



**Occupational
Safety and Health
Administration**

WELCOME

Cleveland Construction Safety Initiative

February 12, 2013

Howie Eberts

Area Director

OSHA Cleveland Area Office

The Cleveland OSHA Office Would like to Thank.....

- The Cleveland Safety Forum and all its members, especially:
 - Kent Crytzer, Co-Chair, Dir. Construction Safety Council
 - William Hocevar, Co-Chair, Great Lakes Construction
 - Don Mays, Co-Chair, Safety Representative Bricklayers and Allied Craft Workers



Thanking...

- Tri-C Corporate College:
 - Robert Verhoff, Director, Construction Trades Training Program
- All sponsors
- All attendees for the “First Construction Safety Day”
- Special thanks to Karen Andryscik, CEA

Talk to the OSHA Attendees...

- Deputy Regional Administrator, Chicago Regional Office: William Donovan
- Assistant Area Director: Joe Warner
- Construction Team: Steve Browning, Adam Fries,
Scott Mahnke, Brandon Bock
- Compliance Assistance Specialist: Julie Weis

Why Work Safely?

Greatest Idea Ever!!!

**(Even better than Safety
Messages on Toilet Paper)**



Text-In-Compliance

Construction Site Inspection
& Management Accountability
Enhancement

Problem

- Smaller construction companies (i.e. roofers, excavation/trenching, masons) with higher fatality rates
- Due to small size, site inspection and audit programs lack consistency and follow-through
- Company owners complain about burden of foremen documenting and filling out inspection sheets and tool-box talks

Problem (cont)

- Owners receive citations and complain about providing training, safety equipment & resources to foremen, who then fail to comply
- Owners / safety managers try to conduct and document inspections – try to surprise the crews and catch them working safe
- Complain about employee misconduct but don't adequately document or implement site inspections and discipline

Solution

- Have crew leaders / foremen/superintendents walk job sites and use **cell phones** to take photos of safety set-up at beginning of job & **text copy** to owner / safety manager
- Owner/safety manager set up G-Mail or Google Account (or external hard drive) to save photos which have a time and date that documents safety on job sites
- Especially useful for roofers, masons / scaffolds, and excavations/trenches

Solution (cont)

- Instead of completing boring inspection checklists or sheets of paper documenting the inspections (which is a pain for foremen), send instant text messages with photos – easy!
- This can help supplement and document the employer's safety and health management system without using a lot of paper and resources

Benefits

- Instant documentation of compliance with safety for job (i.e. verification of fall protection or trench boxes / sloping, etc.)
- Auditable by owner / safety manager – can quickly identify deficiencies or improvements needed
- Instant accountability for construction site managers – i.e. Owner sends text message to three crews asking them to send photos of safety set up at site – site managers have to respond immediately (if fall protection not currently in place, it will be before text is sent!)

Benefits (cont)

- Can use existing technology (i.e. photos or video – Skype to do audits at any time of day)
- Employer can document inspection program
- If site manager is required to do this at the start of each shift, will make it easier for crew to comply for the rest of the shift
- Can't guarantee 100% compliance, but will increase compliance at least when the photo is taken

Benefits (cont)

- Small companies can easily do this. Can supplement or replace inspection forms.
- Companies can instantly audit job sites at any time of the day – if companies seriously implement this, will hold site managers accountable for compliance throughout the day
- Easy, easy, easy! Most people have cell phones and know how to send text photos



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OSHA Enforcement Update

Cleveland Construction Safety Initiative

February 12, 2013

William Donovan

Deputy Regional Administrator
OSHA –Region V

OSHA's Mission

Assure so far as possible safe and healthful working conditions for every working man and woman in the nation.



OSHA Saves Lives

Examples From

Columbus, OH

&

Aurora, IL



Contractor “In Over His Head”

10 ft. of soil resting above



Water present at the toe of the trench





**The cave-in filled
7 feet of the
trench**



No Harness or lanyard
(12 foot eve to ground)



Manager Slips and Lives

Manager slips during power washing.

Calls CSHO in afternoon & says “Thanks for saving my life.”



Study: OSHA Inspections Reduce Injuries with No Job Loss

Harvard & UC Berkeley researchers found:

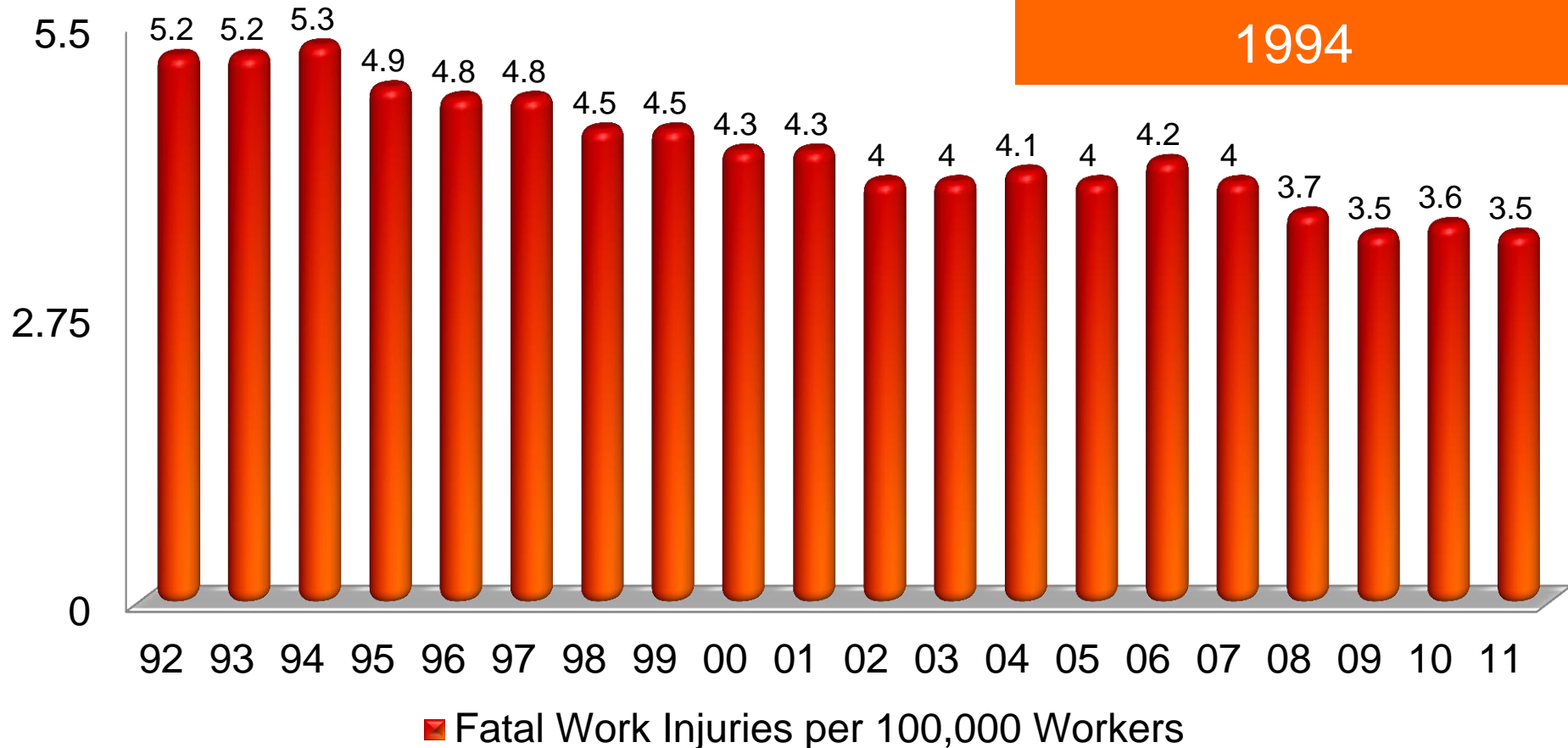
- **9.4%** drop in injury claims in the 4 years after inspection
- **26%** average savings on workers' compensation costs
- **\$355,000** average savings for an employer (small or large) as a result of an OSHA inspection
- **Study estimates \$6 billion in savings to employers nationwide**

There was no evidence that these improvements came at the expense of employment, sales, credit ratings or firm survival.

OSHA doesn't kill jobs; it helps prevent jobs from killing workers

Rate of Fatal Work Injuries Continues to Drop 1992-2011

Fatality RATES are
down 34% since
1994



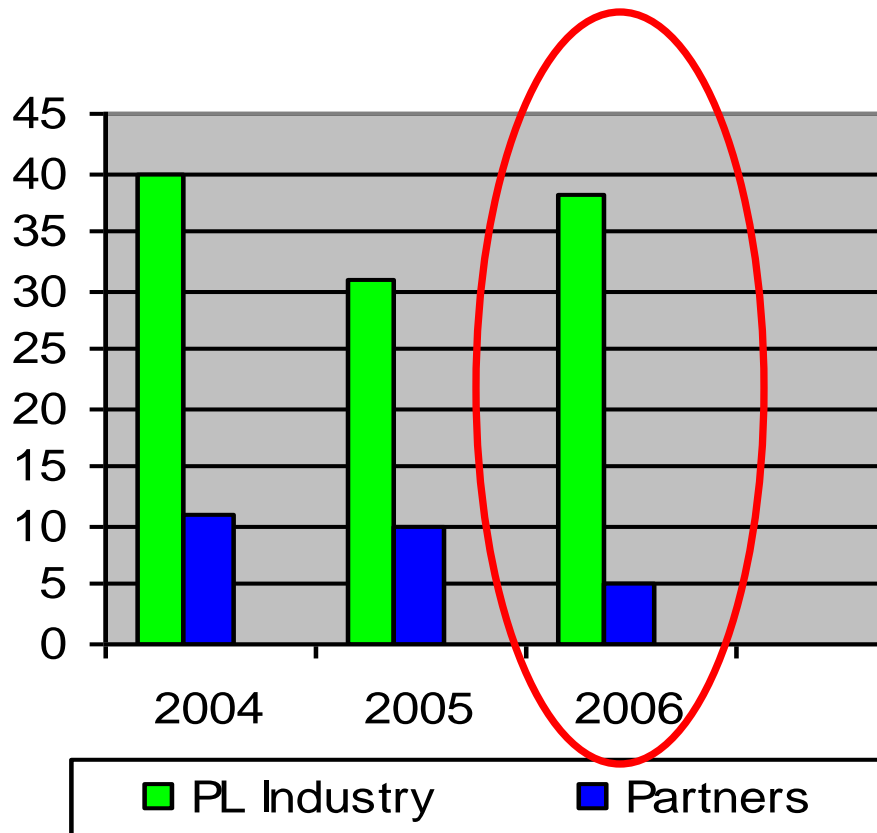


Calculating Industry Fatality Rate Using the NIOSH CFOI formula

- Number of fatalities per 100,000 workers performing that job - Task Team 1 calculated the fatality rate for the industry and for the 6 main partners:
 - 10 year base line (1995 - 2004, as calculated by Task Team 1) average for the industry = fatality rate of 42.3
 - 6 main partners, 4 year base line average (2001-2004, obtained by Task Team 1) = 46.17



Powerline Construction & Maintenance Fatalities - Drive to Zero



The 2006 totals indicate a 10% reduction in the fatality rate for the industry overall - 42 down to 38/100,000

...and a 56% reduction in the fatality rate among the six main partners – **46 down to 23/100,000**

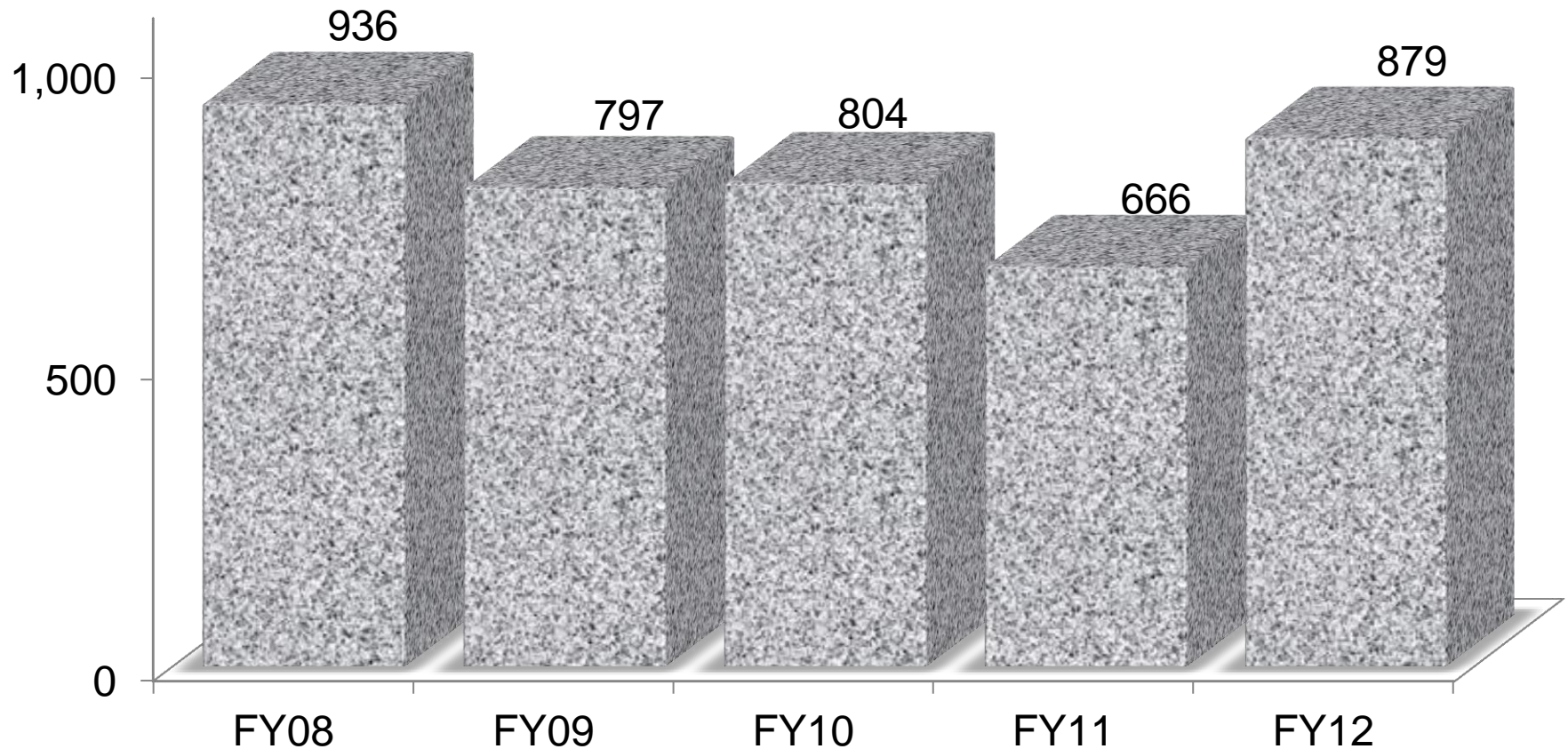
-2007 - 24 & 28/100,000

-2008 - 28 & 30/100,000

-2009 - 9 & < 30/100,000

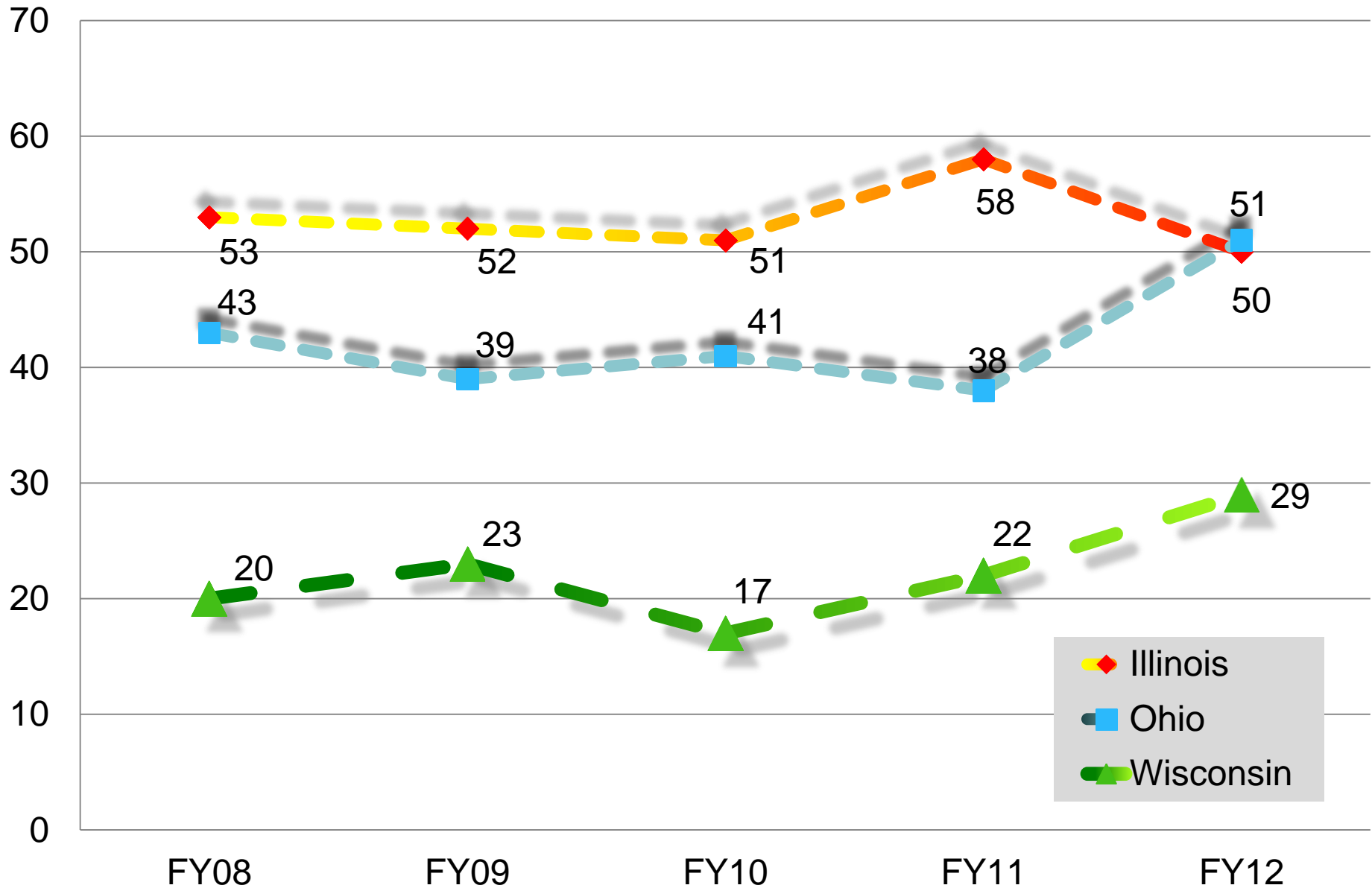
-2010 – 23 & 25/100,000

FY 2008 – FY 2012 Nationwide Fatalities

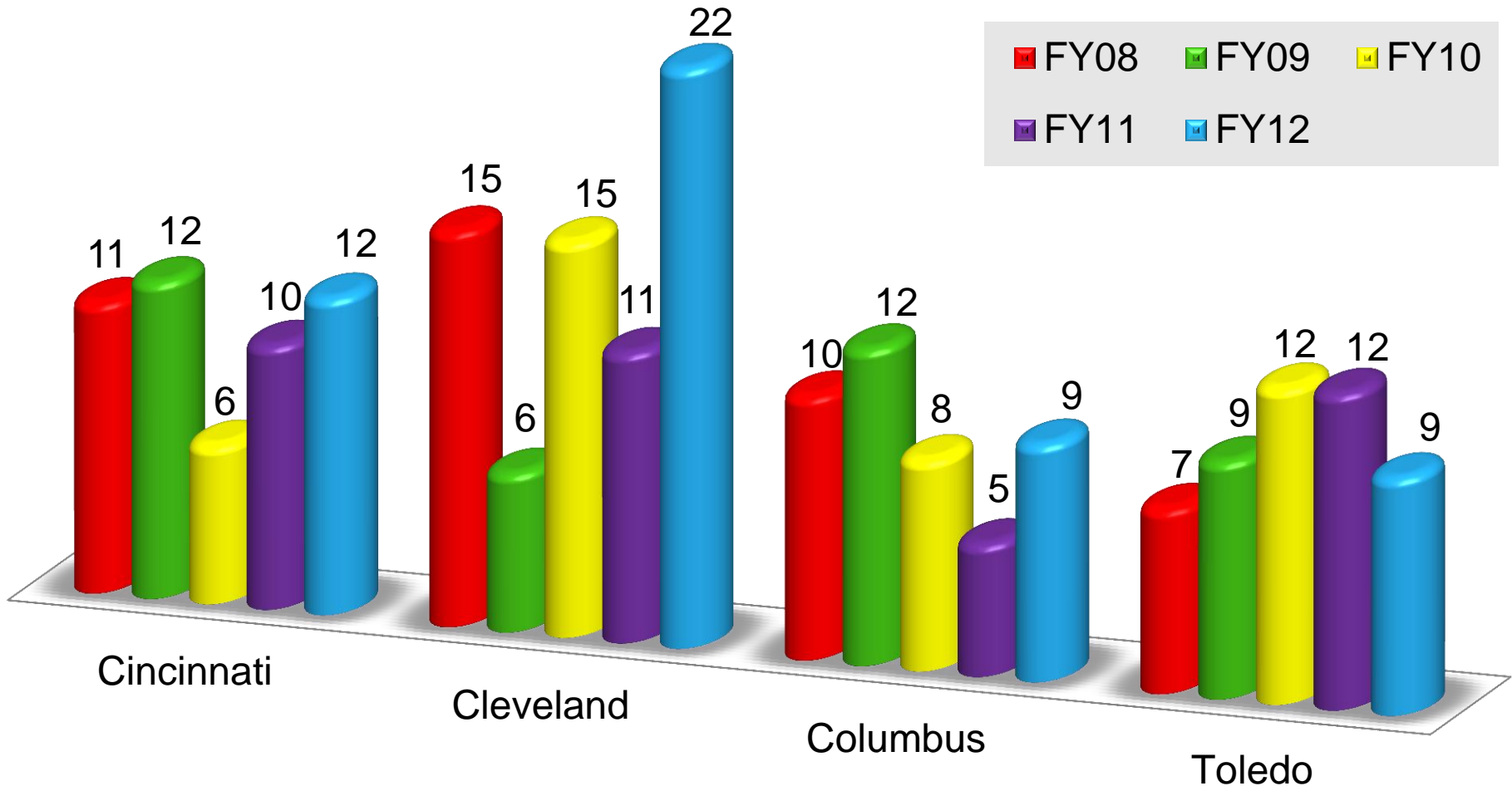


Source: OSHA Information System (preliminary 2012 data)

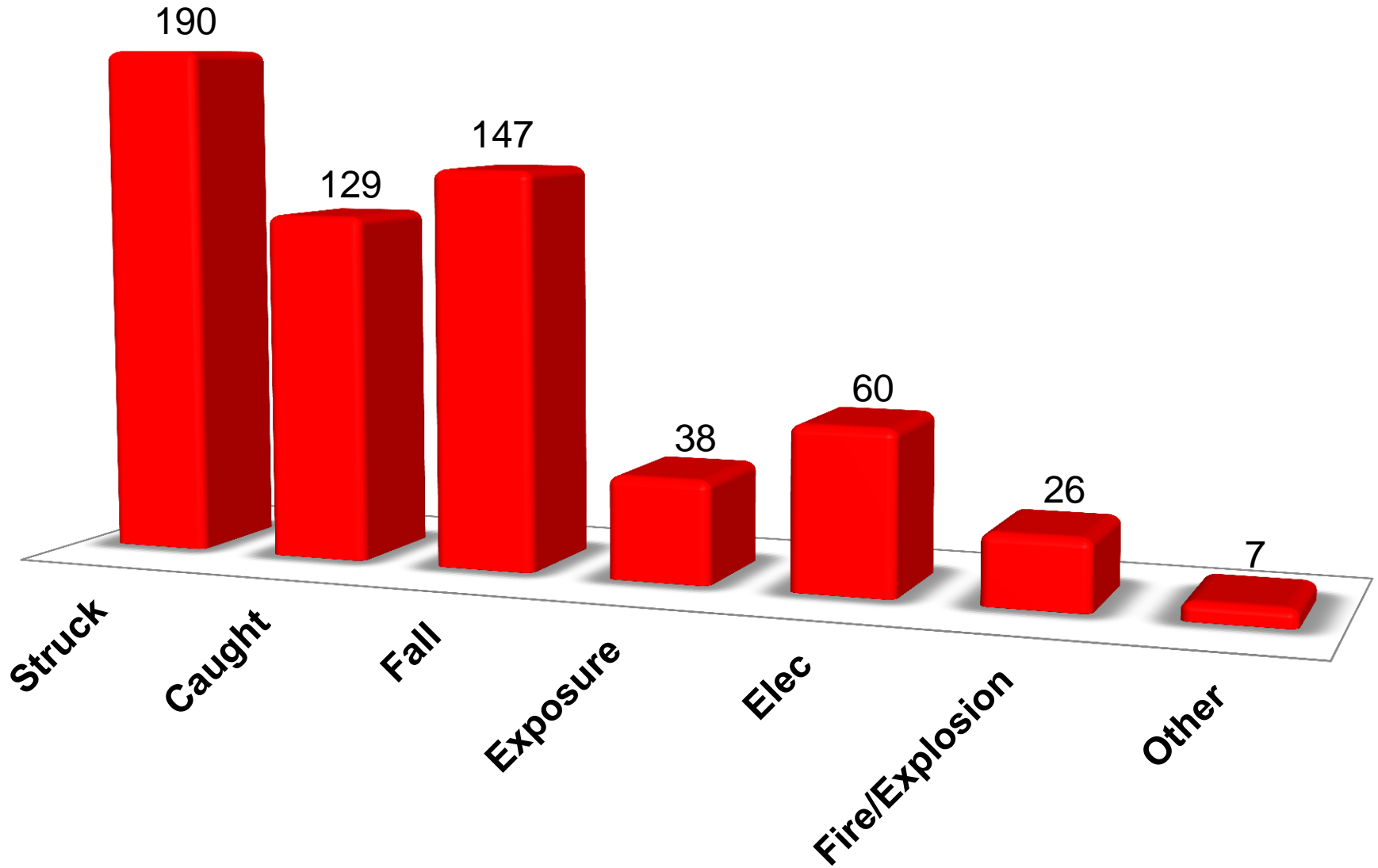
Region V Fatalities by State - FY2007-FY2011



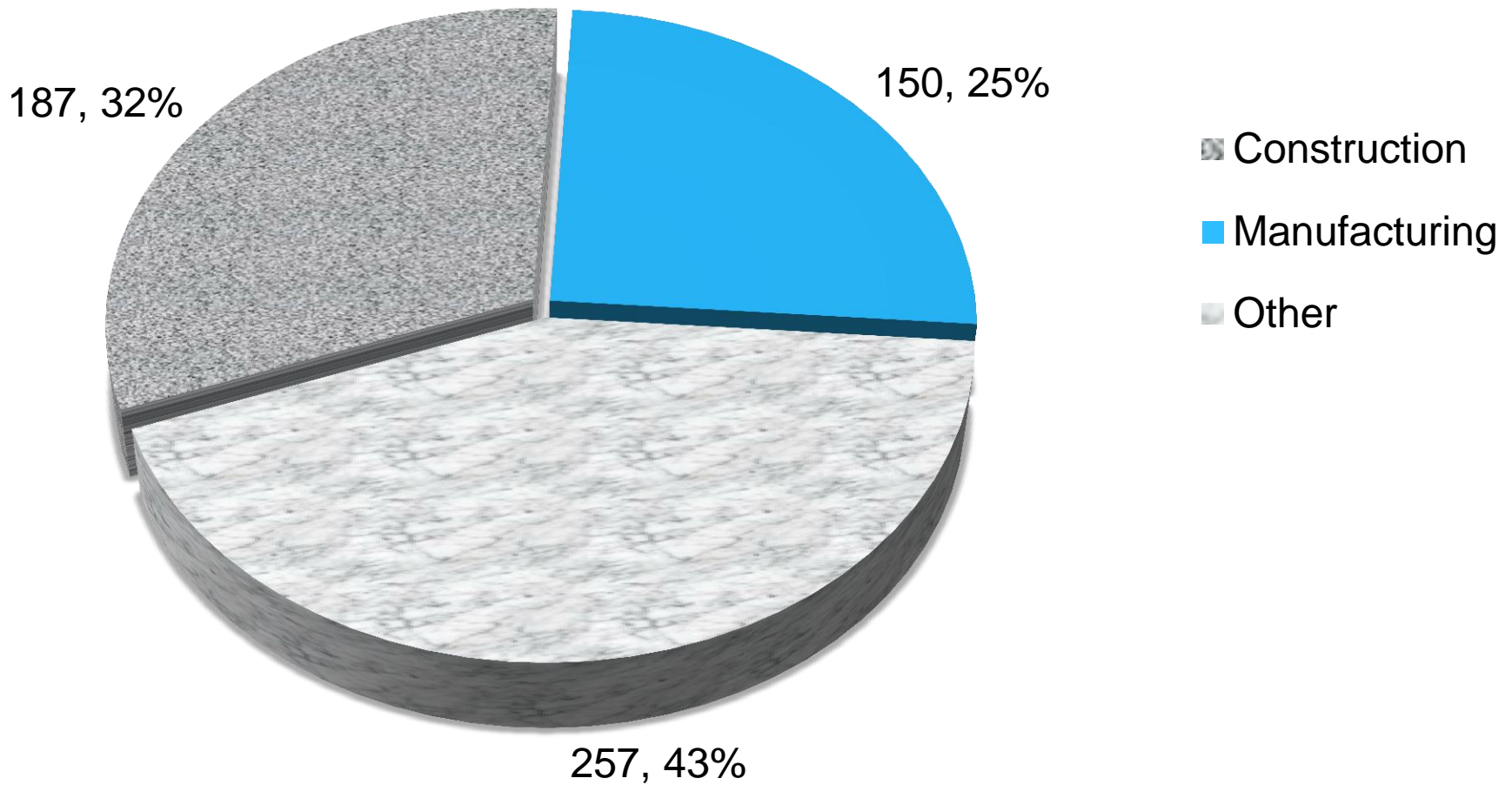
Fatalities Ohio Area Offices FY08-FY12



Region V Fatalities by Event FY2007- FY2011



Region V - Fatalities by Industry FY08 to FY12



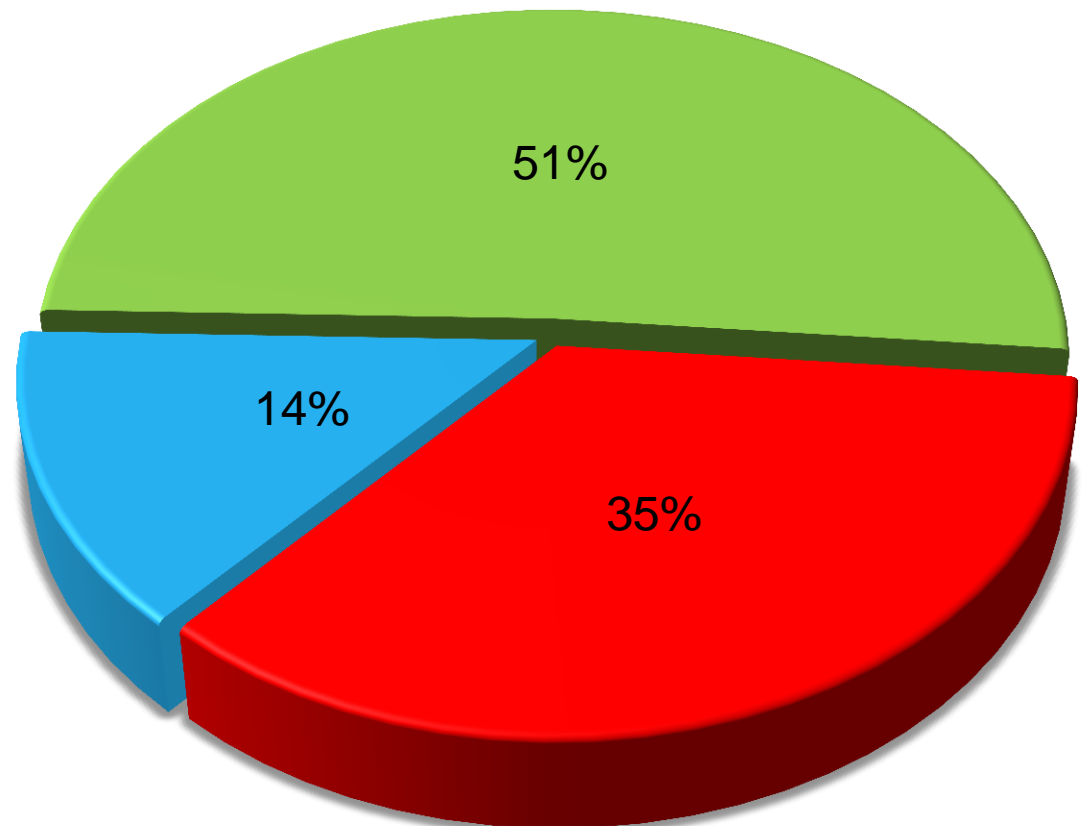
Occupational Fatalities Cincinnati Area Office FY 2008 – FY 2012

■ Construction ■ Manufacturing ■ Other

Number of Fatalities:

Construction	18
Manufacturing	7
Other	26

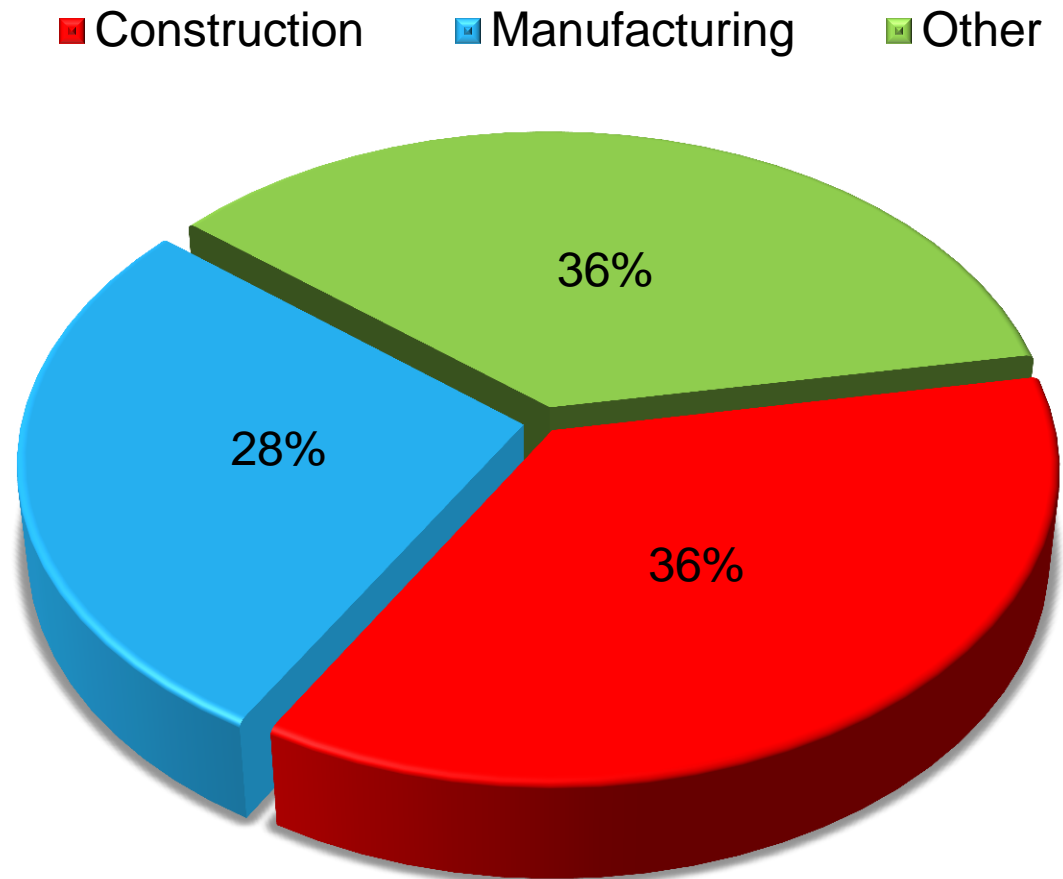
Total Fatalities	51
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Occupational Fatalities Cleveland Area Office FY 2008 – FY 2012

Number of Fatalities:

Construction	25
Manufacturing	19
Other	25
Total Fatalities	69

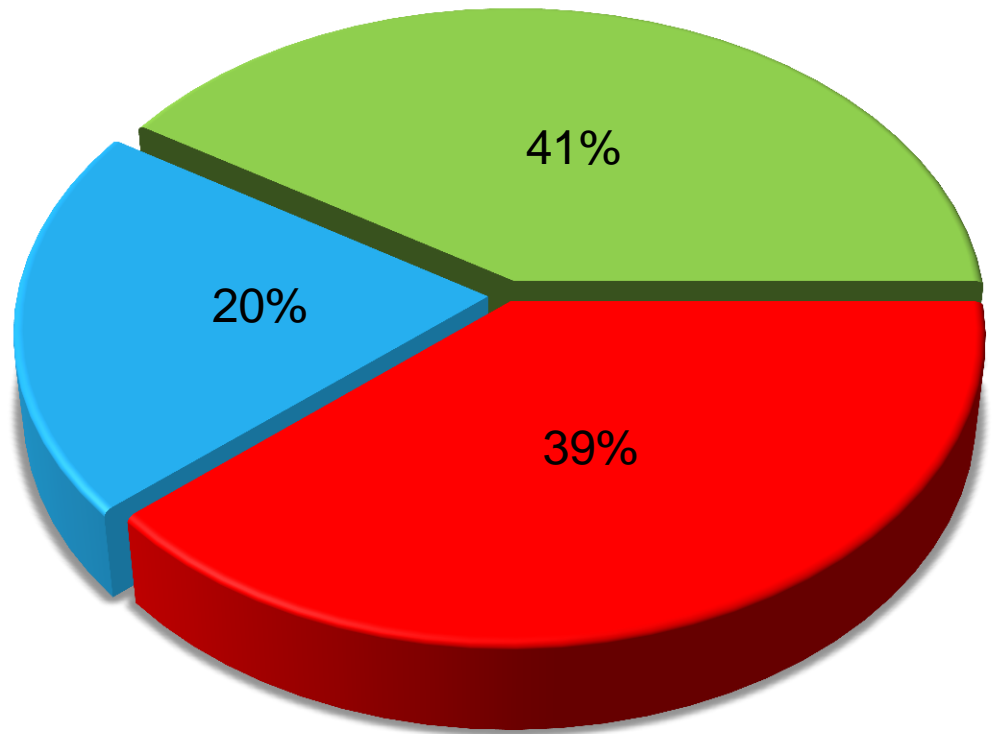


Occupational Fatalities Columbus Area Office FY 2008 – FY 2012

Number of Fatalities:

Construction	17
Manufacturing	9
Other	18
Total Fatalities	44

■ Construction ■ Manufacturing ■ Other

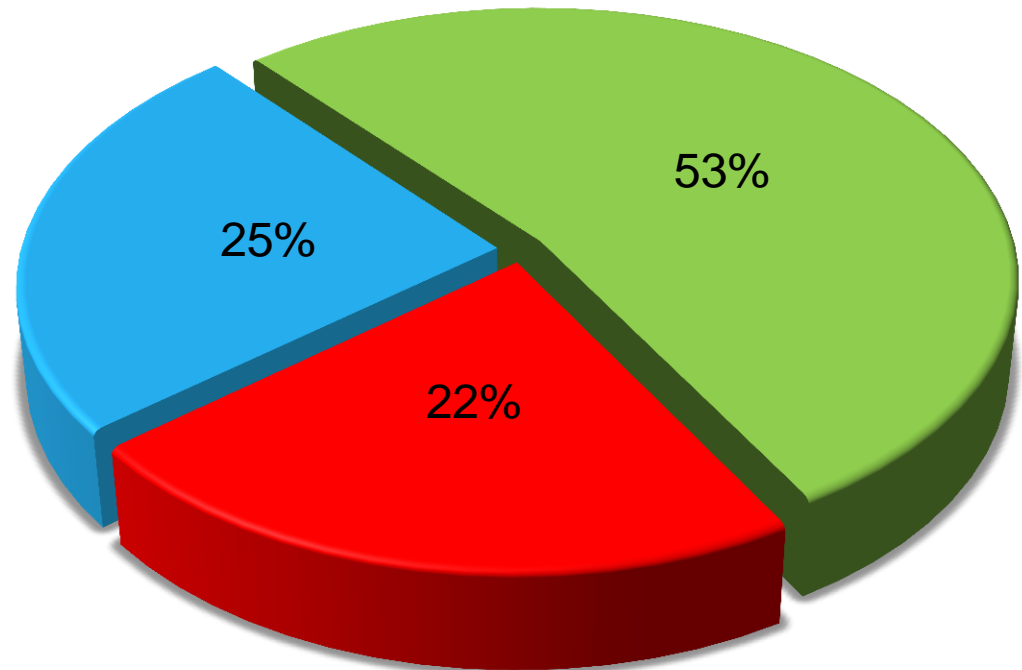


Occupational Fatalities Toledo Area Office FY 2008 – FY 2012

Number of Fatalities:

Construction	11
Manufacturing	12
Other	26
Total Fatalities	49

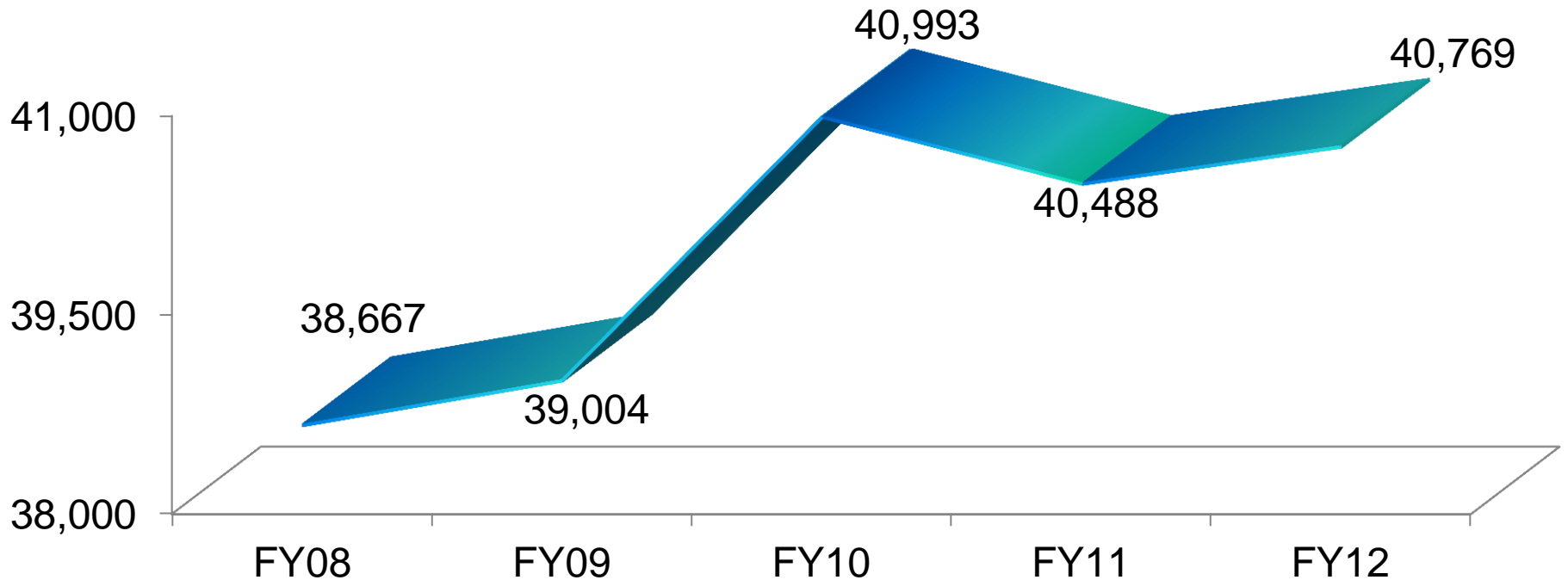
■ Construction ■ Manufacturing ■ Other



OSHA's Field Tool Bag

Enforcement

Inspections Conducted (Federal) FY 2008 – FY 2012

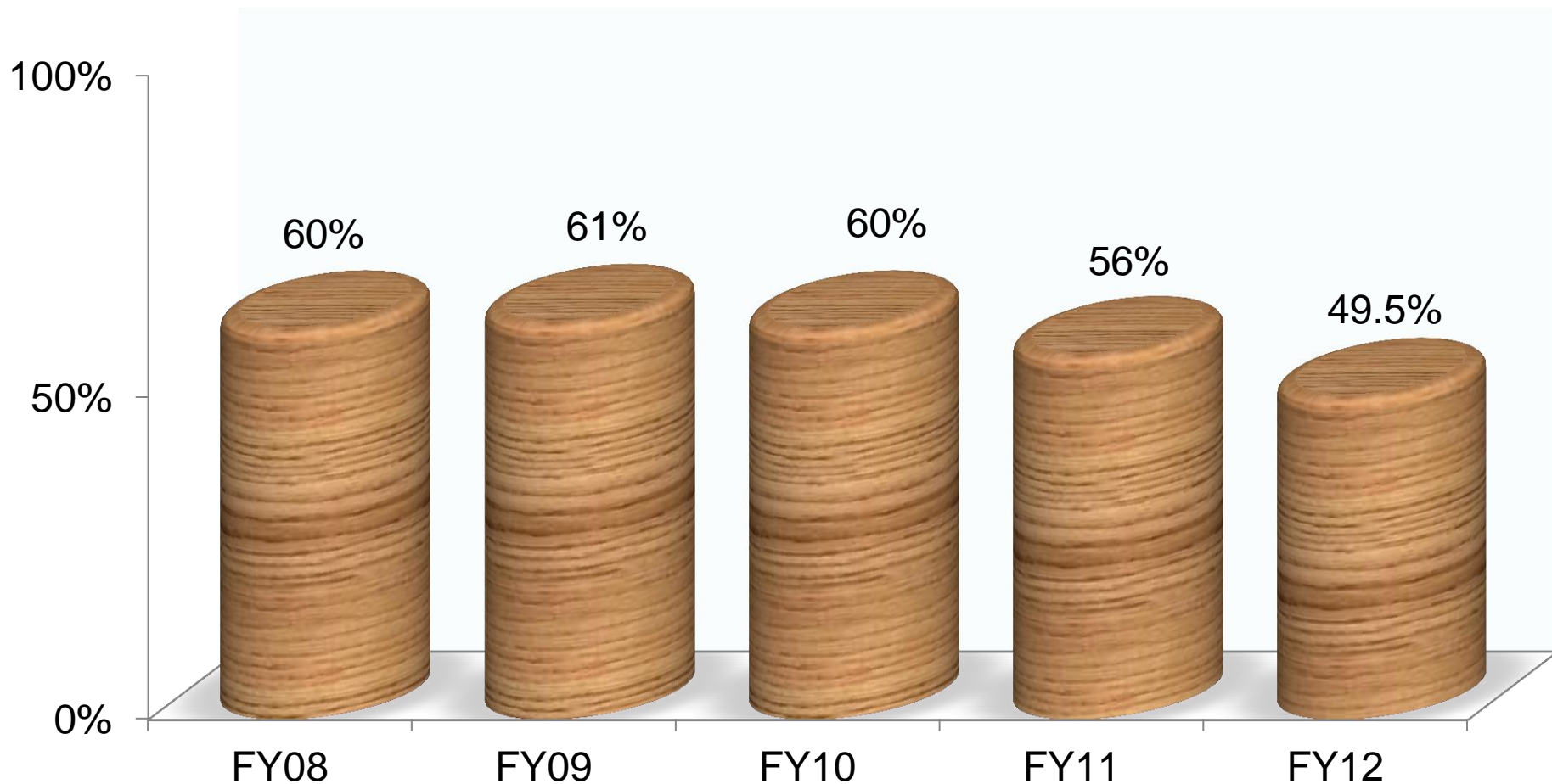


Region V

FY-2012 Inspection Data

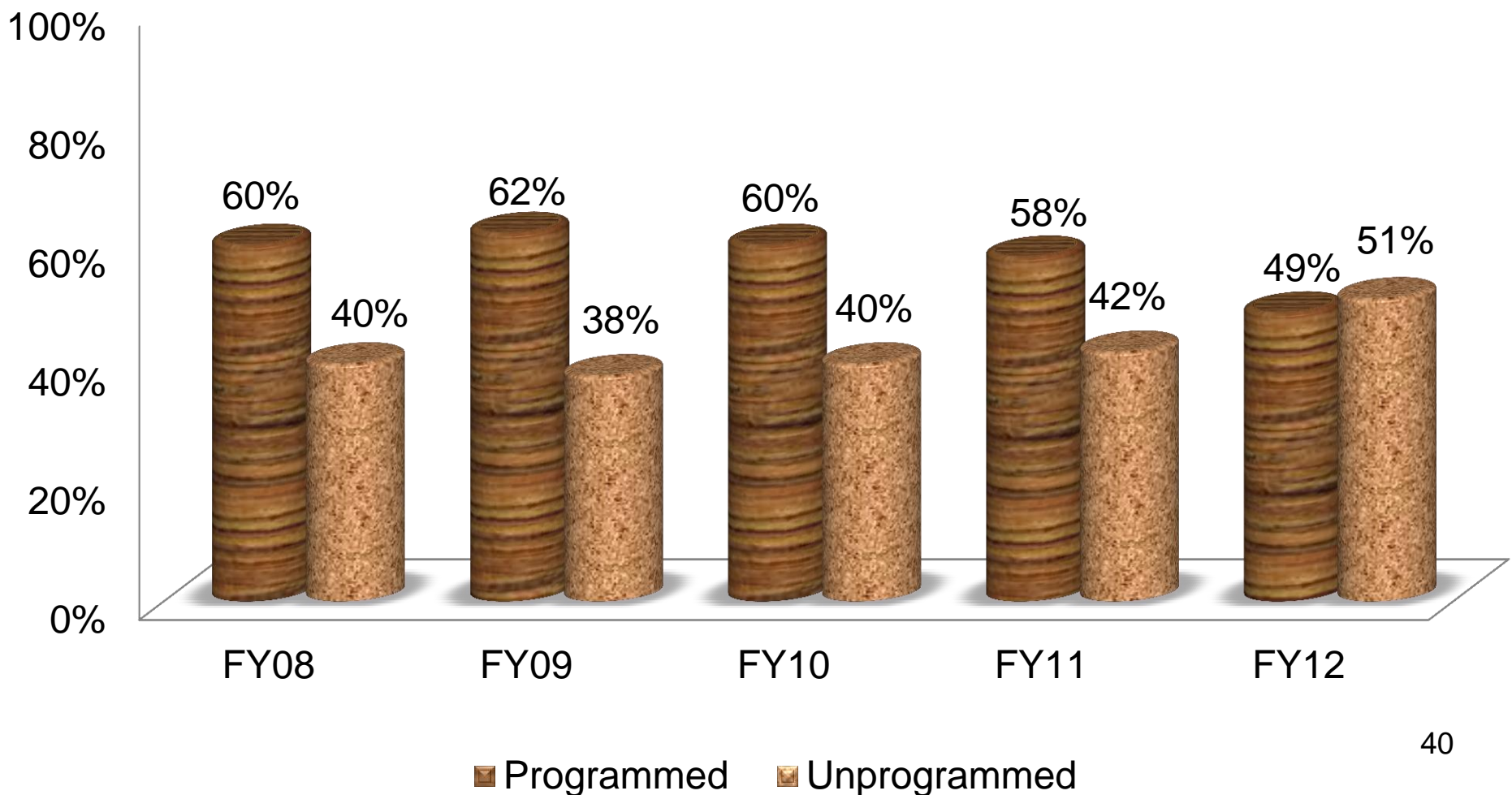
- 7,332 total inspections
 - 3,630 of which were construction
 - 1,516 were health inspections
- Ohio inspection in FY 2012
 - 2,665 total inspections
 - 1,267 were construction
 - 558 were health inspections

Region V - % Construction Inspections FY 2008 – FY 2012

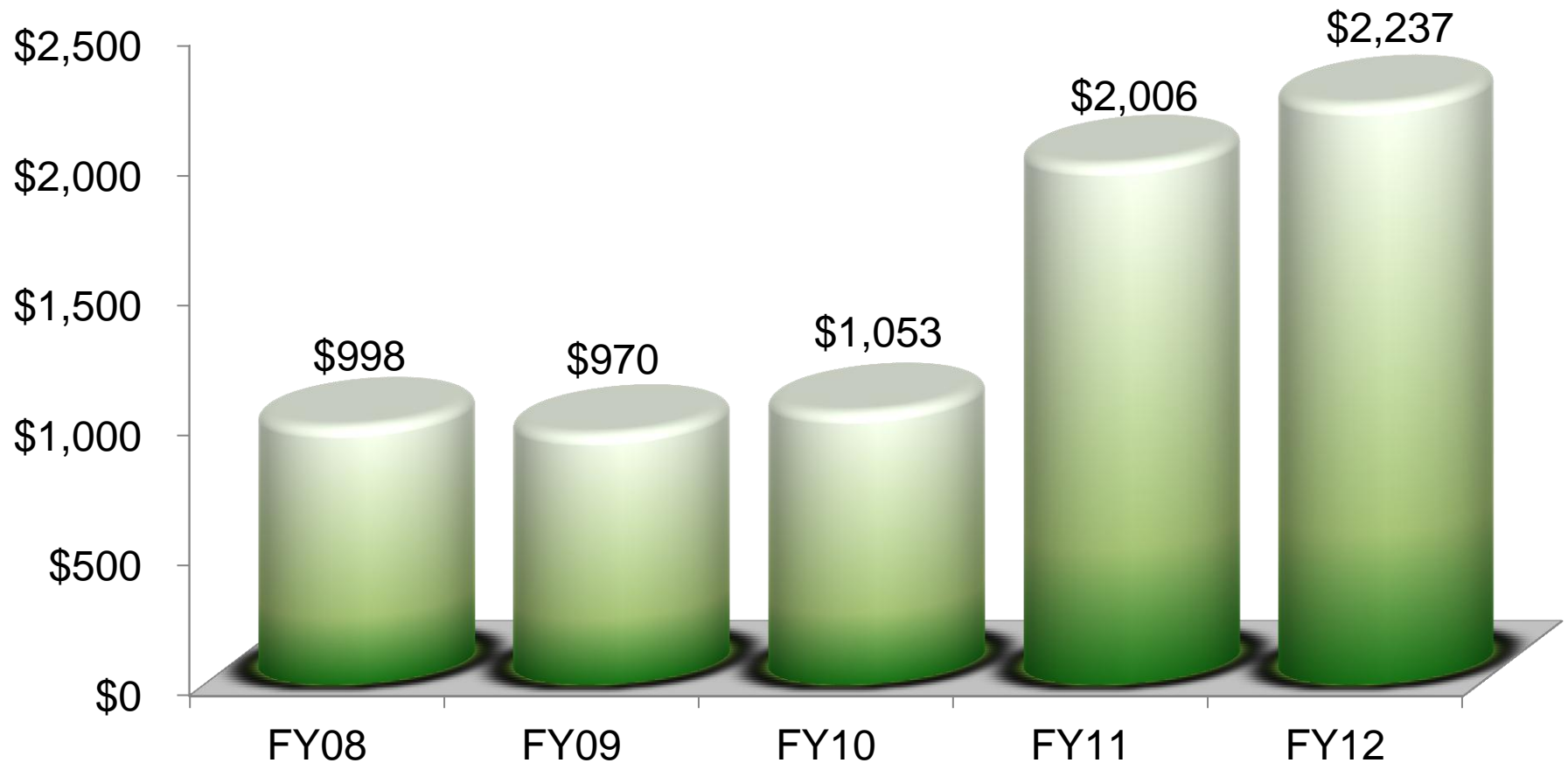


FY 2008 – FY 2012

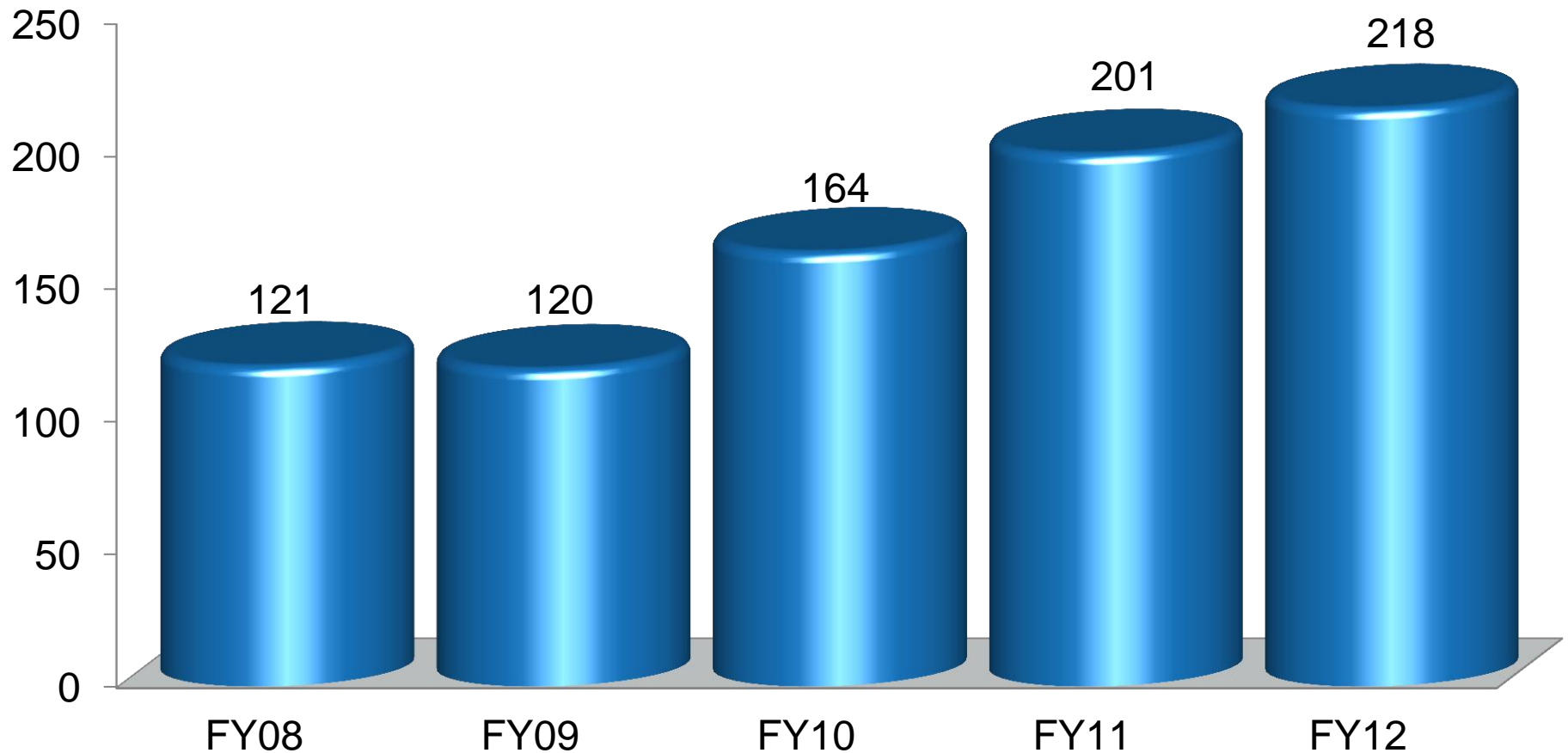
% Programmed vs. % Unprogrammed



FY 2008 – FY 2012 Nationwide Average Penalty Per Serious Violation



FY 2008 – FY 2012 Significant Cases Nationwide



Significant Enforcement Actions Region V – FY 2012

56 significant and novel cases issued

- Ohio – 24 issued
- Illinois – 17 issued
- Wisconsin – 13 issued
- Indiana - 1
- Michigan - 1

Region V - Significant Cases by Inspection Type

- Complaints – 21
- NEP (Trench, Lead, PSM, SST) – 11
- Referrals/SVEP – 9
- Follow-up – 5
- Fatality/Accident – 4
- LEPs (Falls, PITs, PMI, Grain) - 3
- Federal Agency – 3

56 Total Sig + Novel Cases in Region V

Major Issues - FY 12

- 17 – Health (2 Asbestos, 4 Lead, 2 Noise, 2 Brazilian Blowout, all others PPE...)
- 12 – Lockout/Tagout and/or Machine Guarding
- 6 – Fall Hazards (Roofs & Scaffolds)
- 4 – Process Safety Management
- 3 – Combustible Dust
- 3 – Trenching & Excavation
- 3 – Federal Agency, Ergo (lifting) and WPV
- 2 – Cranes in General Industry
- 2 – Electrical Safe Work Practices
- 2 – Permit Required Confined Spaces (PRCS)
- 2 – Maritime (PRCS, Electrical)

Severe Violator Enforcement Program (SVEP) Criteria

FATALITY

≥1 W, R or FTA based on a serious violation related to a death of an employee or three or more hospitalizations

NON-FATALITY

≥2 W, R or FTA based on high gravity serious violations related to a High-Emphasis Hazard*

NON-FATALITY Hazards Due to the Potential Release of a Highly Hazardous Chemical (PSM)

≥3 W, R or FTA based on high gravity serious violations related to hazards due to the potential release of a highly hazardous chemical, as defined in the PSM standard

EGREGIOUS

Any Egregious Enforcement Action (including recordkeeping)

SVEP High Emphasis Hazards:

- Falls
- Combustible Dust
- Amputation
- Grain Handling
- Chemical Plants (PSM)
- Crystalline Silica
- Lead
- Excavation/Trenching

SVEP Enforcement Actions

- Additional inspections at other sites
- Mandatory follow-up inspections
- Federal court enforcement under Section 11(b) of the OSH Act
- Nationwide referrals, including State Plan States
- Increased corporate awareness of OSHA enforcement

Criteria for Removal from SVEP

- 3 years after FOD Employer can come off if:
 - all hazards abated,
 - penalties paid, and
 - no recurrence
- 291 SVEP inspections through 8/31/2012

National Emphasis Programs

Current:

- Amputations
- Combustible Dust
- Fed Agencies
- Food Flavorings
- Hex Chrome
- Lead
- Primary Metals
- PSM (Chem Plants)
- Nursing Homes & Residential Care Facilities
- Silica
- Ship Breaking
- Trenching

In Development:

- Isocyanates

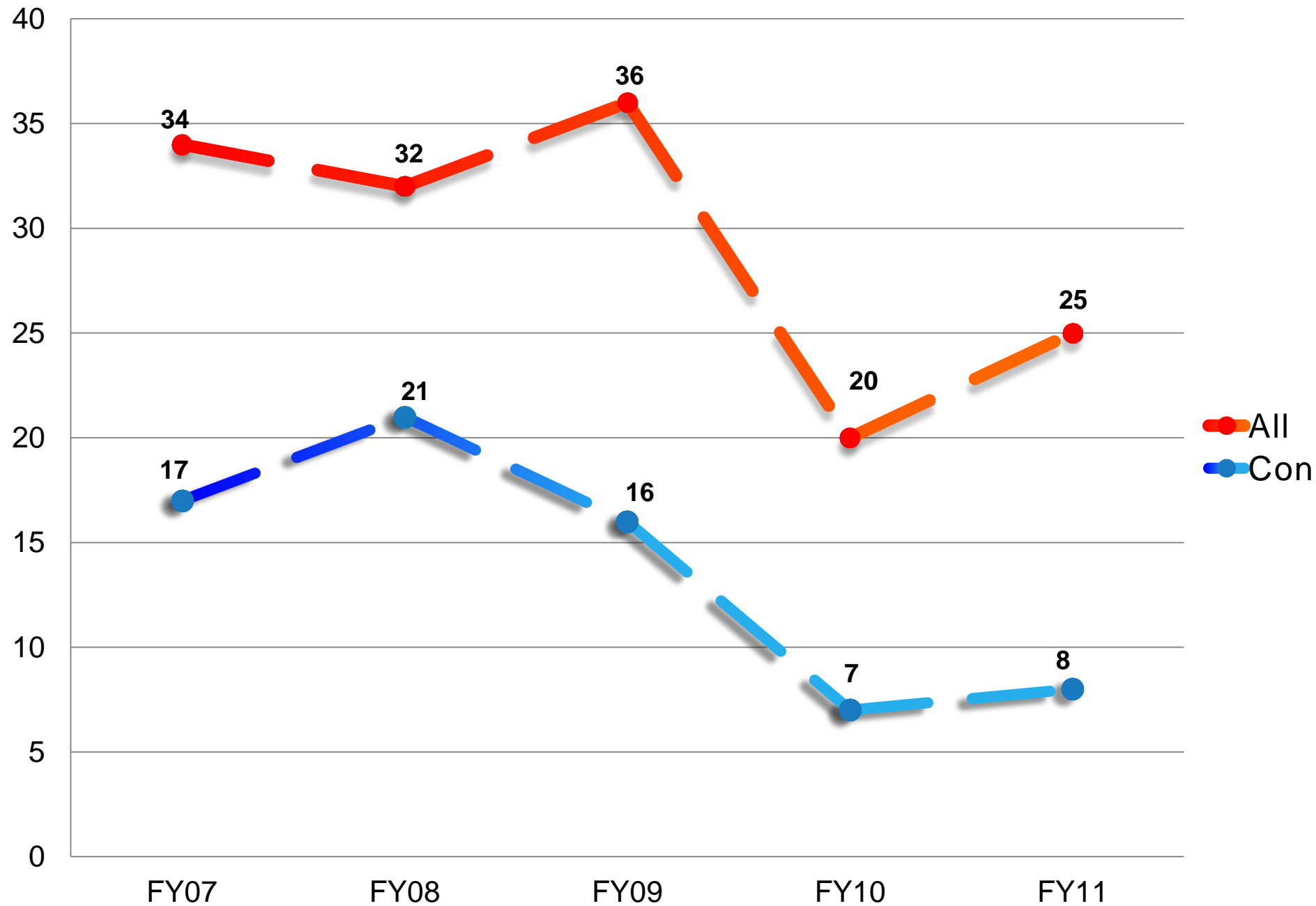
Region V Local Emphasis Programs (LEPs) - FY 2012

- Fall Hazards in Construction
- Primary Metals
- Grain
- Amputation Targeting in General Industry (GI)
- Powered Industrial Vehicles (Construction & GI)
- Building Renovation/Rehab - “Gut Rehab”
- Maritime (shipyard, marine terminal & cargo)
- High Rise Construction (Chicago AOs)
- Dairy Farm LEP (Wisconsin AOs)

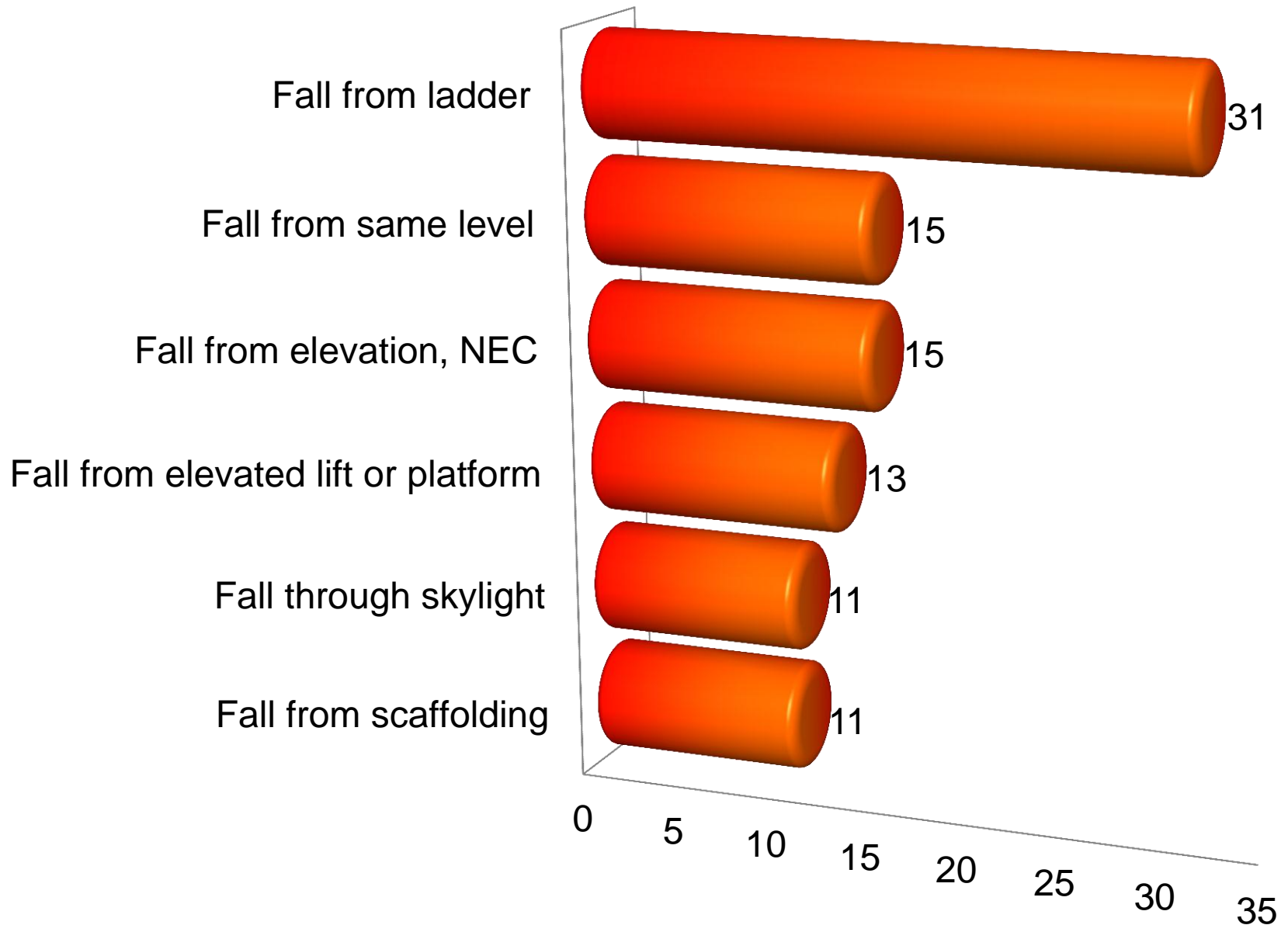
Potential New/Modified LEPs in FY13

- Modification of Fall LEP in Construction
 - Expansion to General Industry
 - Focus on Ladder Falls
- Tree Trimming in Ohio & Wisconsin
- Focus on Site Preparation & Demolition Contractors in Construction

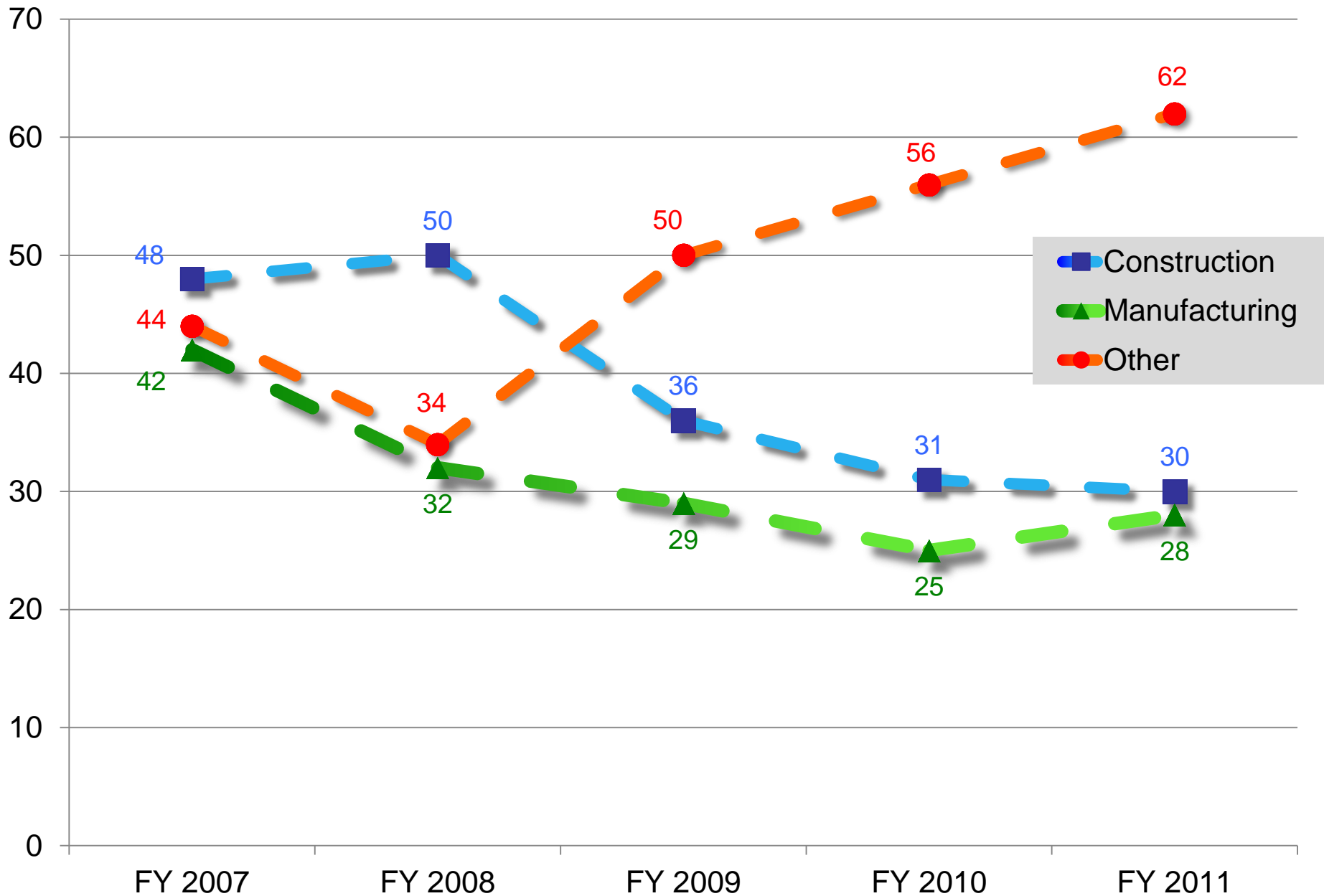
Region V Fall Fatalities FY2007 - FY 2011



Region V Falls - FY 2007 - FY 2011

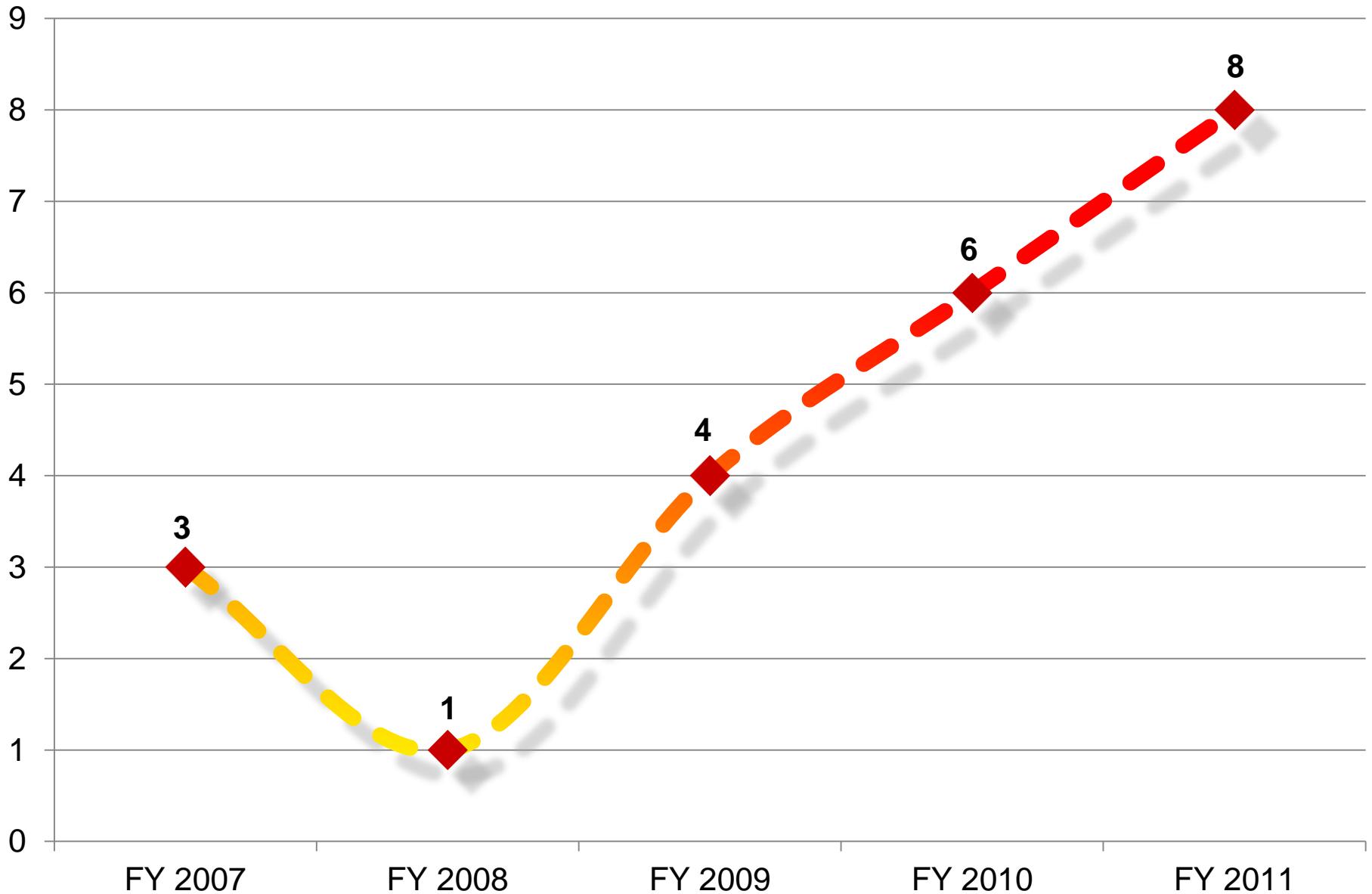


Region V Fatalities FY 2007 - FY 2011

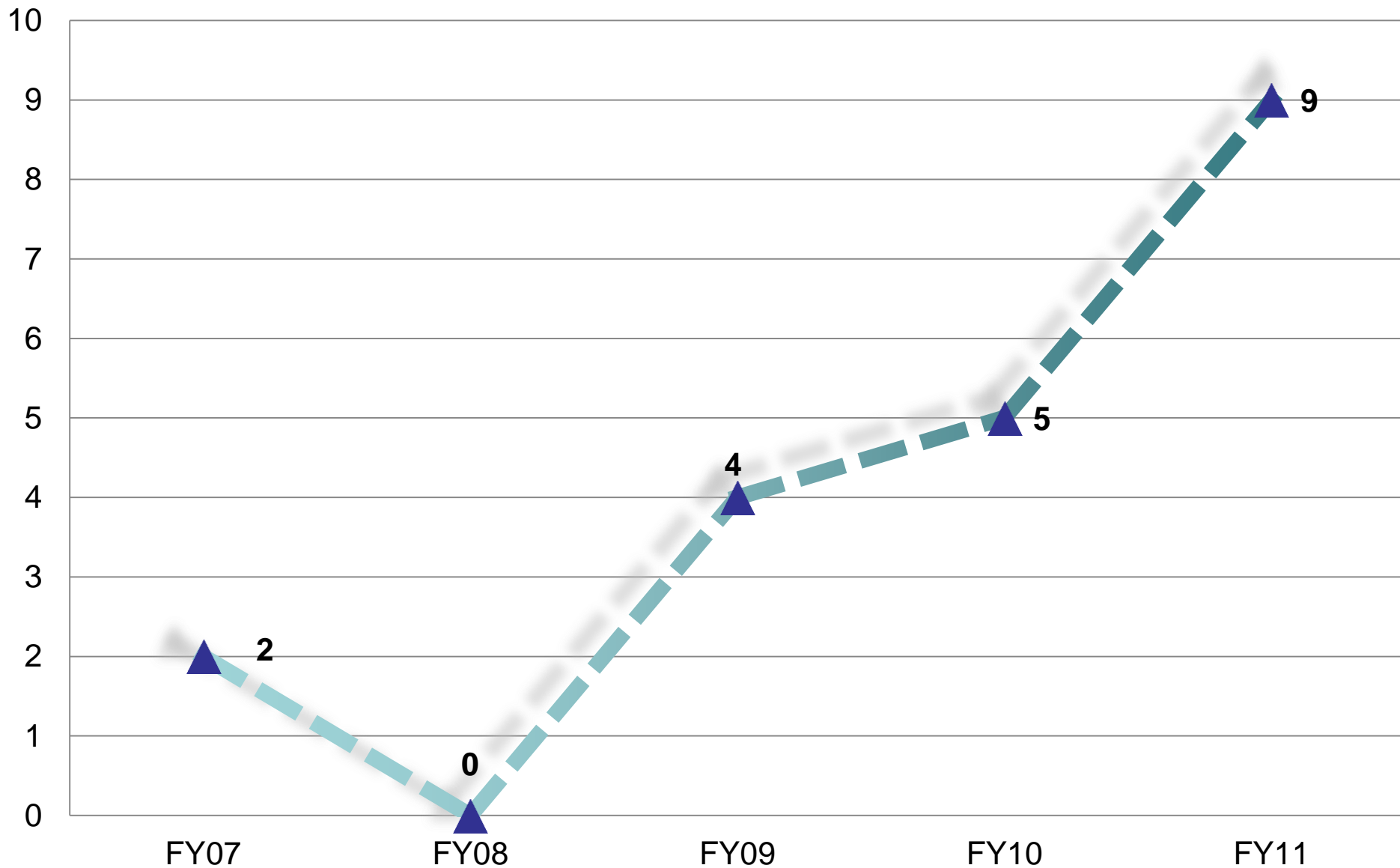


Region V Landscaping (561730) Fatalities

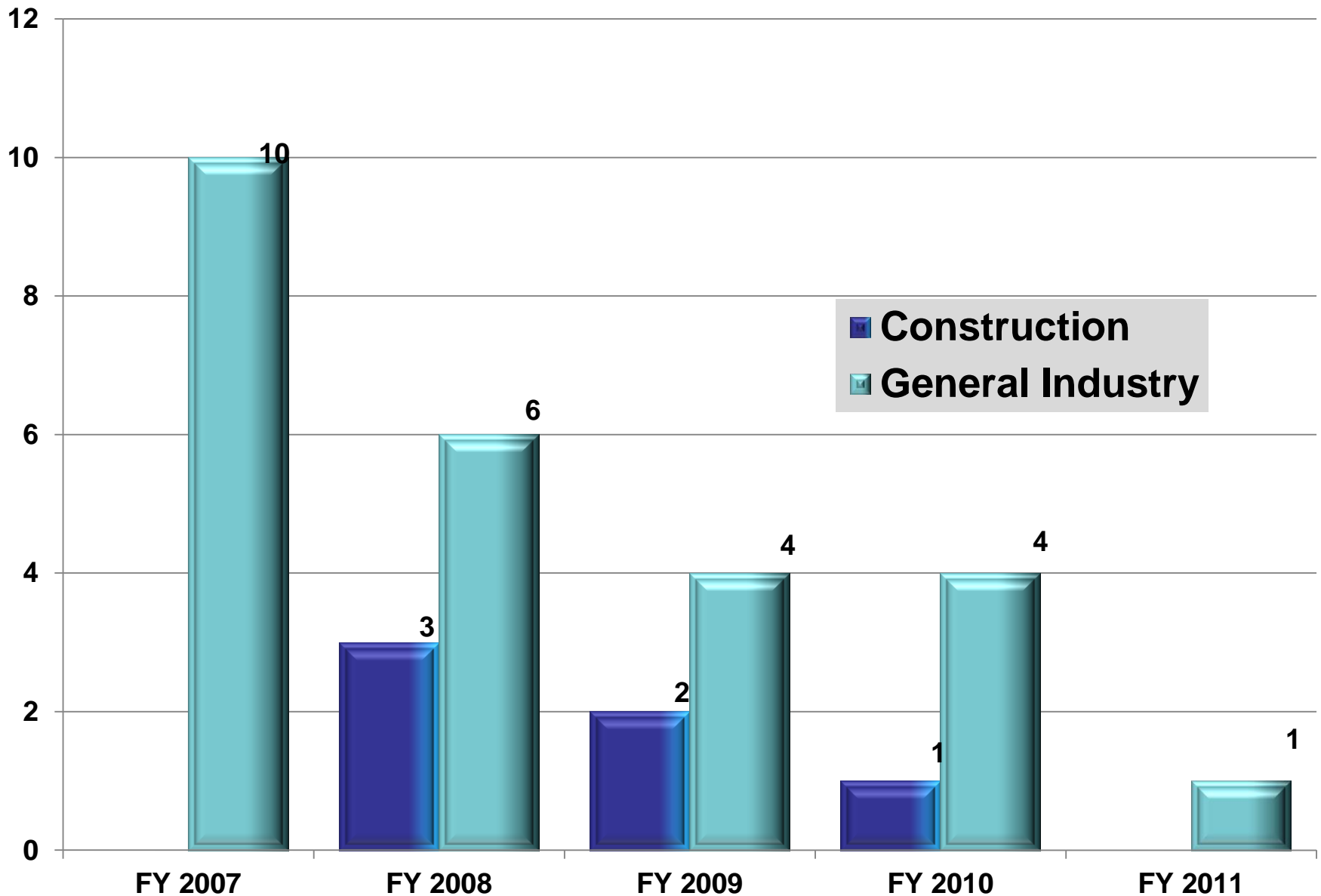
FY 2007 - FY 2011



Region V Tree Trimming Fatalities (All NAICS) FY2007 - FY2011



Region V's PIV LEP Success Story: PIV Fatalities FY 2007 - FY 2011



Whistleblower

- FY 12, Region V received 521 Whistleblower complaints (20% of Nation's total)
 - Recovered \$3,894,007 in Damages
 - Reinstated 17 Complainants
 - 345 – 11(c) cases
 - 44 – 11(c) merit cases
 - 6 – 11(c) Complainants reinstated
 - \$249,371 – wages recovered for Complainants under 11(c)
- In Ohio:
 - 184 Whistleblower Complaints
 - 143 - 11(c) Cases
 - 19 – 11(c) merit cases
 - \$98,687 wages recovered for Complainants under 11(c)

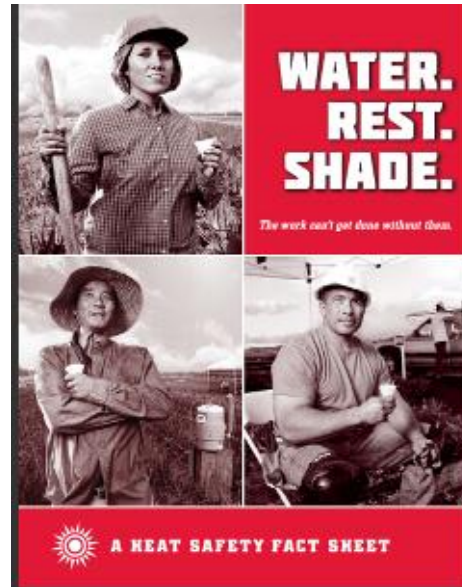
Whistleblower - Significant Cases

2 Sig Cases – Federal Railroad Safety Act (FRSA)

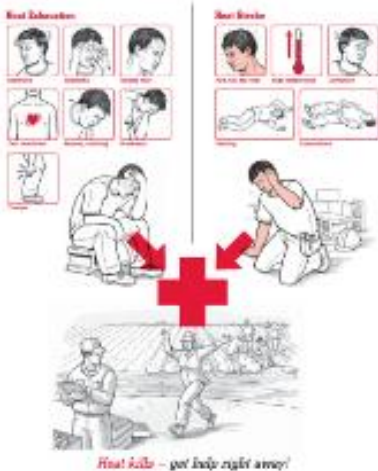
- Complainants disciplined after reporting work related injuries
- Employer alleged Complainants provided false information
 - Evidence supported Complainants
 - OSHA ordered reinstatement
 - Total damages = \$932,000
- Incentive/Disincentive Programs
 - Rates linked to bonuses

2012 Major Outreach Campaigns

- Heat Stress
- Falls



Two types of heat illness:



Stay safe and healthy!

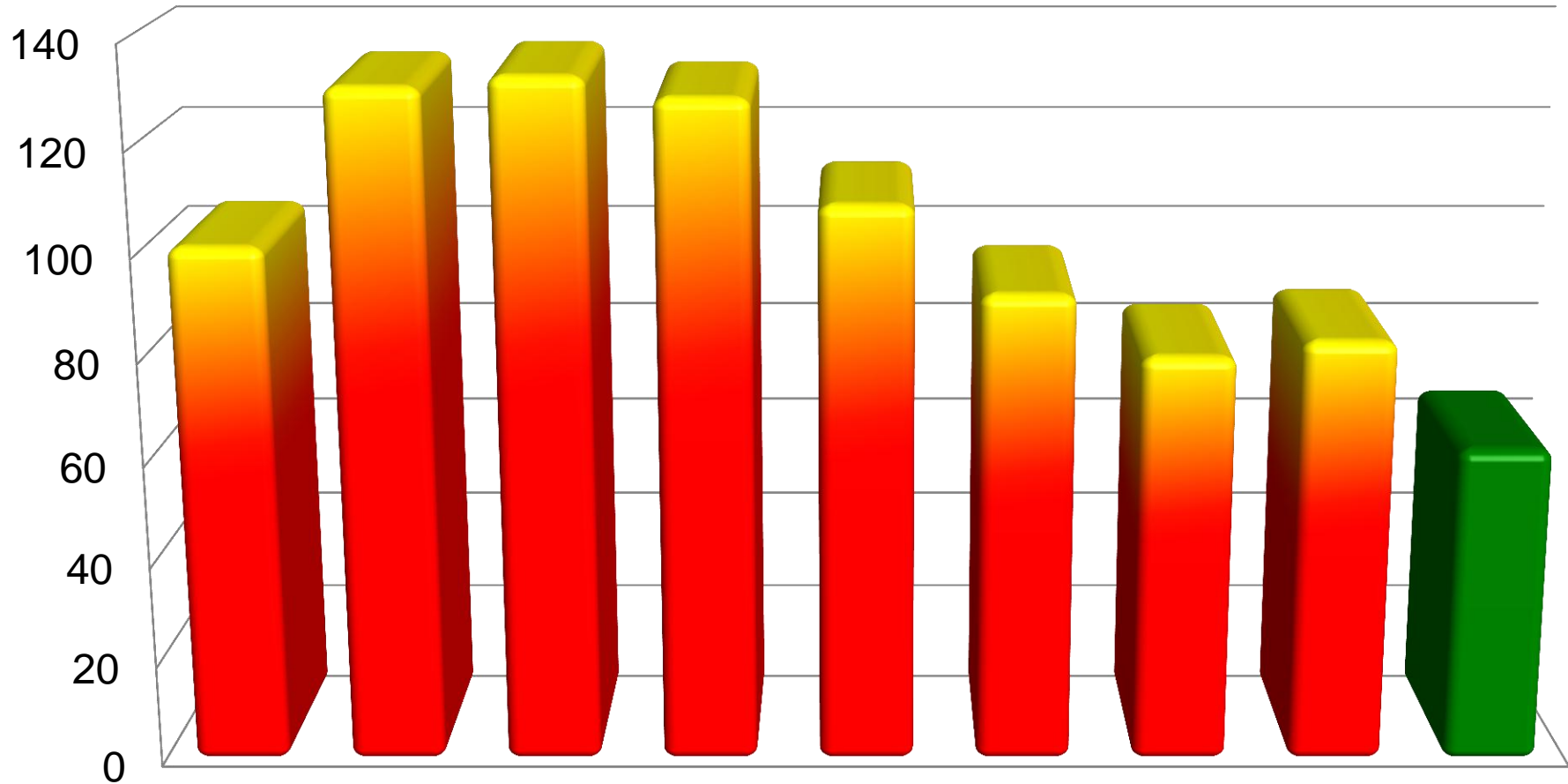



Heat illness can be prevented!

By having your employer must have:



Fatal Falls in Residential Construction 2003 - 2011



	2003	2004	2005	2006	2007	2008	2009	2010	2011
 Fatalities	102	132	134	130	110	93	81	84	63

Source: Bureau of Labor Statistics

2011 data are preliminary, final census numbers are expected to increase

Nationwide, FY 2012

Top 10 Most Cited Standards (GI)

- ① 1910.1200(e)(1) **Hazard Communication** (written program)
- ② 1910.212(a)(1) **Machine Guarding** (general)
- ③ 1910.1200(h)(1) **Hazard Communication** (training)
- ④ 1910.178(l)(1)(i) **Powered Industrial Truck** (operator trg.)
- ⑤ 1910.134(e)(1) **Respiratory Protection**
- ⑥ 1910.23(c)(1) **Fall Protection** (guardrail)
- ⑦ 1910.134(c)(1) **Respiratory Protection**
- ⑧ 1910.212(a)(3)(ii) **Machine Guarding** (point of operation)
- ⑨ 1910.147(c)(1) **Lockout/Tagout** (program)
- ⑩ 1910.147(c)(4)(i) **Lockout/Tagout** (machine specific)

Region V - Most Frequently Cited Violations

Construction – FY-2012

1. Fall Protection (Residential)
2. Fall Protection (Training)
3. Ladders (Positioning)
4. Fall Protection (Guardrails)
5. Safety program
(Inspections)
6. Safety program
7. Fall Protection (Res
Roofing)
8. Eye & Face Protection
9. Head Protection
10. Scaffolds (Fall Protection)

Questions?

