

# TerranearPMC Safety Share

## **Week of January 30, 2012- OSHA's top 10 Willful, Repeat and Serious Violations for 2011**

OSHA just released its list of the Top 10 *willful*, *repeat* and *serious* violations for 2011. A "willful" violation is one in which the evidence shows either an intentional violation or plain indifference to the requirements of the regulations. A "repeat" violation is one in which OSHA has previously cited an employer for a substantially similar condition. Finally, "serious" violations are those deemed to exist in a place of employment if there is a substantial probability that death or serious harm could result. These would include existing conditions, work practices, operations or processes have been assessed (by OSHA) to result in death or serious injury.

OSHA does not treat these violation-types similarly. For instance, *willful* and *repeat* citations carry larger penalties than those classified as serious (Both *willful* and *repeat* citations carry a maximum fine of \$70,000; ten times the maximum for a *serious* violation (\$7,000).

OSHA issues a *willful* violation when it believes there is intentional disregard of, or plain indifference to OSHA rules. The top 10 federal standards with the most *willful* violations cited in fiscal year 2011 (Oct. 1, 2010 to Sept. 30, 2011):

1. Excavation protective system (1926.652), 84 violations
2. Fall protection (1926.501), 67 violations
3. Process safety management (1910.119), 45 violations
4. Grain handling facilities (1910.272), 42 violations
5. Asbestos (1926.1101), 37 violations
6. Lockout/tagout (1910.147), 35 violations
7. Machine guarding (1910.212), 25 violations
8. Specific excavation requirements (1926.651), 24 violations
9. General recording criteria (1904.7), 23 violations, and
10. General duty clause (5A.0001), 22 violations.

The top 10 federal standards with the most *repeat* violations cited in FY 2011 are:

1. Fall protection, 646 violations
2. Scaffolding (1926.451), 439 violations
3. Excavations, protective systems, 119 violations
4. Hazard communication (1910.1200), 112 violations
5. Lockout/tagout, 109 violations
6. Electrical, wiring methods (1910.305), 92 violations
7. Ladders (1926.1053), 89 violations
8. Machine guarding, 88 violations
9. Electrical, general requirements (1910.303), 86 violations, and
10. Aerial lifts (1926.453), 81 violations.

For comparison, here are the top 10 federal standards with the most *serious* (likely to cause injury) violations cited:

1. Scaffolding, 6,324 violations
2. Fall protection, 6,022 violations
3. Hazard communication, 3,953 violations
4. Lockout/tagout, 2,926 violations
5. Electrical, wiring methods, 2,835 violations
6. Ladders, 2,787 violations
7. Powered industrial trucks (1910.178), 2,582 violations
8. Machine guarding, 2,433 violations
9. Respiratory protection (1910.134), 2,361 violations, and
10. Electrical, general requirements, 2,198 violations.

A review of the 2011 OSHA violations indicate that Fall Protection, Excavations, Scaffolding (although not listed under the category of *willful*), and Lockout/Tagout make up more than just a significant portion of OSHA's concerns. It should be noted, however, that these violations are not direct indicators of the number of actual accidents/incidents that have occurred in the workplace. So what does this information tell us? The answer may be best understood through the basic safety theory principle which states that the greater the number of identified hazards, the greater the risk. In a previous *SafetyShare*, the topic of *leading indicators* was discussed. Leading indicators provide information for identifying what activities are at risk for employees getting hurt. While an accident may not have happened at a particulate business, and, indeed, that organization may even boast an excellent safety record based on what has actually occurred, if a study of leading indicators concludes that hazards are present, that organization is at risk to experience an unfortunate event. Yet even with this knowledge, it is apparent that work around the country is still being performed without the proper safety and health controls. This means that employees are working under conditions where processes, equipment and materials are not being paid the attention that is necessary stop people from getting hurt.

Last week, the topic was focused on the maritime disaster of the Costa Concordia - an event similar to that of the Titanic; only occurring 100 years later. Have we learned from our mistakes? The answer is both yes and no. Yes, as we have updated procedures and improved equipment and materials with the specific intent to improve the safety and health of workers. Yet, for some reason; maybe lying within our own humanness, we are not using these improved techniques to our advantage. So while the ability to make improvements is evident, we need to apply them properly so we get the best results – that is, to protect the American worker.

**Too many people spend money they haven't earned, to buy things they don't want, to impress people they don't like**

Will Rogers – An American Icon