

# TerranearPMC Safety Share

## Week of January 26, 2015 – The OSHA Top 10

Last month (December, 2014) OSHA unveiled the agency's Top 10 most-cited violations for fiscal year 2014 during the National Safety Council Congress and Expo. For the fourth year in a row, OSHA's Fall Protection Standard, 29 CFR 1926.501 topped the list as the agency's most frequently cited violation. The entire list, with the corresponding Federal regulation, is as follows:

- |                                       |                  |
|---------------------------------------|------------------|
| 1. Fall Protection in Construction    | 29 CFR 1926.501  |
| 2. Hazard Communication               | 29 CFR 1910.1200 |
| 3. Scaffolding in Construction        | 29 CFR 1926.451  |
| 4. Respiratory Protection             | 29 CFR 1910.134  |
| 5. Lockout/Tagout                     | 29 CFR 1910.147  |
| 6. Powered Industrial Trucks          | 29 CFR 1910.178  |
| 7. Electrical – Wiring Methods        | 29 CFR 1910.305  |
| 8. Ladders in Construction            | 29 CFR 1926.1053 |
| 9. Machine Guarding                   | 29 CFR 1910.212  |
| 10. Electrical – General Requirements | 29 CFR 1910.303  |

To view OSHA's top safety violation in another perspective, a list of the top 10 "serious" violations were also compiled. A "serious" violation is defined by OSHA as "one in which there is substantial probability that death or serious physical harm could result, and the employer knew or should have known of the hazard." These are:

- |                           |                                   |
|---------------------------|-----------------------------------|
| Fall Protection           | Scaffolding                       |
| Hazard Communication      | Ladders                           |
| Lockout/Tagout            | Machine Guarding                  |
| Powered Industrial Trucks | Electrical (wiring methods)       |
| Respiratory Protection    | Electrical (General Requirements) |

And then, there are the top 10 violations classified as "Willful." These are violations defined by OSHA as "committed with an intentional disregard of or plain indifference to the requirements of the Occupational Safety and Health Act and requirements." These are:

- |                     |                           |
|---------------------|---------------------------|
| Fall Protection     | Lockout/Tagout            |
| Asbestos            | Machine Guarding          |
| Lead                | Walking/Working Surfaces  |
| Excavations         | Scaffolding               |
| General Duty Clause | Process Safety Management |

These infractions only represent non-compliance issues and not violations that resulted in workplace injuries or illnesses. A review of these lists illustrates some obvious similarities. That is, work practices involving fall protection, machine guarding, scaffolding as well as electrical methods seem to be prevalent throughout the country. And when we look at "top ten" OSHA violations from years past, it becomes apparent that the same shortcomings in construction safety



## TerranearPMC Safety Share

remain consistent. OSHA may implement new rules and enforcement changes, but the agency's list of the Top 10 most frequently cited violations, basically remains the same.

According to Patrick Kapust, deputy director of OSHA's Directorate of Enforcement Programs, "This top 10 list indicates hazards that are common in many different industries, and employers should use the list as a guide for evaluating their own worksites. Employers should ensure that existing safety programs address the standards in the Top 10. To further ensure that they are able to find and fix potential hazards before they result in an injury, illness or fatality, employers should also establish a culture of safety in which workers know they can report dangerous workplace conditions without fear of retaliation."

Mr. Kapust goes on to state, "Providing adequate worker training on job hazards is a very important element in preventing injuries and illnesses. In fact, training and education is a key component of any effective health and safety management system. Many OSHA standards contain training requirements. For example, employers must train workers to know when and how a machine is to be locked and tagged out when servicing or working on the machine to prevent serious injuries and deaths. Under [the] Hazard Communication [Standard], employers must train workers on the hazards of the chemicals they work with and how to protect themselves. Employers must train workers on how to use required protective equipment – such as respirators – so they are used correctly and protect the workers. Employers must also ensure that training on hazards and how to perform jobs safely is given in a language and vocabulary their employees understand.

"Employers have a responsibility to provide a safe workplace, which includes providing all necessary training. When hazards are eliminated – when workers are properly trained on the safety and health hazards on the job – not only do employers prevent injuries and illnesses but they can significantly reduce their costs. Safety pays."

I suppose we can all agree that having proper safety programs and ensuring employees receive effective training are important elements for occupational safety and health. And, indeed, if an employer is not diligent in the administration of these items, they are guilty of being a willful participant towards an OSHA violation. However, there seems to be a very significant side missing from Mr. Kapust's position. And that is, each and every employee has a responsibility for his/her own safety and welfare. While any OSHA violation: whether due to an employer's shortcomings to administer a program or a worker's poor attitude to inspect PPE or to not work according to a written procedure, falls on the shoulders of the employer and therefore, it is the company that receives the violation. Of course, since OSHA's top10 list signifies reoccurring violations, there is a suggestion that something is not happening that needs to happen. But rather than place the burden on one side, it may make sense to see if the banner for occupational S&H is being carried by both employer and employee.

**People often say that motivation doesn't last. Well neither does  
bathing – That's why we recommend it daily!**

Zig Ziglar

