there any questions?

*Instructor Note: If time permits, ask participants the following questions about the major points covered in Section 6.*

**What are some benefits of working with the On-Site Consultation program?** Knowledge of workplace hazards and ways to eliminate them will serve to improve operations. Professional advice and assistance on the correction of workplace hazards, as well as on-site training and assistance, is provided at no cost. The consultant can help establish or strengthen a workplace safety and health system, so that safety and health activities become an integral part of the overall operations.

**How would you obtain information on resources available to small businesses from OSHA?** Information is available from the Small Business, Cooperative Programs, and Compliance Assistance web pages, as well as from the Office of Small Business Assistance and Compliance Assistance Specialists.
Course Summary and Closing

During this session, you have been introduced to OSHA’s operations and procedures and provided with information on how to work with OSHA to prevent or reduce injuries and illnesses in your workplace.

Let’s briefly review the objectives of the course. By now, you should have the information needed to:

1. Describe the tools OSHA uses to reduce workplace injuries and illnesses.
2. Identify basic employer and employee responsibilities and rights under OSHA.
3. Recognize how OSHA standards are organized and developed.
4. Select the steps of the OSHA inspection process.
5. Recognize the four elements of a safety and health management system.
6. Obtain information about compliance assistance.

Instructor Note: Ask participants if they have any questions or if there is any material that needs to be covered in more detail. Thank participants for their time, attention, and involvement in the session. Provide certificates (optional). Remind participants to complete and turn in an evaluation form (OSHA Form 49).
Participant Handouts

- Employer Responsibilities and Rights
- Employee Responsibilities and Rights
- OSHA Standards
- Self-Inspections
Employer Responsibilities & Rights

Responsibilities

Under the provisions of the Occupational Safety and Health Act of 1970 (OSH Act), as an employer, you must:

- Meet your general duty responsibility to provide a workplace free from recognized hazards;
- Keep workers informed about OSHA and safety and health matters with which they are involved;
- Comply, in a responsible manner, with standards, rules, and regulations issued under the OSH Act;
- Be familiar with mandatory OSHA standards;
- Make copies of standards available to employees for review upon request;
- Evaluate workplace conditions;
- Minimize or eliminate potential hazards;
- Provide employees safe, properly maintained tools and equipment, including appropriate personal protective equipment, and ensure that they use it;
- Warn employees of potential hazards;
- Establish or update operating procedures and communicate them to employees;
- Provide medical examinations when required;
- Provide training required by OSHA standards;
- Report within eight hours any accident that results in a fatality or the hospitalization of three or more employees;
- Keep OSHA-required records of work-related injuries and illnesses;
- Post a copy of OSHA 300A, Summary of Work-Related Injuries and Illnesses, for the previous year from February 1 to April 30;
- Post, at a prominent location within the workplace, the OSHA "It's The Law" poster (OSHA 3165) informing employees of their rights and responsibilities;
- Provide employees, former employees, and their representatives access to the Log of Work-Related Occupational Injuries and Illnesses (OSHA 300) at a reasonable time and in a reasonable manner;
- Provide access to employee medical records and exposure records to the employee and others as required by law;
- Cooperate with OSHA compliance officers;
- Not discriminate against employees who properly exercise their rights under the OSH Act;
- Post OSHA citations and abatement verification notices at or near the worksite involved; and
- Abate cited violations within the prescribed period.
Rights

Under the provisions of the Occupational Safety and Health Act of 1970 (OSH Act), as an employer, you have the right to:

- Seek free advice and on-site consultation;
- Be involved in job safety and health through your industry association;
- Request and receive proper identification of OSHA compliance officers;
- Be advised by the compliance officer of the reason for an inspection;
- Have an opening and closing conference with the compliance officer;
- Accompany the compliance officer on the inspection;
- File a notice of contest to dispute inspection results;
- Request an informal settlement agreement process after an inspection;
- Apply for a variance from a standard's requirements when technical expertise and materials are unavailable and other means have been provided to protect employees;
- Take an active role in developing safety and health programs;
- Be assured of the confidentiality of any trade secrets;
- Submit a written request to the National Institute for Occupational Safety and Health (NIOSH) for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used; and
- Submit information or comments to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing.

In the event of a workplace emergency:

Call (800) 321-OSHA (6742) if there is a life-threatening situation. OSHA will refer callers immediately to the nearest OSHA area or state office if the state is a state-plan state.

For more information on any OSHA program, contact your nearest OSHA area or regional office listed on the website at [www.osha.gov](http://www.osha.gov) or by calling the toll-free number.
Employee Responsibilities & Rights

Responsibilities

Employees are expected to comply with all applicable standards, rules, regulations, and orders issued under the OSH Act. If you are an employee, you should:

- Read the OSHA "It's The Law" poster (OSHA 3165) at the jobsite;
- Comply with all applicable OSHA standards;
- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work;
- Report hazardous conditions to the supervisor;
- Report any job-related injury or illness to the employer, and seek treatment promptly;
- Cooperate with the OSHA compliance officer conducting an inspection; and
- Exercise your rights under the OSH Act in a responsible manner.

Rights

Under the provisions of the Occupational Safety and Health Act of 1970 (OSH Act), as an employee, you have the right to:

- Review copies of appropriate OSHA standards, rules, regulations, and requirements that the employer should have available at the workplace;
- Request information from your employer on safety and health hazards, precautions, and emergency procedures;
- Receive adequate training and information;
- Request that OSHA investigate if you believe hazardous conditions or violations of standards exist in your workplace;
- Have your name withheld from your employer if you file a complaint;
- Be advised of OSHA actions regarding your complaint and have an informal review of any decision not to inspect or to issue a citation;
- Have your authorized employee representative accompany the OSHA compliance officer during an inspection;
- Respond to questions from the OSHA compliance officer;
- Observe any monitoring or measuring of hazardous materials and see any related monitoring or medical records;
- Review the Log and Summary of Work-Related Injuries and Illnesses (OSHA 300 and 300A) at a reasonable time and in a reasonable manner;
- Request a closing discussion following an inspection;
- Submit a written request to the National Institute for Occupational Safety and Health for information on whether any substance in your workplace has potentially toxic effects in the concentrations being used and have your name withheld from your employer;
• Object to the abatement period set in a citation issued to your employer;
• Participate in hearings conducted by the Occupational Safety and Health Review Commission;
• Be notified by your employer if he or she applies for a variance, and testify at a variance hearing and appeal the final decision; and
• Submit information or comments to OSHA on the issuance, modification, or revocation of OSHA standards and request a public hearing.
OSHA Standards

Under Title 29, Chapter XVII, the OSHA regulations are broken down into Parts. The OSHA General Industry standards are in Part 1910. Part 1926 covers OSHA construction standards and Parts 1915, 1917 and 1918 include the OSHA standards for the maritime industry.

Subparts

Under each part, such as Part 1910, major blocks of information are further broken into subparts. The major subparts of the 1910 standards are:

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Sections

Each Subpart is further broken down into sections. For example, Subpart D – Walking-Working Surfaces has sections 1910.21 through 1910.30.

1910.21 - Definitions.
1910.22 - General requirements.
1910.23 - Guarding floor and wall openings and holes.
1910.24 - Fixed industrial stairs.
1910.25 - Portable wood ladders.
1910.26 - Portable metal ladders.
1910.27 - Fixed ladders.
1910.28 - Safety requirements for scaffolding.
1910.29 - Manually propelled mobile ladder stands and scaffolds (towers).
1910.30 - Other working surfaces.

Sections of standards are divided into paragraphs. For example, 1910.25, Portable Wood Ladders:

**29 CFR 1910.25(b)(1)(i)**

All wood parts shall be free from sharp edges and splinters; sound and free from accepted visual inspection from shake, wane, compression failures, decay, or other irregularities. Low density wood shall not be used.
Self-Inspections

The most widely accepted way to identify hazards is to conduct safety and health inspections because the only way to be certain of an actual situation is to look at it directly from time to time.

Begin a program of self-inspection in your own workplace. Self-inspection is essential if you are to know where probable hazards exist and whether they are under control.

Don't spend time with items that have no application to your business. Make sure that each item is seen by you or your designee and leave nothing to memory or chance. Write down what you see or don't see and what you think you should do about it.

Add information from your completed checklists to injury information, employee information, and process and equipment information to build a foundation to help you determine what problems exist. Then, as you use the OSHA standards in your problem-solving process, it will be easier for you to determine the actions needed to solve these problems.

Self-Inspection Scope

Your self-inspections should cover safety and health issues in the following areas:

- **Processing, Receiving, Shipping and Storage** - equipment, job planning, layout, heights, floor loads, material handling and storage methods, training for material handling equipment.
- **Building and Grounds Conditions** - floors, walls, ceilings, exits, stairs, walkways, ramps, platforms, driveways, aisles.
- **Housekeeping Program** - waste disposal, tools, objects, materials, leakage and spillage, cleaning methods, schedules, work areas, remote areas, storage areas.
- **Electricity** - equipment, switches, breakers, fuses, switch-boxes, junctions, special fixtures, circuits, insulation, extensions, tools, motors, grounding, National Electrical Code compliance.
- **Lighting** - type, intensity, controls, conditions, diffusion, location, glare and shadow control.
- **Heating and Ventilation** - type, effectiveness, temperature, humidity, controls, natural and artificial ventilation and exhausting.
- **Machinery** - points of operation, flywheels, gears, shafts, pulleys, key ways, belts, couplings, sprockets, chains, frames, controls, lighting for tools and equipment, brakes, exhausting, feeding, oiling, adjusting, maintenance, lockout/tagout, grounding, work space, location, purchasing standards.

- **Personnel** - training, including hazard identification training; experience; methods of checking machines before use; type of clothing; PPE; use of guards; tool storage; work practices; methods for cleaning, oiling, or adjusting machinery.

- **Hand and Power Tools** - purchasing standards, inspection, storage, repair, types, maintenance, grounding, use and handling.

- **Chemicals** - storage, handling, transportation, spills, disposals, amounts used, labeling, toxicity or other harmful effects, warning signs, supervision, training, protective clothing and equipment, hazard communication requirements.

- **Fire Prevention** - extinguishers, alarms, sprinklers, smoking rules, exits, personnel assigned, separation of flammable materials and dangerous operations, explosion-proof fixtures in hazardous locations, waste disposal and training of personnel.

- **Maintenance** - provide regular and preventive maintenance on all equipment used at the worksite, record all work performed on the machinery and train personnel on the proper care and servicing of the equipment.

- **PPE** - type, size, maintenance, repair, age, storage, assignment of responsibility, purchasing methods, standards observed, training in care and use, rules of use, method of assignment.

- **Transportation** - motor vehicle safety, seat belts, vehicle maintenance, safe driver programs.

- **First Aid Program/Supplies** - medical care facilities locations, posted emergency phone numbers, accessible first aid kits.

- **Evacuation Plan** - establish and practice procedures for an emergency evacuation, e.g., fire, chemical/biological incidents, bomb threat; include escape procedures and routes, critical plant operations, employee accounting following an evacuation, rescue and medical duties and ways to report emergencies.

*From OSHA Small Business Handbook, OSHA 2209-02R 2005*
References

- OSHA’s Cooperative Programs Page - http://www.osha.gov/dcsp/compliance_assistance/index_programs.html