

The background of the image is a close-up, slightly blurred view of the American flag, showing the stars and stripes. The OSHA logo is centered in the upper half of the image. The letter 'O' is a large, stylized circle with a blue outer ring and a grey inner ring. The letters 'S', 'H', and 'A' are in a white, serif font with a slight 3D effect and a drop shadow.

OSHA

adds value to business,
work and life.

OSHA Basics for Dairy Farms



UW-Extension Webinar
December 10, 2010



Mary Bauer CIH, CSP
Compliance Assistance Specialist
Eau Claire, WI 54701
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My Background

- Mary Bauer

- 25 years w/ OSHA
- IH/ Safety
- CIH: Certified Industrial Hygienist
- CSP: Certified Safety Professional
- 1000 + Inspections
- Grew up on Dairy Farm – 35 Milk Cows



Objectives

- How to spell “OSHA”
- What OSHA does - Mission
- Who OSHA has jurisdiction with
- Standards and Hazard in Dairy/Agriculture
- OSHA Enforcement Process
- OSHA Outreach
- Question & Answers



OSHA

- Occupational
- Safety and
- Health
- Act

Williams-Steiger Act – 1970

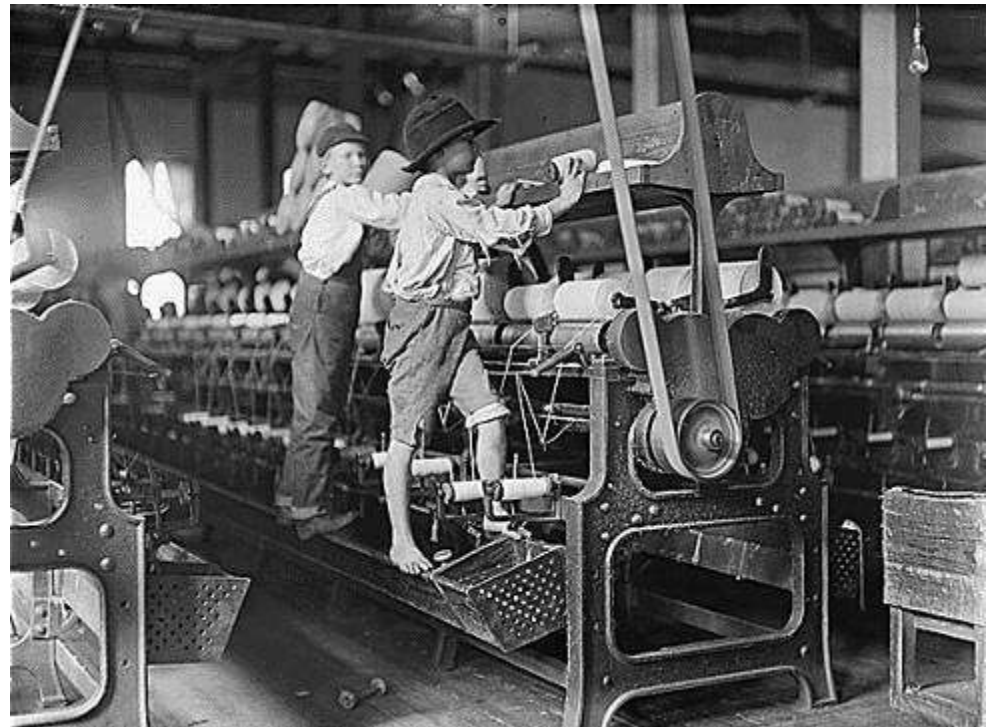
William Steiger – Congressman from Oshkosh, WI

- OSH Act was signed Dec 29, 1970 by President Richard Nixon



OSHA's Mission

- To assure so far as possible every working man and women in this nation a safe and healthful working conditions



Prior To OSHA

- Walsh – Healy Act
 - Safety Provisions for government contracts.
- Non-Regulatory:
 - NSC: National Safety Council
 - ANSI: American National Standards Institute
 - NFPA: National Fire Protection Association
 - ACGIH: American Conf. of Gov't Ind. Hygienist



Major Employer Responsibilities



- Provide a workplace free from recognized hazards
- Comply with OSHA standards and regulations
- Be familiar with standards applicable to their workplace

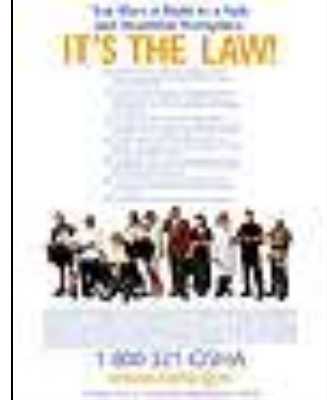


Employee Rights

- Request OSHA investigation
- Name withheld from ER –complaint
- Talk with compliance officers
- Participate in inspection and after inspection action.
- Offered Whistleblower Protection 11(c)



Employee Rights



- Review OSHA standards, rules and regulations available in the workplace.
- Request information from ER on S&H hazards, precautions, emergency procedures,
- Receive adequate training and information



OSHA Coverage

- Private Sector Employees
 - Manufacturing
 - Construction
 - Maritime
 - Health Care
 - Warehousing



OSHA does NOT cover

- Self – Employed
- Farming
 - Immediate Members of the Families
 - 10 or less Employees unless Temporary Labor Camp
- If another agency has jurisdiction
 - FAA, RR, DOT, NRC, MSHA, EPA
- Public Employees



Appropriations Rider Issues: CPL 2-0.51J

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1519

- A "**farming operation**" means any operation involved in the growing or harvesting of crops, the raising of livestock or poultry, or related activities conducted by a farmer on sites such as farms, ranches, orchards, dairy farms or similar farming operations. These are employers engaged in businesses that have a two digit Standard Industrial Classification (SIC) of 01 (Agricultural Production - Crops), 02 (Agricultural Production - Livestock and Animal Specialties), and four digit SIC 0711 (Soil Preparation Services), 0721 (Crop Planting, Cultivating, and Protecting), 0722 (Crop Harvesting, Primarily by Machine), 0761 (Farm Labor Contractors and Crew Leaders), and 0762 Farm Management Services).
- A "**temporary labor camp**" means farm housing directly related to the seasonal or temporary employment of farm workers.



Appropriations Rider Issues

- A farming operation is **exempt** from **all** OSHA activities if it:
 - Employs 10 or fewer employees currently and *at all times* during the last 12 months; and
 - Has not had an active temporary labor camp during the proceeding 12 months.

Family members of farm employers are not counted when determining the number of employees.

Part Time Employee is counted as “1” employee.



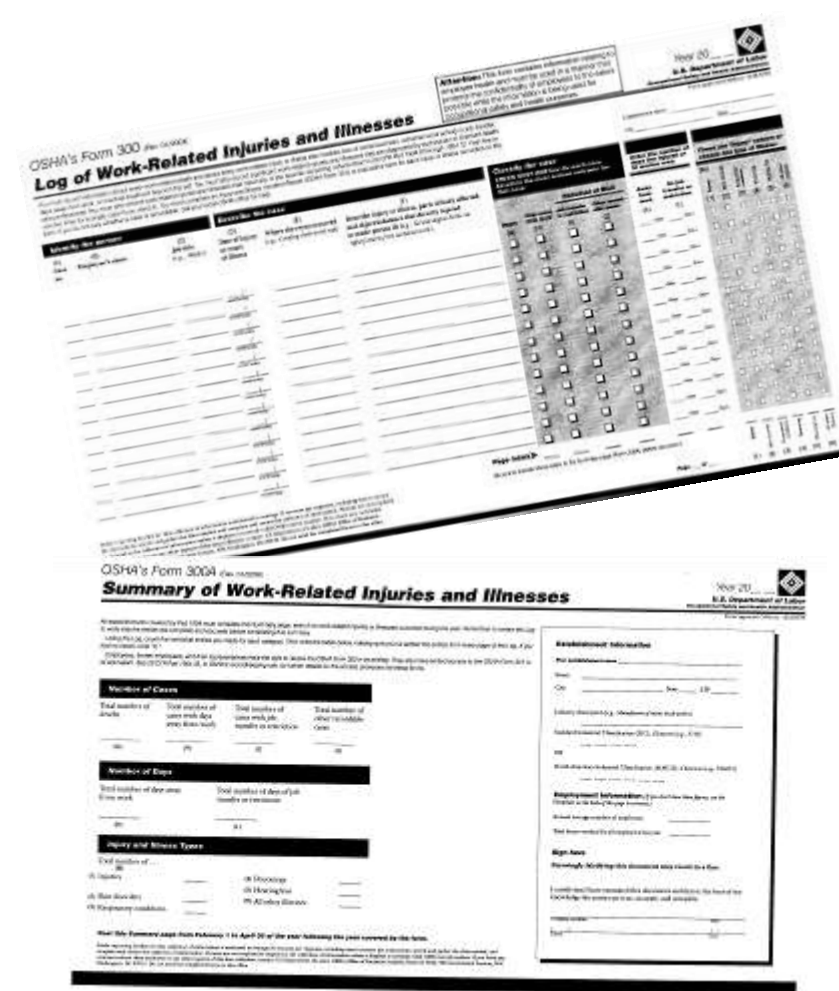
Standards Relating to Agriculture

- 29 CFR 1928: Agriculture
 - http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1928
- 29 CFR 1910: General Industry: As Referenced
 - http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=STANDARDS&p_toc_level=1&p_keyvalue=1910
- General Duty Clause – Section 5(a)(1)



Recordkeeping

- Employers of 11 or more employees must maintain records of occupational injuries and illnesses



The image displays two OSHA forms: Form 300, 'Log of Work-Related Injuries and Illnesses', and Form 300A, 'Summary of Work-Related Injuries and Illnesses'. Form 300 is a detailed log with columns for employee name, job title, date, and a grid for recording injury types such as sprains, strains, lacerations, etc. Form 300A is a summary form with sections for 'Number of Cases', 'Number of Days', and 'Injury and Illness Types', along with a section for 'Responsible Executive' and 'Sign-Off'.



1904.2 -Recordkeeping

- **All** industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors **are covered**
- **1904.1 – Size Exemption:**
 - If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep the injury and illness records unless surveyed by OSHA or BLS



Agricultural Standards: 1928

- 1928.51
 - Roll-over protective structures (ROPS) for tractors used in agricultural operations.
- 1928.57
 - Guarding of farm field equipment, farmstead equipment, and cotton gins.
- 1928.110 - Field Sanitation.

Employee Operating Instructions

1928 Subpart C App A

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments, and holes.
3. Reduce speed when turning, crossing slopes, and on rough, slick, or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads, and around trees.
6. Do not permit others to ride.
7. Operate the tractor smoothly - no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.



General Industry When Referenced in 1928.21(a)

- **1928.21(b)** Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through T and Subpart Z of part 1910 of this title do not apply to agricultural operations.
- **1928.21(a)**: The following standards in part 1910 of this Chapter shall apply to agricultural operations:
 - **1928.21(a)(1)**: Temporary labor camps - 1910.142;
 - **1928.21(a)(2)**: Storage and handling of anhydrous ammonia - 1910.111(a) and (b);
 - **1928.21(a)(3)**: Logging Operations - 1910.266;
 - **1928.21(a)(4)**: Slow-moving vehicles - 1910.145
 - **1928.21(a)(5)**: Hazard communication - 1910.1200
 - **1928.21(a)(6)**: Cadmium - 1910.1027
 - **1928.21(a)(7)**: Retention of DOT markings, placards and labels - 1910.1201



General Duty Clause

- Section 5(a)(1) of the Act
- "...that each employer shall furnish...employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."
- Applies when there is no specific standard



General Duty Clause Elements

Employee Exposure

Serious Hazard

Knowledge

Abatement Method

Recognition



Common Hazards

- Toxic Substances/Airborne Dusts
- Electrical
- Fall
- Hazardous Waste / Hazardous chemicals
- Fire and Explosion
- Dangerous Atmospheres
- Machine Guarding
- Confined Space
- Lockout – Unexpected Energy Release
- Noise



Top Four Construction Hazards

90% of Injuries and Deaths

- Falls, (e.g., floors, platforms, roofs)
- Struck by, (e.g., falling objects, vehicles)
- Caught in/between (e.g., cave-ins, unguarded machinery, equipment)
- Electrical (e.g., overhead power lines, power tools and cords, outlets, temporary wiring)



Region V

Local Emphasis Program for Grain Handling Facilities

CPL 04-00 (LEP 017) August 02.2010



Warning Letter to Grain Industry

http://www.osha.gov/asst-sec/Grain_letter.html



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U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



August 4, 2010

Dear Grain Storage Facility Operator:

Last week, two teenagers (ages 14 and 19) were killed in a tragic incident involving a grain elevator in Illinois. Both young workers suffocated after being engulfed in a bin they had entered to help clear. A third young worker was pulled out of the storage bin alive, and was hospitalized after being trapped for 12 hours.

Unfortunately, this was not a rare occurrence. Researchers at Purdue University documented 38 grain entrapments in 2009 alone. OSHA has found that grain entrapments generally occur because of employer negligence, non-compliance with OSHA standards, and/or poor safety and health practices.

I am writing to you today because it is your responsibility to prevent your workers from dying in grain storage facilities. All employers, and especially those in high hazard industries such as the grain industry, must recognize as well as prevent workplace hazards. As an employer, you must be vigilant and always follow the long established common sense safety practices that will prevent these tragedies. A copy of OSHA's *Grain Handling Facilities* standard, 29 CFR 1910.272, is enclosed for your reference. This standard contains the rules that **must** be followed. States that operate their own occupational safety and health programs under plans approved by Federal OSHA enforce comparable standards but may have different or additional requirements. A list of State plans is available at <http://www.osha.gov/dcsp/osp/index.html>.

S&H Top Hazards: Grain LEP

- Engulfment
- Auger Entanglement
- Struck By
- Fall Protection
- Electrocutation
- Combustible Dust Explosions



Machine Guarding: 1928.57



1910.147: Control of Hazardous Energy Lockout-Tagout (5a1)

- Written LOTO Procedures
 - Some equipment is exempt
- Individual Employee Protection (Locks)
- Shift Change/Authorized Lock Removal
- Annual Audit



Personal Protective Equipment (PPE): 5a1

- **1910.132 – Hazard Assessment**

- Required PPE

- **Written Certification**

- **Training**



- **Specific Requirements**

- **1910.133 – Eye / Face**

- **1910.135 – Head**

- **1910.137 – Electrical**

- **1910.95 - Noise**

- 1910.134 – Respiratory**

- 1910.136 - Foot**

- 1910.138 – Hand**

1910.146 or 1910.272: Permit Required Confined Spaces (5a1)

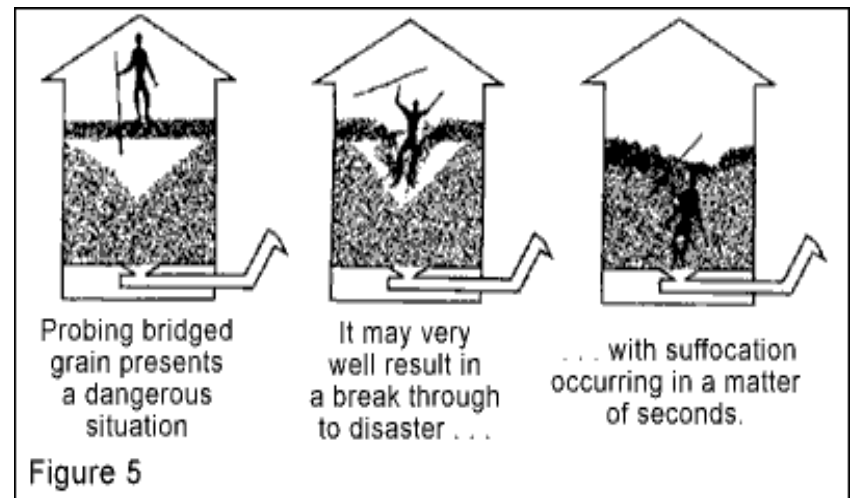
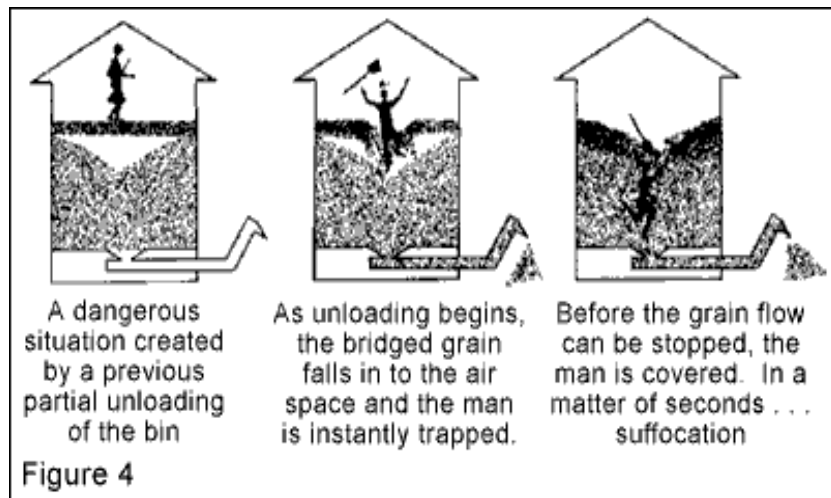
- **Identify Permit Required C.S. in workplace**
- **Prohibit Unauthorized Entry**
- **Written Program**
- **Entry Procedures**
 - **Entry Permit**
 - **Alternate Procedures**
 - **Reclassify to “Non-Permit Required”**
- **Annual Audit**



Handling Bridged Grain! 1910.272(g)(iv)(6) Violation

If grain bridges:

- Stop the auger
- Break up the bridge with a long wooden pole (not metal)



“...entrapment and burial can occur within seconds”

Manure Pits-Lagoons (5a1)

- Established Standard:
 - American Society of Agricultural and Biological Engineers (ASABE)
 - ASEA EP470 Jan 1992 (R2005)
 - Manure Storage Safety
 - Waste Storage Facility
 - National Resources Conservation Service
 - Code 313
- Hazard: Hazardous Atmosphere, Falls



Entry Concern



OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

Guarding Access- Prevent Backing into Area – PTO Shaft



Slurry Tanks – Sand Cleanout Entry Concern



1910.178: Powered Industrial Trucks Forklifts: Skid Steers (5a1)

- **Operator Training**
 - Capacity / Stability / Operator Inspections
 - Workplace Topics / Surface Conditions
 - Refresher Training
- **Evaluation of Performance**
 - At Least Every Three Years
- **Written Certification**



Powered Industrial Vehicles Not Included in Agriculture

- http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22785
- the final rule of §1910.178 **did not amend** §1928.21(a) to add §1910.178 to this list of applicable general industry standards. Thus, for those employments, which are "agricultural operations" under Part 1928, §1910.178 does not apply.



1910.1200

Hazard Communication

- **Material Safety Data Sheets**
 - Hazards of Chemical (Flammable, Toxic...)
 - Personal Protective Equipment
- **Labeling**
 - Specific Chemicals
 - Types of Chemical Hazards
- **Training**
- **Written Program**



Dairy Inspection: Fatality Available on Website

- Val-O-Farms, Inc.
- http://www.osha.gov/pls/imis/establishment.inspection_detail?id=313176083

Violation Items										
#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1.	01001	Serious	5A0001	03/26/2010	05/05/2010	\$1260	\$2100	\$0		I - Informal Settlement
2.	01002	Serious	5A0001	03/26/2010	04/21/2010	\$900	\$1500	\$0		I - Informal Settlement
3.	01003	Serious	5A0001	03/26/2010	06/18/2010	\$900	\$1500	\$0		I - Informal Settlement
4.	01004	Serious	5A0001	03/26/2010	04/28/2010	\$450	\$750	\$0		I - Informal Settlement
5.	01005A	Serious	19101200 E01	03/26/2010	06/18/2010	\$360	\$600	\$0		I - Informal Settlement
6.	01005B	Serious	19101200 G01	03/26/2010	06/18/2010	\$0	\$0	\$0		I - Informal Settlement
7.	01005C	Serious	19101200 H01	03/26/2010	06/18/2010	\$0	\$0	\$0		I - Informal Settlement
8.	01006	Serious	19280057 B01 III	03/26/2010	04/28/2010	\$450	\$750	\$0		I - Informal Settlement
9.	02001	Other	19280051 D	03/26/2010	06/18/2010	\$0	\$0	\$0		I - Informal Settlement



Basic Strategic Goals

- Strong, fair & effective enforcement
- Outreach, education, and compliance assistance
- Partnership and other cooperative programs



Inspection Priorities

- Inspection Types:
 - ID - Imminent Danger
 - FAT/CAT-(Fatality/Catastrophe)
 - Complaint / Referral
 - General Schedule



Fatality / Catastrophe

- Fatality: One or more
- Catastrophe:



– 3 or more Hospitalized (admitted)

ER must report to OSHA w/in 8 hours.
OSHA Hotline. 1-800-321-OSHA



OSHA Emergency Hot-Line

1-800-321-OSHA

- Hot-line for reporting workplace safety or health emergencies
- Provides a 24-hour point of contact to report imminent dangers on the job



Complaints

- Formal
 - Signed by a present employee or representative of employee
 - Request on-site inspection
- Non-Formal or Investigation
 - Phone/Fax
 - ER responses in writing in 5 days



Referral

- Another Agency
 - Wage & Hour has Temporary Camp Jurisdiction and can refer to OSHA
 - Police or Coroner
 - UW-Extension
- Another CSHO
- Self-Referral – “Drive-By”
 - Limited in Dairy



Drive – By Self Referrals



OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

General Schedule

- General Industry
- Construction
- Emphasis Programs
 - LEP
 - NEP
 - SEP
 - Lead, Falls, Silica, Isocyanates, Plating, Concrete, SST, PIV
 - Dairy: Concentrated Animal Feeding Operation (CAFO)



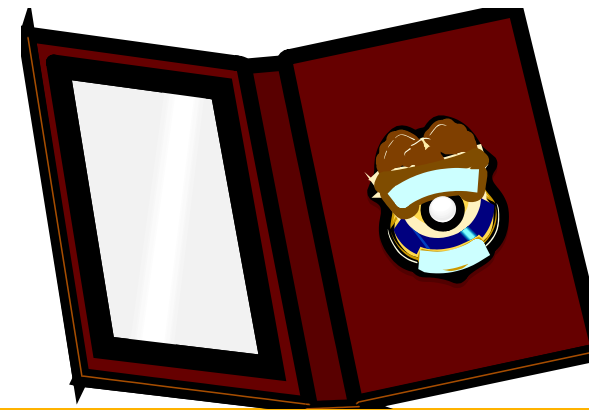
CSHO

- Compliance Safety and Health Officer
- Safety and/or Health Disciplines
- Authorized to Enter Workplace Without Advanced Notice
- Inspect & Investigation Conditions
- Question Privately Employees and Employer



On-Site Inspection

- Presentation of Credentials
- Opening Conference
- Records Review
- Program Review
- Walkaround
- Closing Conference



Legal Sufficiency – Documentation of Violations

- Violation:
 - Exposure to Hazard
 - Activity
 - How often
 - Training
 - Exact Distances
 - Hazard Cause Harm
 - Employer Knowledge
 - Existing Standard



Post Inspection Element

- Citation Issuance
 - Classification
 - Penalties

- Appeal Process
 - Informal Conference
 - Contest Rights

- Final Order
- Abatement Submission



Administrative Penalty Changes

<http://www.osha.gov/dep/administrative-penalty.html>

Background

- OSHA penalties have not been adjusted for several decades
- Work group assembled to evaluate the Agency's penalty policies
- Conclusion of the work group – current penalties are too low to have an adequate deterrent effect
- New changes announced April 22, 2010

Administrative Penalty Changes

1. Gravity-Based Penalty
2. Size
3. History
4. Good Faith
5. Increased Minimum Penalties
6. Severe Violator Enforcement Program
7. Repeat Violations
8. Informal Conference Consideration
9. Application of penalty adjustment factors

Gravity-Based Penalty

	<u>Current</u>	<u>New</u>
High/Greater	\$5,000 or \$7,000	\$7,000
Medium/Greater	\$3,500	\$6,000
Low/Greater	\$2,500	\$5,000
High/Lesser	\$2,500	\$5,000
Medium/Lesser	\$2,000	\$4,000
Low/Lesser	\$1,500	\$3,000

Size

Current Reduction

New Reduction

1 - 25

60%

40%

26 - 100

40%

30%

101 - 250

20%

10%

251 or more

None

None

History

Current

New

10% reduction

**Inspected and no
SWRF citations in
the previous 5 yrs**

**10%
reduction**

No reduction

**Inspected and HG
citations issued in
the previous 5 yrs**

**10%
increase**

**Never inspected or
no HG citations in
the previous 5 yrs**

**No
reduction
or increase**

**Consider
previous 3 yrs**

**Citations
within the
previous 3 yrs**

Good Faith

- New policy will retain evaluating an employers safety and health program
- The additional 10% reduction for participation in a strategic partnership has been eliminated

Increased Minimum Penalties

- Minimum penalty for a serious is increasing from \$100 to \$500
- Minimum penalty for a posting violation will increase from \$100 to \$250 if the company was previously provided a poster by OSHA

In effect 10-1-2010

- All inspections with an opening conference date on or after 10-1-2010 will be under the new calculations
- All prior to 10-1-2010 opening conference dates will be under the old policy

Severe Violator Enforcement Program

- Modifies guidance for grouping related HG serious violations and permits citing each with its own penalty
- AD may limit adjustment for SVEP related violations to achieve the appropriate deterrent effect

Repeat Violations

Current

Proposed if a final order citation in the previous 3 yrs

New

Proposed if a final order citation in the previous 5 yrs

Informal Conference Consideration

Current

-AD may reduce penalty up to 50%

Greater than 50% requires RA approval

New

- AD may reduce penalty up to 30%.
>30 % reduction requires RA approval

- AD may offer an additional 20% if an outside H&S consultant is hired

- No longer allow penalty reduction when employer has an outstanding balance owed to OSHA at this establishment or others. If on a penalty plan, penalty reduction may be granted.

Application of Penalty Adjustment Factors

- All penalty reduction factors summed and multiplied by the Gravity-Based Penalty (GBP)--currently
- Penalty adjustment factors will be applied serially to the GBP---new policy

Serial adjustment

Sample Moderate Gravity Penalty Comparison: Summed versus Serially Calculation

Sample Data	Summed	Serially*
High/Lesser	\$5,000	\$5,000
History (10%)		\$4,500 -10%
Good Faith (15%)		\$3,825 - 15%
Quick Fix (15%)		\$3,251 - 15%
Size (30%)	10% + 15% + 15% + 30% = 70%	\$2,275 - 30%
Result	\$1,500	\$2,275 [†]

Impact

- Medium size employer 50 employees
- Received a serious (HG) citation four years ago
- Good safety program

Serious Violation

High Severity Lesser Probability

- Old System
 - \$2500
 - History -10%
 - Good Faith -15%
 - Quick Fix -15%
 - Size -40%
 - \$500
- New System
 - \$5000
 - History +10% \$5500
 - Good Faith – 15% \$4675
 - Quick Fix -15% \$3973.75
 - Size -30%
 - \$2781.62

Summary

- Dairy Farms will be inspected
- Hispanic Outreach Emphasis Program
- Training Critical:
 - In the language understood
- Documentation Important



Safety and Health Resources

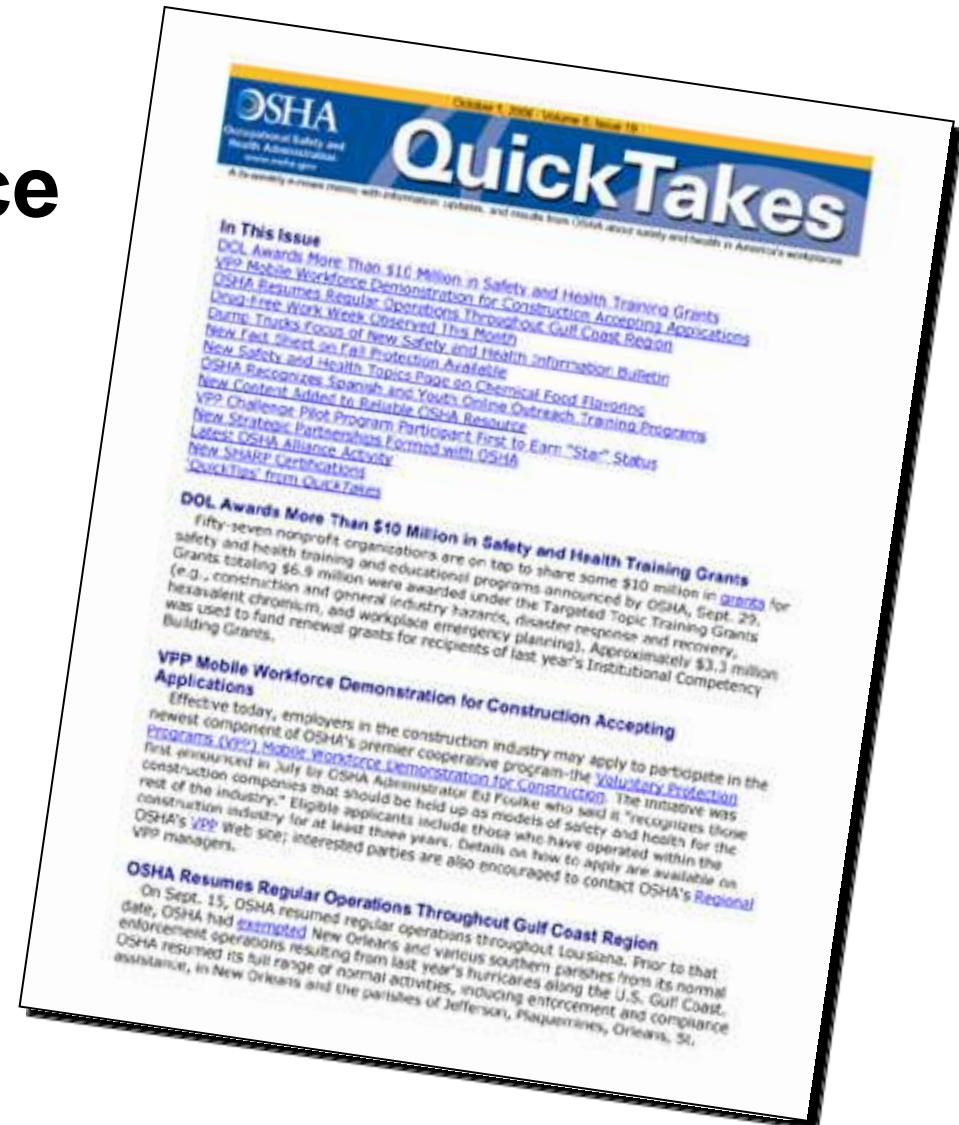
Web Page Assistance



[Compliance Assistance Quick Start](#) is a tool to introduce employers and employees, especially those at new or small businesses, to the compliance assistance resources on OSHA's website. Quick Start currently includes modules for:

- [General Industry](#)
- [Construction](#)
- [Health Care](#)
- [Hispanic Outreach](#)

By following the step-by-step guides, you can generate an initial set of compliance assistance materials tailored to your workplace

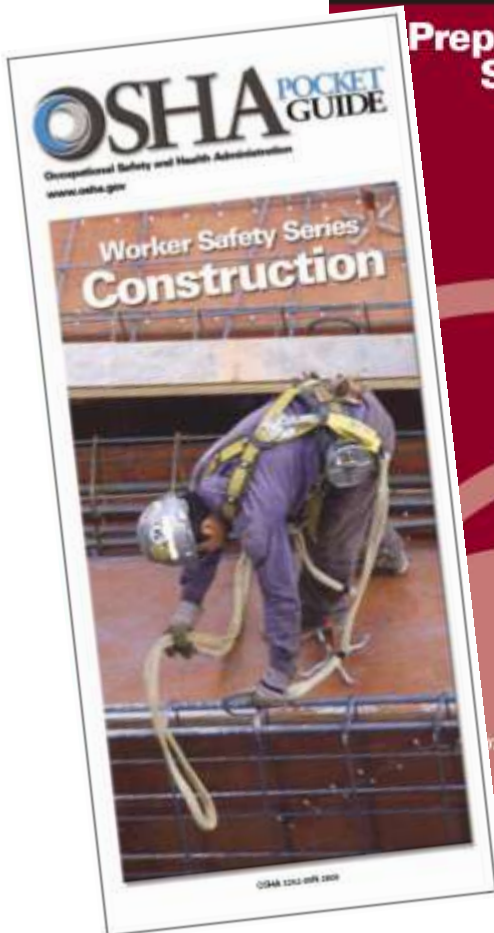


Resources: Safety Pays

The screenshot displays the Microsoft Internet Explorer browser window for the OSHA Small Business Assistance website. The address bar shows the URL: <http://www.osha.gov/dcs/smallbusiness/safety Pays/estimator.html>. The page header includes the U.S. Department of Labor Occupational Safety & Health Administration logo and the website address www.osha.gov. The main heading is "OSHA's \$afety Pays Program". Below the heading, there are navigation tabs for "Home", "Estimator", "Background", and "Credits". The "Estimator" tab is selected. The main content area is titled "Estimated Costs of Occupational Injuries and Illnesses and Estimated Impact on a Company's Profitability" and includes a "[Text Version]" link. The text explains that the "Safety Pays" program helps estimate cost gains from preventing occupational injuries and illness. Below this, the "Direct Costs" section lists five steps for using the estimator: 1. Select an injury type from the drop-down menu OR enter the total workers' compensation costs. 2. Enter the profit margin (leave blank to use default of 3%). 3. Enter the number of injuries (leave blank to use default of one). 4. Select "Add/Calculate" to compute the total direct and indirect costs. 5. Repeat the step to add additional injuries to the list. At the bottom, there is a form with a dropdown menu for "Injury Type" and a text input field for "Workers' Compensation Costs (annual sum of costs)". The Windows taskbar at the bottom shows the Start button, system tray, and several open applications including "C:\Documents a...", "OSHA UPDATE...", "Pondulac 2008...", and "OSHA Small Busl...". The system clock shows "1:02 PM".

Demonstrate
the Economic
Sense for
Safety and
Health
Initiatives

Resources: Publications Page On the Web



Preparing and Protecting Security Personnel in Emergencies



Web Page E-tools

The E-Tool provides a detailed review of the technically complex requirements of a particular standard or issue; inform employers of their obligations to develop the appropriate hazard prevention and control methodologies; and the E-Tool seeks to clarify specific topics that are often questioned or misunderstood by explaining the requirements, referencing OSHA interpretation letters and related industry consensus standards and highlights some best practices.

Provides useful ways of empowering workers to understand the steps their employers must implement in order to provide them with a safe and healthful work environment.

SAFETY AND HEALTH TOPICS

—
Grain Handling

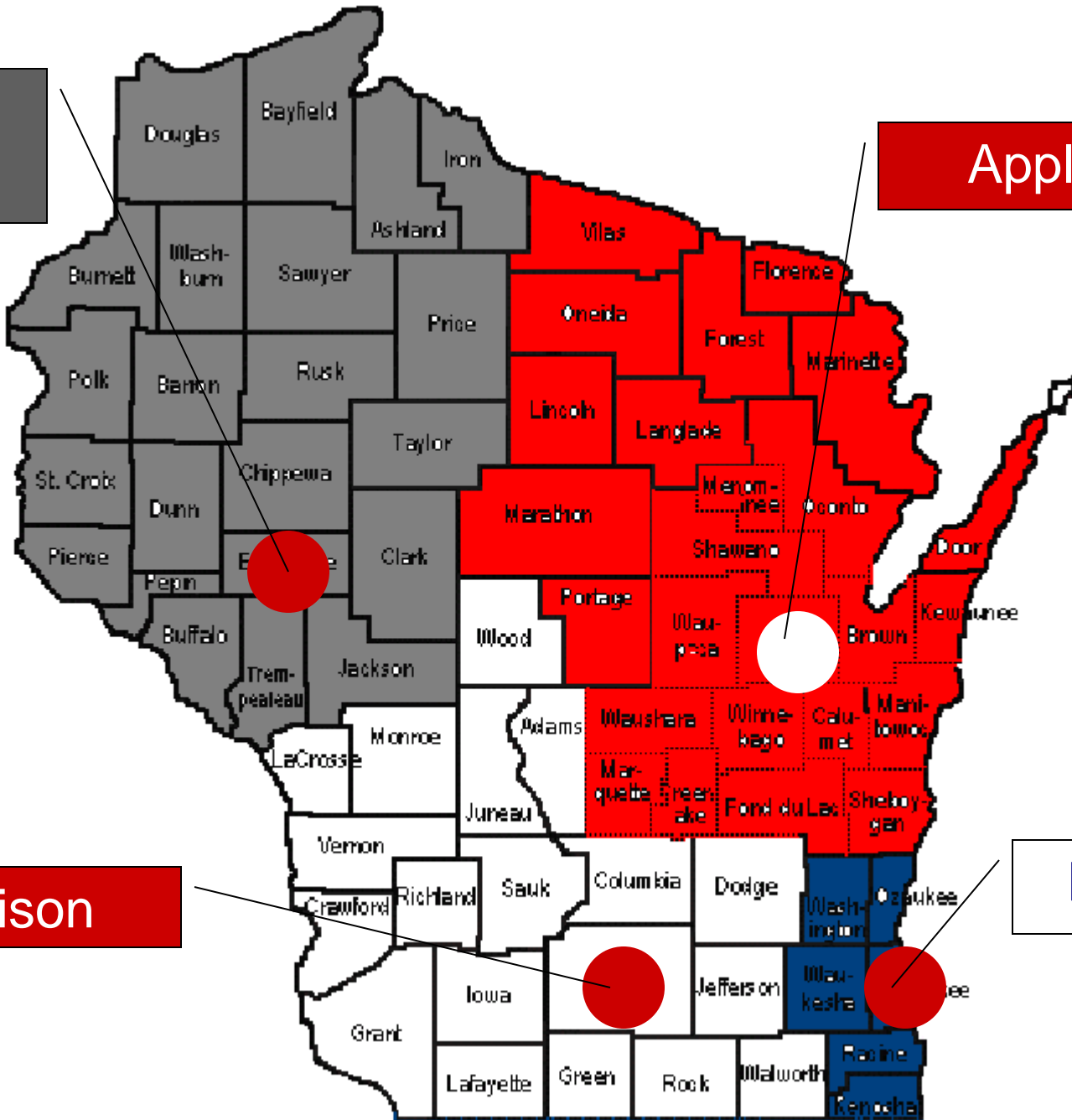


Outreach, Education and Compliance Assistance

- www.osha.gov
 - E-tools
 - Subject Index
- Compliance Assistance Materials
- OSHA Training Institute
- OSHA Training Grants (FISTA)
- OSHA CONSULTATION Service
- Compliance Assistance Specialists with in Area Offices (CAS)

Eau
Claire

Appleton



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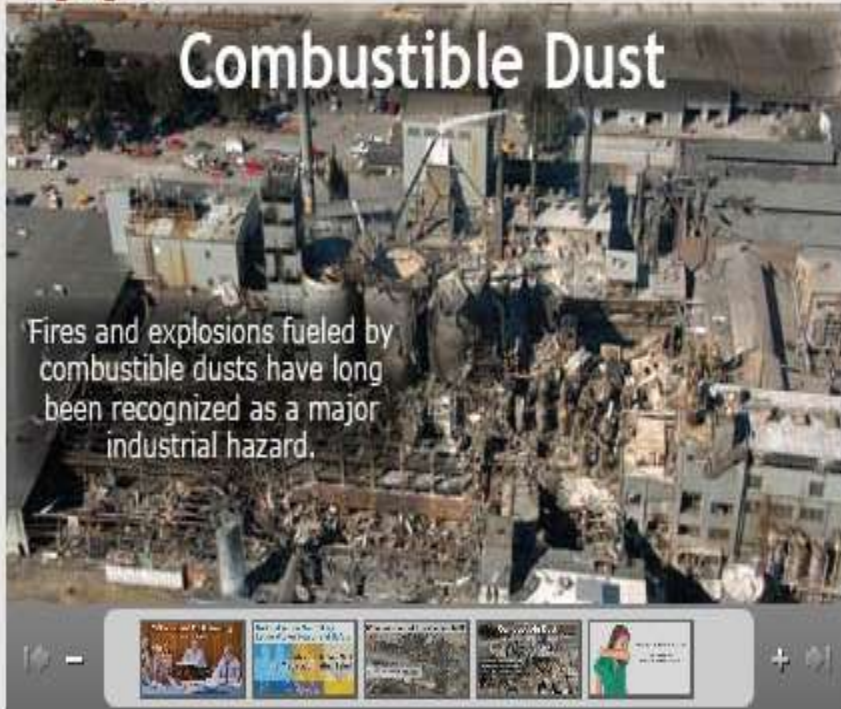




Highlights

Combustible Dust

Fires and explosions fueled by combustible dusts have long been recognized as a major industrial hazard.



Latest News

February 10

- Statement of U.S. Secretary of Labor Hilda L. Solis on the Explosion in Middletown Conn. [02/09/10]
- Secretary Solis presents department's budget request for FY 2011 [02/01/10]
- New marine cargo handling operations QuickCards [02/01/10]
- Secretary Hilda L. Solis and agency heads to discuss US Labor Department's fiscal year 2011 budget through live Web chat on Monday, Feb. 1 [01/28/10]
- US Department of Labor's OSHA proposes recordkeeping change to improve illness data [01/28/10]
- OSHA schedules combustible dust meetings [01/27/10]
- Updated OSHA guidance to protect late-night retail workers [01/27/10]
- OSHA releases workplace injury and illness information [01/27/10]
- OSHA cites Mueller Industries subsidiary in Fulton, Miss., for safety and health violations, proposing \$683,000 in penalties [01/25/10]

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Worker Fatalities

Connecticut Power Plant Explosion, Kleen Energy Systems, Middletown CT, Sunday, Feb 7. At least 5 workers were killed and at least 12 injured.

Our thoughts and prayers go out to the families, friends and loved ones of those workers and injured in Sunday's explosion in Middletown. The safety and health of workers is of paramount importance to me and to the U.S. Department of Labor. Inspectors from OSHA arrived on site Sunday afternoon to conduct a comprehensive investigation and are working in cooperation with other agencies.

Wisconsin Construction & Gen Industry Safety Newsletters

- Published 3-4 times each year
- Focuses on upcoming and hot topics
- Provides Regional fatality data and most frequently cited issues

November 2007
Volume 6, Issue 2

Inside This Issue

- I-35W Update
- Wind Effects on Scaffolds
- Fatalities
- Top 10 Construction Violations



I-35W Update

On August 1, 2007 the Interstate Highway 35 bridge in Minneapolis, MN collapsed into the Mississippi River. Tragically, 13 lives were lost but fortunately hundreds lived to tell about it. The I-35W Mississippi River bridge was an eight-lane, 1,907 foot steel truss arch bridge. It was completed in 1967 and was maintained by the Minnesota Department of Transportation. It carried about 140,000 vehicles a day.

Minnesota is a State-Plan OSHA state and has its own OSHA program that the Eau Claire, WI office oversees. However, federal OSHA has jurisdiction over the navigable waterways including the Army Corp. of Engineers' Lock and Dam. Federal OSHA also has jurisdiction over the federal workers.

As with the case of other tragic events, such as the World Trade Center/ Pentagon and Katrina Hurricane, Federal OSHA responded as a 'compliance assistance' mode to be a resource on-site for safety and health information and guidance. The Eau Claire Area Director, Mark Hysell, and Lead Safety and Health Specialist, Carl Schmack, were immediately dispatched to the scene and were integrated into the Incident Command structure for the rescue and recovery operations.

(Continued on page 2)



At the north end of the bridge and looking towards the south.

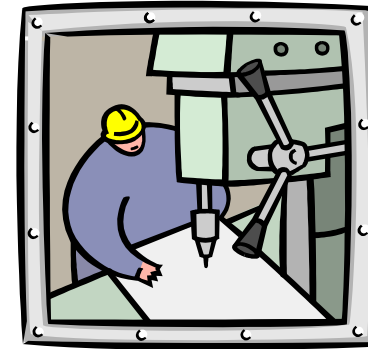
State Consultation Service

1-800-947-0553

- Provided **at no cost** to employers
- Developed for **smaller** employers with more hazardous operations
- Delivered by WiSCon or the State Laboratory of Hygiene
- **No penalties are proposed or citations issued**
- Possible **violations** of OSHA standards **are not reported to OSHA** enforcement staff unless employer fails to eliminate or control any serious hazard or imminent danger



Section 11(c)

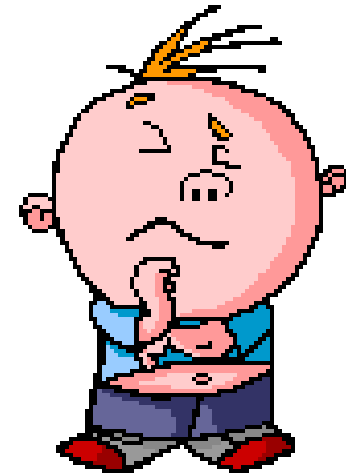


Discrimination can include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denial of benefits
- Failure to hire or rehire
- Intimidation
- Reassignment affecting future promotions
- Reducing pay or hours



QUESTIONS



Disclaimer

- This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics *or hazards*, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.



