

Fall 2012

# OSHA Safety Cornerstones Newsletter

*A newsletter of practical compliance and safety tips provided by HFG Benefits & Risk Management*

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## OSHA Publishes Removal Criteria for the Severe Violator Enforcement Program (SVEP)

Employers who have been put on OSHA's Severe Violator Enforcement Program (SVEP) list now have some hope for removing their names from the SVEP log. In August 2012, OSHA published procedures for how employers can be removed from the SVEP program.

### **What is SVEP?**

SVEP focuses OSHA's resources on employers who demonstrate indifference to their responsibilities under the OSH Act with willful, repeated or failure-to-abate violations. SVEP targets employers with high-emphasis hazards, including fall hazards and hazards identified in National Emphasis Programs for amputations, combustible dust, crystalline silica, excavation/trenching, lead and shipbreaking. SVEP replaced OSHA's former Enhanced Enforcement Program (EEP) and has been in effect since June 18, 2010.

Currently, there are more than 250 employers on the SVEP list.

### **How Does an Employer Get Removed From the List?**

Generally, an employer may be considered for removal from the program by an OSHA Regional Administrator after meeting the following criteria:

1. It is at least three years from the date of the final disposition of the SVEP inspection citation items, and
2. All affirmed violations have been abated, all penalties have been paid and the employer has completed all settlement provisions.

If an employer fails to adhere to the terms and provisions of the settlement agreement during the three-year period, the employer will remain in SVEP for an additional three years and will then be evaluated again.

For more information on SVEP, visit: [www.osha.gov](http://www.osha.gov).

## OSHA Extends Fall Protection Rules Through December 2012

Fatalities from falls are the number one cause of workplace death in the construction industry. According to the Bureau of Labor Statistics, 264 of the 774 total construction deaths were caused by falls in 2010. Fall fatalities are preventable, and OSHA has been working to raise awareness among workers and employers.

### OSHA's Fall Protection Directive

OSHA issued a new directive—Compliance Guidance for Residential Construction STD 03-11-002—effective June 16, 2011, to combat fall fatalities and injuries. One of the significant changes under the new directive is that residential construction employers who wish to use alternative fall protection measures must have written and site-specific fall protection plans.

### Temporary Enforcement Measures

After the new directive was established, OSHA issued temporary enforcement measures to help employers with compliance. The temporary measures include: free priority on-site compliance assistance, penalty reductions, and measures to ensure consistency and increased outreach. Since October 2011, OSHA has performed more than 2,500 site visits, conducted 925 fall protection training sessions and delivered 438 fall prevention presentations.

OSHA has extended these temporary enforcement measures through Dec. 15, 2012.

For more information on OSHA's Fall Protection Campaign, visit: [www.osha.gov](http://www.osha.gov).



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## OSHA issues direct final rule for demolition and underground construction

In August, OSHA issued a direct final rule that extends the safety and health requirements for cranes and derricks to the demolition and underground construction sector. The goal is to protect demolition and underground construction workers from hazards associated with hoisting equipment. The new standard also corrects some errors from the 2010 standard, making the rule easier for employers and workers to understand and follow.

OSHA estimates that 22 fatalities and 175 injuries occur on average each year due to accidents involving cranes and derricks. Hazards include cranes and derricks contacting power lines, workers getting caught in equipment, unsafe work practices and equipment tip over. The direct final rule is effective Nov. 15, 2012.

## OSHA cites Ohio-based flour mill with 23 violations for hazards

OSHA recently cited H. Nagel & Sons Co. with 23 safety and health violations, including two repeat violations related to OSHA's respirator and machine guarding standards. The inspection of the Brookville, Ohio flour mill was initiated in May as part of OSHA's Local Emphasis Programs (LEPs).

According to OSHA's area director, Bill Wilkerson, "Employers cited with repeat violations have demonstrated a lack of commitment to worker safety and health, and contempt for OSHA's standards." H. Nagel & Sons Co. received citations in 2011 for similar violations at their Cincinnati plant. The company faces proposed penalties of \$62,090.

OSHA's LEPs are enforcement strategies designed and implemented at regional and area offices to address hazards that pose particular risks to workers in that office's jurisdiction. The LEP in the Ohio area specifically focuses on the hazards of grain handling operations. For more information on OSHA's LEPs, visit [www.osha.gov](http://www.osha.gov).

## OSHA fines NJ-based contractor for repeat fall protection violations

OSHA cited NJ-based La Conti Concrete & Masonry, Inc. for nine safety and health violations, including two repeat violations. The investigation was initiated by a complaint that employees at the company's Secaucus work site were working on the fifth level of an unsupported scaffold without fall protection. The repeat violations involve failing to provide safe access to a scaffold and failing to ensure workers were not exposed to a 35-foot fall while working on unguarded scaffold. La Conti had been cited for similar violations in 2006, 2007 and 2011. The company employs 34 workers at the Secaucus work site and faces proposed penalties of \$74,830.

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