



General Industry Workplace Safety Regulation

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Introduction

Federal OSHA

This General Industry Workplace Safety Regulation document is a guide to some general workplace regulations. It focuses largely on important Occupational Safety and Health Administration (OSHA) standards. This manual will help you build a foundation of knowledge on federal expectations for mitigating on-the-job hazards. By complying with OSHA and other federal regulations, you can effectively reduce your risk of liability.

This manual will be a helpful tool in complying with your employer workplace safety and health responsibilities. However, it is important to keep in mind that in some cases, your business will be required to follow more strict state or local laws. Employers in the following states should refer to their State Workplace Safety Regulation guides, as these states have their own federally approved OSHA plans:

Alaska	New Mexico
Arizona	North Carolina
California	Oregon
Hawaii	South Carolina
Indiana	Tennessee
Iowa	Utah
Kentucky	Vermont
Maryland	Virginia
Michigan	Washington
Minnesota	Wyoming
Nevada	

“By complying with OSHA and other federal regulations, you can effectively reduce your risk of liability.”

The General Industry Workplace Safety Regulation guide is not meant to be exhaustive or construed as legal advice. It also may not address all compliance issues with federal, state and local laws. Use this guide as reference, but contact Brier Grieves Agency or legal counsel to discuss compliance requirements, to ask questions about material covered here or to further understand any specific statutes.



Chapter 1

Introduction to OSHA

The Occupational Safety and Health Act of 1970 (OSH Act) was enacted to prevent workers from dying or being seriously harmed at work. Under the OSH Act, employers have the responsibility to provide a safe workplace for their workers. The OSH Act created the Occupational Safety and Health Administration (OSHA), to set and enforce protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and their workers.

OSHA

OSHA is part of the [United States Department of Labor](#) (DOL). The administrator for OSHA is the Assistant Secretary of Labor for Occupational Safety and Health. OSHA's administrator answers to the Secretary of Labor, who is a member of the cabinet of the President of the United States.

OSHA's mission is to ensure safe and healthful workplaces by setting and enforcing standards, and by providing training, outreach, education and assistance. Employers must comply with all applicable OSHA standards.

Specifically, OSHA was created within the DOL to:

- Encourage employers and employees to reduce workplace hazards and to implement new or improve existing safety and health programs;
- Provide research in occupational safety and health to develop innovative ways of dealing with problems in these areas;
- Establish "separate but dependent responsibilities and rights" for employers and employees for the achievement of better safety and health conditions;
- Maintain a reporting and recordkeeping system to monitor job-related injuries and illnesses;
- Establish training programs to increase the number and competence of occupational safety and health personnel;
- Develop mandatory job safety and health standards and enforce them effectively; and
- Provide for the development, analysis, evaluation and approval of state occupational safety and health programs.

While OSHA continually reviews and redefines specific standards and practices, its basic purposes remain constant. OSHA strives to implement its mandate fully and firmly with fairness to all concerned. In all its procedures—from standards development to implementation and enforcement—OSHA guarantees employers and employees the right to be fully informed, to participate actively and to appeal actions.



The OSH Act

Under the OSH Act, employers are responsible for providing a safe and healthful workplace. In addition to the specific standards set forth by OSHA, employers must also comply with the General Duty Clause of the OSH Act, which requires employers to keep their workplaces free of serious recognized hazards.

There are four major parts of the OSH Act: general industry; construction; maritime and longshoring; and agricultural. OSHA uses the term "general industry" to refer to all industries not included in agriculture, construction or maritime. Employers engaged in construction, maritime and longshoring or agricultural work will follow the regulations set out in those sections instead of the general industry standards that address the same issues.

OSHA Jurisdiction

OSHA covers public and private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions either directly through [federal OSHA](#) or through an [OSHA-approved state program](#).

Self-employed workers, family farm workers and government workers are not covered by OSHA. However, employers in states with their own OSHA plan should comply with state regulations.

OSHA approves and monitors 27 [State Plan states](#), which cover private and public sector employees. State-run health and safety programs must be at least as effective as the federal OSHA program. To find the contact information for the OSHA federal or state program office nearest you, see the [Regional and Area Offices map](#).

Employees who work for state and local governments are not covered by federal OSHA, but have OSH Act protections if they work in a state that has an OSHA-approved state program. Four additional states and one U.S. territory have OSHA-approved plans that cover public sector employees only. These are Connecticut, Illinois, New Jersey, New York and the Virgin Islands. Private sector workers in these four states and the Virgin Islands are covered by federal OSHA.

Federal agencies must have a safety and health program that meet the same standards as private employers. Although OSHA does not fine federal agencies, it does monitor them and responds to workers' complaints. The United States Postal Service (USPS) is covered by OSHA.



Chapter 2

General Duty Clause and Standards

General Duty Clause

The OSH Act and its accompanying regulations identify a significant number of recognized hazards and establish safety and health standards to address them. OSHA standards are classified into four different groups, known as the agriculture, construction, maritime and shipyard, and general industries.

However, even when no standard specific to a recognized hazard applies, the Act imposes certain safety and health responsibilities on employers through a provision that is commonly known as the OSHA “general duty clause.” OSHA’s general duty clause requires covered employers to provide a safe work environment, free from recognized hazards, to their employees, if those hazards are causing or are likely to cause death or serious physical harm.

In general, OSHA and courts across the United States have established that employers violate the general duty clause if:

1. They fail to keep the workplace free of a hazard to which employees were exposed;
2. The hazard was recognized;
3. The hazard was causing or was likely to cause death or serious physical harm; and
4. There was a feasible and useful method to correct the hazard.

All four of the conditions described above must be present before OSHA can issue a citation under the general duty clause. A “hazard” is a workplace condition or practice to which employees are exposed that creates the potential for employee death or serious physical harm.

Employer Responsibilities

Employers have the responsibility to provide a safe workplace. This means that each employer **MUST** provide its workers with a workplace that does not have serious hazards and follow all relevant OSHA safety and health standards. Employers have a duty to find and correct safety and health problems.

OSHA further requires employers to try to eliminate or reduce hazards, first by making changes in working conditions rather than just relying on masks, gloves, ear plugs or other types of personal protective equipment (PPE). Switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to eliminate or minimize risks.

Employers must:

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- Examine workplace conditions to make sure they conform to applicable OSHA standards.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Provide medical examinations and training when required by OSHA standards.

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- Post, at a prominent location within the workplace, the [OSHA poster](#) (or the state plan equivalent) informing employees of their rights and responsibilities.
- Report to the nearest OSHA office within eight hours any fatal accident or one that results in the hospitalization of three or more employees.
- Keep records of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this requirement.)
- Provide employees, former employees and their representatives access to the Log of Work-Related Injuries and Illnesses ([OSHA Form 300](#)).
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.

Workers' Rights and Responsibilities

Workers also have responsibilities under the OSH Act. Each worker must comply with OSHA standards and all related rules, regulations and orders applicable to his or her own actions and conduct. However, employees also have the right to:

- Work under conditions that do not pose a risk of serious harm;
- Receive information and training (in a language workers can understand) about:
 - The hazards (chemical and non-chemical) that they may be exposed to during work;
 - The methods their employer has adopted to prevent harm; and
 - Any OSHA standards that apply to their workplace;
- Review records of work-related injuries and illnesses;
- Get copies of test results done to find and measure hazards in the workplace;
- File complaints with OSHA, and request OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA rules; and
- Report OSHA violations without fear of retaliation or discrimination. If an employee is fired, demoted, transferred or discriminated against in any way for reporting OSHA violations, the employee can file a retaliation or discrimination complaint with OSHA. This complaint must be filed **within 30 days** of the alleged retaliation or discrimination.

OSHA Standards

OSHA **standards** are rules that describe the methods employers are legally required to follow to protect their workers from hazards. There are OSHA standards for [Construction](#) work, [Agriculture](#), [Maritime](#) operations and [General Industry](#), which are the standards that apply to most worksites. These standards

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limit the amounts of hazardous chemicals to which workers can be exposed, require the use of certain safe practices and equipment and require employers to monitor hazards and keep records of workplace injuries and illnesses.

Before OSHA can issue a standard, it must go through a very extensive and lengthy process that includes substantial public engagement, notice and comment. The agency must show that a significant risk to workers exists and that there are feasible measures employers can take to protect their workers.

Examples of OSHA standards include requirements to provide fall protection, prevent trenching cave-ins, prevent exposure to some infectious diseases, ensure the safety of workers who enter confined spaces, prevent exposure to harmful substances such as asbestos and lead, put guards on machines, provide respirators or other safety equipment and provide training for certain dangerous jobs.

The following are a just a few OSHA standards that apply to many general industry employers:

Hazard Communication Standard	<u>29 CFR 1910.1200</u>	This standard is designed to ensure that employers and workers know about hazardous chemicals in the workplace and how to protect themselves. Employers with workers who may be exposed to hazardous chemicals in the workplace must prepare and implement a written Hazard Communication Program and comply with other requirements of the standard.
Emergency Action Plan Standard	<u>29 CFR 1910.38</u>	OSHA recommends that all employers have an Emergency Action Plan. A plan is mandatory when required by an OSHA standard. An Emergency Action Plan describes the actions workers should take to ensure their safety in a fire or other emergency situation.
Fire Safety	<u>29 CFR 1910.39</u>	OSHA recommends that all employers have a Fire Prevention Plan. A plan is mandatory when required by an OSHA standard.
Exit Routes	<u>29 CFR 1910.34,</u> <u>29 CFR 1910.35,</u> <u>29 CFR 1910.36,</u> <u>29 CFR 1910.37</u>	All employers must comply with OSHA's requirements for exit routes in the workplace
Walking/Working Surfaces	<u>29 CFR 1910 Subpart D</u>	Floors, aisles, platforms, ladders, stairways and other walking/working surfaces are present, to some extent, in all general industry workplaces. Slips, trips and falls from these surfaces constitute the majority of general industry accidents. The OSHA standards for walking and working surfaces apply to all permanent places of employment, except where only domestic, mining or agricultural work is performed.
Medical and First Aid	<u>29 CFR 1910.151</u>	OSHA requires employers to provide medical and first-aid personnel and supplies commensurate with the hazards of the workplace. The details of a workplace medical and first-aid program are dependent on the circumstances of each workplace and employer.



Chapter 3

Training

Many OSHA standards explicitly require the employer to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer's responsibility to limit certain job assignments to workers who are "certified," "competent" or "qualified"—meaning that they have had special previous training, in or out of the workplace. The term "designated" personnel means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

These requirements reflect OSHA's belief that **training** is an essential part of every employer's safety and health program for protecting workers from injuries and illnesses. Those who are new on the job have a higher rate of accidents and injuries than more experienced workers.

The development of the guidelines is part of an agency-wide objective to encourage cooperative, voluntary safety and health activities among OSHA, the business community and workers. These voluntary programs include training and education, consultation, voluntary protection programs and abatement assistance.

“Training in the proper performance of a job is time and money well-spent.”

Required OSHA Programs and Training – General Industry

The following chart summarizes **major** OSHA program requirements for **General Industry**. Listed alphabetically by topic, the chart includes the OSHA standard reference and training requirements. Additional training requirements apply to toxic and hazardous substances.

OSHA Program Topic	OSHA Reference	Training Frequency		
		Initial	Annual	Periodic
Accident and Illness Recording and Reporting	1904	Yes	No	No
Bloodborne Pathogens Safety	1910.1030	Yes	Yes	Yes
Confined Space Entry (Permit-required)	1910.146	Yes	No	Yes
Dipping and Coating Operations	1910.122-126	Yes	No	No
Electrical Safety Plan	1910.331-335	Yes	No	Yes
Emergency Action Plan	1910.38	Yes	No	Yes
Fire Extinguishers (Portable for Employee Use)	1910.157	Yes	Yes	No
Fire Prevention Plan	1910.39	Yes	No	Yes
First Aid Program	1910.151	Yes	No	No
Flammable & Combustible Liquids Safety	1910.106	Yes	No	No
Grain Handling Facilities	1910.272	Yes	Yes	Yes
Hazard Communication Program	1910.1200	Yes	No	Yes
Hazardous Waste Operations & Emergency Response (General)	1910.120	Yes	Yes	No



Hearing Conservation	1910.95	Yes	Yes	No
Hot Work (Cutting/Welding)	1910.252-255	Yes	No	No
Indoor Air Quality	1910.1000	No	No	No
Laboratory Safety	1910.1450	Yes	No	Yes
Liquefied Petroleum Gas (LPG) Safety Plan	1910.110	Yes	No	No
Lockout/Tagout (Control of Hazardous Energy)	1910.147	Yes	No	Yes
Material Handling & Crane Safety	1910.179-184	Yes	No	No
Medical and Exposure Record Access	1910.1020	Yes	Yes	No
Mechanical Power Presses	1910.217	Yes	Yes	Yes
Personal Protective Equipment	1910.132	Yes	No	Yes
Power Transmission/Generation	1910.269	Yes	Yes	No
Powered Industrial Truck	1910.178	Yes	No	Yes
Powered Platforms for Building Maintenance	1910.66	Yes	No	No
Process Safety Management	1910.119	Yes	No	Yes

The DOL provides an informational booklet titled [Training Requirements in OSHA Standards and Training Guidelines](#) that is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. The booklet does not alter or determine compliance responsibilities, which are set forth in OSHA standards and the OSH Act. Interpretations and enforcement policies may change over time.

Employers should consult their Brier Grieves Agency representative or legal counsel for current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts. The training booklet is a complete list of OSHA’s training-related requirements and can be found on the DOL website at www.osha.gov/Publications/2254.html.

Voluntary Training Guidelines

Each employer must comply with the occupational safety and health standards promulgated under the OSH Act.” Some OSHA standards require training, others do not. When no training requirement exists, employers may still volunteer to provide safety training for their workers.

OSHA has developed training guidelines to assist employers in providing voluntary training. These guidelines provide the safety and health information and instruction workers need to reduce the risk of exposing themselves, their co-workers and the public to workplace hazards.

The development of the guidelines is part of an agency-wide objective to encourage cooperative, voluntary safety and health activities among OSHA, the business community and workers. These voluntary programs include training and education, consultation, voluntary protection programs and abatement assistance. The voluntary training guidelines are designed to help employers:

- Determine whether a worksite problem can be solved by training;
- Determine what training, if any, is needed;
- Identify goals and objectives for the training;

“Training in the proper performance of a job is time and money well spent.”

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- Design learning activities;
- Conduct training and determine the effectiveness of the training; and
- Revise the training program based on feedback from workers, supervisors and others.



Chapter 4

Reporting, Recordkeeping and Posting

Employers Subject to OSHA Recordkeeping and Reporting Requirements

The OSH Act covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions, either directly through federal OSHA or through an OSHA-approved state program. Employees who work for state and local governments are not covered by federal OSHA, but may have OSH Act protections through an OSHA-approved state program.

Federal agencies must have a safety and health program that meets the same standards as those applicable to private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to workers' complaints. The United States Postal Service (USPS) is covered by OSHA.

The following individuals are not covered by the OSH Act:

- Self-employed individuals; and
- Immediate family members of farm employers that do not employ outside employees.

OSHA does not regulate workplace hazards that are regulated by another federal agency, such as the Mine Safety and Health Administration or the Federal Aviation Administration.

Reporting

Employers must report:



Employers are required to submit these reports to OSHA by **telephone** at 1-800-321-OSHA (6742), by calling or **visiting the nearest area office** during normal business hours or through the online reporting [website](#).

Electronic Reporting

On **May 12, 2016**, OSHA issued a [final rule](#) that requires certain establishments to report information from their injury and illness records to OSHA electronically.

The rule does not create additional recordkeeping obligations. Instead, it requires some entities must electronically submit already-required records to OSHA. These requirements became effective on Jan. 1, 2017, but compliance deadlines are being phased in through 2019.

Under the rule, covered establishments with 250 or more employees were required to report information from OSHA Forms 300, 300A, and 301, and smaller covered establishments were required to submit information only from OSHA Form 300A, by July 1, 2018. **On June 29, 2018, however, OSHA announced that it will not enforce the July 1, 2018, deadline for data from Forms 300 and 301.** On July 30, 2018, OSHA issued a [proposed rule](#) to remove the submission requirements for these two forms.

OSHA's electronic reporting rule affects establishments that:

- Are already required to create and maintain OSHA injury and illness records and have 250 or more employees;

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- Have between 20 and 249 employees and belong to a [high-risk industry](#); and
- Receive a specific request from OSHA to create, maintain and submit electronic records, even if they would otherwise be exempt from OSHA recordkeeping requirements.

The electronic reporting rule applies to establishments, not employers. An employer may have several worksites or establishments. In these situations, some establishments may be affected while others are not.

To determine whether an establishment is affected, employers must determine each establishment's peak employment during the calendar year. During this determination, employers must count every individual that worked at that establishment, regardless of whether he or she worked full-time, part-time, or was a temporary or seasonal worker. A firm with more than one establishment may submit establishment-specific data for multiple establishments.

Reporting Requirements

The data an employer must submit and the timeline for submitting this information to OSHA depends on the establishment size. Reporting deadlines for 2018, 2019 and beyond are shown in the table to the right.

Under the rule, establishments in high-risk industries with between 20 and 249 employees are required to submit information from their OSHA Form 300A. Establishments with 250 or more employees are required to submit information from their OSHA Forms 300A, 300 and 301.

On July 30, 2018, however, OSHA issued a proposed rule to remove the electronic reporting requirements for data from Forms 300 and 301. OSHA also indicated that it will not enforce the final rule's 2018 deadline for electronic submission of data from those two forms while its proposed rule is under consideration.

OSHA's proposed rule does **not** affect the final rule's requirements for establishments to electronically submit data from Form 300A.

Submitting the Report

The [ITA](#) is a secure website that OSHA created specifically for the data required by the electronic reporting rule. The ITA allows employers three options to submit their reports:

1. Manual entry;
2. Comma-separated value (CSV) file upload; and
3. Application programming interface (API) transmission.

The ITA offers affected establishment [instructions](#) and [sample files and templates](#) to help them complete the submission process.

Anti-Retaliation Provisions

The final rule contains three new provisions aimed at strengthening employee anti-retaliation protections, which took effect on **Dec. 1, 2016**. These provisions:

- Require employers to inform employees of their right to report work-related injuries and illnesses free from retaliation;

Submission Deadline	Number of Employees (per establishment)	
	250 +	20 - 249
Dec. 15, 2017	Form 300A	Form 300A
July 1, 2018	Form 300A*	Form 300A
March 2 (2019 and beyond)	Form 300A*	Form 300A

The final rule also requires information from Forms 300 and 301, but OSHA is **not enforcing the deadlines for these two forms until further notice. OSHA has issued a proposed rule to remove the electronic reporting requirements for Forms 300 and 301.*



- Clarify that work-related injury and illness reporting methods must be reasonable and should not deter or discourage employees from reporting health and safety incidents; and
- Prohibit employers from retaliating against employees for reporting work-related injuries or illnesses.

Recordkeeping

All employers covered by OSHA must follow OSHA's recordkeeping requirements.

Exemption from OSHA Recordkeeping Regulations

Employers with 10 or fewer employees and whose establishments are classified as a partially exempt industry **are exempt** from the recordkeeping requirements. Partially exempt industries include establishments in specific low-hazard retail, service, finance, insurance or real estate industries. The list for partially exempt industries was updated on Jan. 1, 2015 and may be found [here](#).

Required OSHA Incident Recording Forms

Employers subject to OSHA's recordkeeping regulations must prepare and maintain records of serious work-related injuries and illnesses using OSHA [Forms 300, 300A and 301](#).

- **Form 300 (Log of Work-Related Injuries and Illnesses):** Used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, employers must use Form 300 to record specific details about what happened and how it happened.
- **Form 300A (Summary of Work-Related Injuries and Illnesses):** Shows the total number of work-related injuries and illnesses for the year in each category. At the end of the year, employers must post the Form 300A in a visible location so that employees are aware of the injuries and illnesses occurring in their workplace. When an employer has more than one establishment, a separate summary must be kept at each physical location that is expected to be in operation for one year or longer.
- **Form 301 (Injury and Illness Incident Report):** Must be filled out within seven calendar days after an employer receives information that a recordable work-related injury or illness occurred. This report includes information about the employee and the treating physician, and detailed information about the case. Employers must keep this report on file for five years following the year it pertains to.

Which Work-Related Injuries And Illnesses Should Be Recorded?

Employers must record work-related injuries and illnesses that result in:

- Death;
- Loss of consciousness;
- Days away from work;
- Restricted work activity or job transfer; or
- Medical treatment beyond first aid.

Other Recordable Work-related Injuries and Illnesses

Employers must also record work-related injuries and illnesses that are significant or meet any of the additional criteria listed below.

Significant Injuries and Illnesses



Employers must record any significant work-related injury or illness that is diagnosed by a physician or other licensed health care professional.

Most significant injuries and illnesses will result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses.

According to OSHA, all work-related cases involving cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums must be recorded at the time of diagnosis by a physician or other licensed health care professional even if medical treatment or work restrictions are not recommended, or are postponed.

Additional Criteria

Employers must record the following conditions when they are work-related:

- Any needlestick injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material;
- Any case requiring an employee to be medically removed under the requirements of an OSHA health standard;
- Tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis; and
- An employee's hearing test (audiogram) that reveals:
 - That the employee has experienced a standard threshold shift (STS) in hearing in one or both ears (averaged at 2,000, 3,000 and 4,000 Hz); and
 - The employee's total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2,000, 3,000 and 4,000 Hz) in the same ear(s) as the STS.

“All
employers
must
display a
poster
explaining
employee
rights under
OSHA law.”

Required Postings

OSHA Poster

All employers must post the OSHA Poster (or state plan equivalent) in a prominent location in the workplace. Download or order the [OSHA Poster](#) from the DOL website.

All employers, including those exempt from most recordkeeping requirements, must display a poster explaining employee rights under OSHA law.

OSHA Form 300A

Employers required to keep records must display the OSHA **Form 300A**, a summary of workplace injuries and illnesses, from Feb. 1 to April 30 annually.

Citations

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Employers must post their **citations** illustrating violations of OSHA laws immediately for three full working days or until the violation has been corrected, whichever is longer. Citations must be posted regardless of how the employer plans to respond. However, if the employees are not unionized and they are affected by the decision to contest, the employer must display a posting explaining the details of the decision.

When an employer has multiple locations, it must satisfy all posting requirements pertaining to employee rights at each location where work is being done. Citations must be posted in the facility where the incident occurred and on the site of the violation, if possible.

For more information:

- [Download OSHA's recordkeeping forms](#) or order them from the [OSHA Publications Office](#).
- Read OSHA's [Recordkeeping Brochure](#).
- Learn more on OSHA's Recordkeeping website: www.osha.gov/recordkeeping/index.html.



Chapter 5

Injury/Illness Prevention Programs

An Injury/Illness Prevention Program (IIPP) is a proactive process to help employers find hazards in their workplaces and develop a process to fix those hazards so that employees don't get hurt. These programs can be effective at reducing injuries, illnesses and fatalities, as well as reducing the financial hardship workers and employers face when injuries occur.

IIPP Requirements

OSHA encourages all employers to adopt an IIPP; however, it is not yet required. OSHA is exploring the possibility of implementing an IIPP standard for all employers. OSHA has learned a lot from the variety of approaches taken by 15 states that have required such programs of some or all of their employers. If implemented, employers would tailor the program to the size and nature of their workplaces.

OSHA's IIPP standards proposal is in its early stages. In 2010, OSHA held five stakeholder meetings to gather information. OSHA representatives are asking for comments and input on four specific topics outlined in the meeting agendas: (1) the possible regulatory approach for an IIPP rule, (2) the scope and application of a rule, (3) the organization of a rule, and (4) the potential economic impact of a rule.

State Implementation

Employers across the United States have implemented IIPPs, and many jurisdictions, in both the United States and abroad, require or encourage implementation of these programs.

Currently, 34 U.S. states have established laws or regulations designed to require or encourage IIPPs, including 15 states with mandatory regulations for all or some employers. Five other states, while not requiring programs, have created financial incentives for employers to implement IIPPs, including workers' compensation insurance premium reductions for employers that establish programs meeting specified requirements.

In addition, 16 states provide an array of voluntary guidance, consultation and training programs and other assistance aimed at helping and encouraging employers to implement IIPPs. Depending on the state, these programs apply to all employers, employers above or below a certain size threshold, employers with injury and illness rates above industry average, employers in "high-hazard" industries or employers with above-average workers' compensation experience modification rates.

Summary of Existing State Programs					
State	Mandatory Regulation	Mandatory Safety Committees	Consulting or Recognition	Insurance Premium Reductions	If mandatory, who is covered?
Alabama		X	X		All employers
Arkansas					"Hazardous" employers
California	X				All employers
Connecticut		X			Employers with >25 employees "Hazardous" small employers
Delaware				X	

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Hawaii	X				All employers
Idaho			X		
Indiana			X		
Kansas			X		
Louisiana	X			X	Employers with >15 employees
Michigan	X				Employers in construction industry
Minnesota	X	X	X		Employers with >25 employees Committees required for "Hazardous" employers
Missouri			X		All employers
Mississippi	X				
Montana	X				Employers with > 5 employees
North Carolina	X	X	X		"Hazardous" employers Committees required for employers with >5 employees
North Dakota				X	
Nebraska		X	X		All employers
New Hampshire	X	X			Employers with >10 employees Committees required for employers with >5 employees
New Mexico			X		
Nevada	X	X			Employers with >10 employees Committees required for employers with >25 employees
New York	X			X	Employers with payroll >\$800K Other "hazardous" employers
Ohio				X	
Oklahoma				X	
Oregon	X		X		All construction employers All other employers with >10 employees (except logging and agriculture)

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Pennsylvania			X	X	
Tennessee		X			"Hazardous" employers
Texas			X		
Utah	X				"Hazardous" employers
Vermont		X	X	X	"Hazardous" employers
Washington	X	X			All employers
West Virginia		X	X		"Hazardous" employers
Wyoming				X	

IIPP Elements

Employers that wish to voluntarily implement an IIPP may find OSHA's information helpful. According to OSHA, most successful IIPPs include a similar set of commonsense elements that focus on finding all hazards in the workplace and developing a plan for preventing and controlling those hazards. Management leadership and active worker participation are essential for ensuring that all hazards are identified and addressed. In addition, workers need to be trained about how the program works, and the program needs to be periodically evaluated to determine whether improvements need to be made.

The six basic elements common to almost all existing health and safety management programs are:

- Management leadership;
- Worker participation;
- Hazard identification and assessment;
- Hazard prevention and control;
- Education and training; and
- Program evaluation and improvement.

Employers that implement injury and illness prevention programs scale and adapt these elements to meet the needs of their organizations, depending on size, industry sector or complexity of operations.

IIPP Benefits

OSHA believes that injury and illness prevention programs provide the foundation for changes in the way employers identify and control hazards, leading to an improved workplace health and safety environment. Adoption of an IIPP results in fewer injuries, illnesses and fatalities. In addition, employers improve compliance with existing regulations, and experience many of the financial benefits of a safer and healthier workplace, including significant reductions in workers' compensation premiums.



Chapter 6

Enforcement and Penalties

Inspection

Under the OSH Act, the DOL is authorized to enter a workplace to inspect and investigate the workplace and its conditions and to question employees during regular working hours and at other reasonable times. The DOL delegates workplace investigation duties to OSHA.

OSHA **ranks** inspections in order of importance, with the most hazardous situations to employee safety and health prioritized highest. Imminent dangers are the top priority and are usually addressed within 24 hours. After imminent dangers, OSHA prioritizes workplace inspections in the following order:

- Fatalities and catastrophes—incidents where three or more employees die or are hospitalized. Employers are required to report such incidents within eight hours.
- Complaints—allegations of hazards or violations by employees.
- Referrals—reports of hazard information from federal, state or local agencies, individuals, organizations or the media.
- Follow-ups—verification by compliance officers that previously cited violations are corrected.
- Planned or programmed investigations—inspections of high-hazard industries or workplaces with high rates of injuries and/or illnesses.

“Imminent dangers are the top priority and are usually addressed within 24 hours.”

Generally, employers do not know about inspections before they occur. OSHA **prohibits advance notice** of an inspection unless there is immediate danger present. OSHA may give advance notice if the inspection requires the presence of certain personnel or any other special case where OSHA decides an inspection would be more thorough and effective with advance notice.

Though inspections are generally unannounced, OSHA often releases a list of industries it plans to target in the coming year. This list offers some guidance to employers on when they may expect an inspection.

Employer Rights

Employers have the right to:

- Seek advice and off-site consultation as needed by writing, calling or visiting the nearest OSHA office;
- Request and receive proper identification of the OSHA compliance officer prior to inspection;
- 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;

State-by-State Guide to Workplace Safety Regulation



- File a Notice of Contest with the OSHA area director within 15 working days of receipt of a notice of citation and proposed penalty;
- Apply to OSHA for a temporary variance from a standard if unable to comply because of the unavailability of materials, equipment or personnel needed to make necessary changes within the required time;
- Apply to OSHA for a permanent variance from a standard if it can furnish proof that its facilities or method of operation provide employee protection at least as effective as that required by the standard; and
- Be assured of the confidentiality of any trade secrets observed by an OSHA compliance officer during an inspection.

Most Frequently Cited Standards

The DOL publishes a list of the top 10 most frequently cited standards following inspections of worksites by federal OSHA. OSHA publishes this list to **alert** employers about these commonly cited standards so they can take steps to find and fix recognized hazards addressed in these and other standards before OSHA shows up.

No.	Section	Standard
1	1926.451	Scaffolding
2	1926.501	Fall Protection
3	1910.1200	Hazard Communication
4	1910.134	Respiratory Protection
5	1910.147	Lockout/Tagout
6	1910.305	Electrical, Wiring Methods
7	1910.178	Powered Industrial Trucks
8	1926.1053	Ladders
9	1910.303	Electrical, General Requirements
10	1910.212	Machine Guarding

Additional Osha Inspection Information

Department of Labor [Fact Sheet](#)

Link to OSHA Inspection website: www.osha.gov/dep/index.html

[Resources for Most Frequently Cited Standards](#)



Penalties

An employer receives a written citation when it violates OSHA standards or regulations. The citation will describe the particular nature of the violation and will include a reference to the provision of the chapter, standard, rule, regulation or order the employer violated.

In addition, the citation will provide a reasonable amount of time for the employer to correct the problem. When the violation does not pose a direct or immediate threat to safety or health (*de minimis* violation), OSHA may issue a notice or warning instead of a citation.

An employer that receives a citation must post a copy of it at or near the place where the violation occurred. The notice must remain in display for **three days or until the violation is corrected**, whichever is longer. Penalties may be adjusted depending on the gravity of the violation and the employer's size, history of previous violations and ability to show a good faith effort to comply with OSHA requirements.

Below is a list of potential citations employers may receive and a range of corresponding penalties for these citations.

Violation	Current Penalty
<i>De Minimis</i> violation	Warning
Other-than-serious violation	Up to \$12,934 per violation.
Serious violation <i>A violation where there is a substantial probability that death or serious physical harm could result from an employer's practice, method, operation or process. An employer is excused if it could not reasonably know of the presence of the violation</i>	Up to \$12,934 per violation.
Willful or repeated violation <i>A violation is willful when committed intentionally and knowingly. The employer must aware that a hazardous condition exists, know that the condition violates an OSHA standard or other obligation and make no reasonable effort to eliminate it.</i> <i>A violation is repeated when it is substantially similar to a violation that was already present in a previous citation.</i>	Between \$9,239 and \$129,336 per violation.
Repeated violation A violation is repeated when it is substantially similar to a violation that was already present in a previous citation	Up to \$129,336 per violation
Willful violation resulting in death of employee	Up to \$10,000 and/or imprisonment for up to six months. Penalties may double for a second or higher conviction.

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Violation	Current Penalty
Uncorrected violation	Up to \$12,934 per day until the violation is corrected.
Making false statements, representations or certification	Up to \$10,000 and/or imprisonment for up to six months.
Violation of posting requirements	Up to \$12,934 per violation.
Providing unauthorized advance notice of inspection	Up to \$1,000, imprisonment for up to six months or both.

Current law allows OSHA to adjust the maximum penalty amounts every year to account for the cost of inflation, as shown by the consumer price index (CPI). If OSHA plans to adjust penalty amounts, it must signal its intention by Jan. 15 of each year.

This guide is not meant to be exhaustive or construed as legal advice. It does not address all potential compliance issues with federal/state/local government or any other regulatory agency standards. Consult your licensed commercial property/casualty representative at Brier Grieves Agency or legal counsel to address possible compliance requirements.

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