

OSHA'S TOP TEN MOST FREQUENTLY CITED STANDARDS

On October 1, 2013, the Occupational Safety and Health Administration (OSHA) released the annual “Top Ten Violations” for Fiscal Year 2013, which runs from October 1, 2012, through September 30, 2013. Once again, Fall Protection violations top the list. What is also apparent is OSHA’s “Fatal Four” violations dominate the list. OSHA’s Fatal Four (falls, struck-by object, caught between, and electrocution) have been identified by OSHA as causing the majority of construction-site fatalities. In fact, when OSHA initially launched the campaign against the Fatal Four, they were responsible for 90% of construction-site fatalities. In calendar year 2012, the Fatal Four were responsible for 56% of construction-site fatalities.

The “Top Ten Violations” for Fiscal Year 2013 are as follows. Those items in **BOLD** print are standards which can be directly attributed to the Fatal Four. As you can see, the Fatal Four dominate OSHA’s enforcement strategy.

Standard	Total Violations
1. 1926.501–Fall Protection	8241
2. 1910.1200–Hazard Communication	6156
3. 1926.451–Scaffolding	5423
4. 1910.134–Respiratory Protection	3879
5. 1910.305–Electrical, Wiring Methods	3452
6. 1910.178–Powered Industrial Trucks	3340
7. 1926.1053–Ladders	3311
8. 1910.147–Lock Out/Tag Out	3254
9. 1910.303–Electrical	2745
10. 1910.212–Machine Guarding	2701

An article devoted to solving the issues associated with the Top Ten and the Fatal Four would be a book, but a quick look at some of the obvious issues within the list would be appropriate.

1926.501–Fall Protection; “Duty to Have Fall Protection.” An employer in the construction industry is required to protect employees from falls of 6 ft or more (4 ft or more in general industry). There is no time in which an employer does not have to protect workers from these falls. The only exemption is for “inspectors or planners” performing an inspection or planning work prior to or after completion of the work. If your inspector or planner has a tool of any sort in their hand and is performing even the smallest modification to the project, the exemption does not apply.

1910.1200–Hazard Communication. The requirements of the Hazard Communication Standard are changing radically. As of December 1, 2013, all employees were required to be trained to recognize and understand Safety Data Sheets (SDS) as part of OSHA’s alignment with the United Nation’s system of labeling chemicals. If the training has not been completed, it will be a very easy citation to write next year. In fact, there is some speculation that it will be the number one citation next year.

1926.451–Scaffolding; “General Requirements.” Within the General Requirements section are the Fall Protection

Requirements for Scaffolding. The requirement for supported scaffolds is to protect employees 10 ft or more above the next lower walking/working surface. Suspended scaffold use requires employees be tied to a Personal Fall Arrest system of fall protection independent of the scaffolding system in conjunction with guardrails installed on the suspended scaffold platform. An employee must be fully tied off before the suspended scaffold platform leaves the ground.

1910.134–Respiratory Protection. An extremely basic explanation of the Respiratory Protection Standard is all employees must be medically cleared to wear a respirator and trained in its proper use, cleaning, and storage. Respirator and/or cartridge selection can be performed by the employee but it would be wise to involve management in the process.

1910.305–Electrical, Wiring Methods. This is a General Industry Standard and technically does not apply to construction; however, if you run a warehouse or maintenance facility, it does apply to you. Also, if you are a contractor performing maintenance, the General Industry Standards may apply depending on the scope and scale of the maintenance. Wiring Methods applies to wiring, lighting, and equipment in a workplace. A Certified Electrician should always perform any installations or modifications to a building’s electrical system. They should be inspected periodically to ensure they remain in the condition they were in when installed.

1910.178–Powered Industrial Trucks. This is also a General Industry Standard; however, because there is no Powered Industrial Truck (PIT) regulation in the Construction Standard, it applies to construction as well. A Powered Industrial Truck is any forklift or pallet jack that is electrically or internal-combustion-engine-powered. To avoid citation, employers must train PIT operators on the machines they will be using. The two greatest challenges the construction industry faces pertaining to PITs are knowing the weight of the load to be lifted and operating on a suitable surface capable of supporting both the truck and the load. An operator cannot be permitted to do so by feel. They must understand the weight of the load and the capabilities of the truck.

1926.1053–Ladders. This is a construction standard that should be very easy to comply with, yet every year, it is a fixture on the Top Ten List of Violations. To comply, use Class I or better ladders and inspect them prior to use. If a rung is bent or a side rail is cracked, remove the ladder from service. For extension ladders, set the ladder on a firm, stable base at a 75-degree angle relative to the ground; extend 3 ft above the upper landing; and tie the ladder to a rigid support at the top. For step ladders, you must fully open the ladder, lock the braces, and not stand on the top two rungs. At no time can an employee be permitted to use a step ladder folded up leaning against a structure. A step ladder is designed to be used as a self-supporting device in the open position only.

1910.147–Lock Out/Tag Out. This is a General Industry Standard which very clearly states “This standard does not cover the following: Construction, Agriculture and Maritime employment.” Upon searching the Construction Standards for Lock Out/Tag Out requirements, it refers the reader to 1910.147. This is not quite the conundrum you might think for a couple of reasons: 1) an employer would be best served by operating in the best safety interests of their employees. The OSHA standards are minimum requirements, not maximum; and 2) there is a lot to be interpreted into the difference between construction and maintenance. Powering down the equipment for the purpose of performing construction in an area the equipment is located is not technically Construction. That being said, an effective Lock Out/Tag Out program includes employee training and legitimate Lock Out/Tag Out equipment. A Lock Out/Tag Out program is required whenever an employee is required to remove or bypass a guard or if an employee is required to place any part of their body into an area on a machine where work is actually performed on the material (for example, performing concrete repair on a concrete shaft which has an auger for the purpose of transporting material such as grain or gravel).

1910.303–Electrical; “General Requirements.” This is another part of the General Industry Standard Subpart S, which has no bearing on a construction site. Once again, if a contractor maintains warehousing of any size, or a maintenance or manufacturing facility, it is applicable to those locations. This part of the regulation provides rules for the installation of equipment, arcing parts, disconnecting means, and workspace requirements. Much of its requirements would be best applied during the design phase of a facility and applied by qualified contractors at the time of installation. After installation, a facility would be required to maintain the equipment in that condition.

1910.212–Machine Guarding; “General Requirements.” This is a General Industry Standard which, in total, contains 386 words (including titles and notations)—small by comparison to most standards. However, it still accounted for 2701 citations. Because there is no Machine Guarding standard in the Construction Standards, it applies to construction. This standard requires operators of machines and equipment be protected from hazards created by using the equipment, such as nip points, rotating parts, flying chips, and sparks. A number of power tools on the modern construction project create these hazards. Grinders and mini-grinders could most likely top that list. How many times has a grinder been discovered on a job site without a blade guard? It isn’t a citation if it isn’t in use. If evidence suggests it was in use, a citation can be written. For example, an OSHA Compliance Officer (CO) notices a red grinder without a blade guard plugged in but not in use. During employee interviews, an employee reveals he was routing out cracks before lunch. The CO asks “how?” and the employee replies “with a grinder.” The CO asks “which grinder?” and the employee replies “the red one.” The evidence gathered at that point could support the Area Director writing a Serious Citation with a maximum penalty of \$7000.

Given that this is a brief synopsis, it should not be considered a guide to absolute compliance with any one of the standards OSHA has listed on their “Top Ten List of Most Frequently Cited Violations.” Nevertheless, a company with a fledgling safety program would do its employees a great deal of good by starting with the Top Ten List and the Fatal Four. Even the most mature safety program would serve itself well by paying astute attention to the Fatal Four.

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