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Compliance Questions and Answers
Employee Hand out Manuel

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The following **frequently asked questions** represent our twenty two plus years of experience in supporting the **OSHA** compliance needs of general industry in the United States.

Question 1

We are a small, family-owned shop with only seven employees. **OSHA** surely would not bother visiting us, would they?

Answer to question 1

Your odds of being audited by **OSHA** are lessened for a shop with fewer than ten employees, but you would be audited if a present or former employee were to go to **OSHA** and sign a written complaint that alleges safety violations at your shop and you could be audited under an existing **OSHA NEP** (National Emphasis Program), such as the NEP that is on-going nationwide for the printing industry.

Question 2

Does OSHA ever audit a company like ours who has not had a lost time accident in the last several years?

Answer to Question 2

It depends! Just as in the first question, **OSHA** virtually always audits alleged safety complaints when the present or former employees make a personal visit to **OSHA** and sign a formal written complaint. Also, even if your former employee (usually just fired) only makes a "sour grapes" phone call complaining of safety issues to **OSHA**, then **OSHA** will write you a letter outlining the allegations with a demand for your expeditious written response (normally they must receive your written response within seven to fourteen days). Even if your response is acceptable to **OSHA**, their letter usually states that they still visit **10%** of the companies who have made a favorable response. Additionally, if your company has grown dramatically in recent years and added new employees, **OSHA** might visit you to see if your safety program coverage has kept up with your company's growth.

Finally, you could be visited due to a cross agency referral. For example, your company might be in process of expanding a currently existing building or building a new one. Some cities or counties might report you to **OSHA**, if they felt you had safety issues endangering some of your employees.

Question 3

Does the fact that we've had an employee hospitalized from an accident at work increase the likelihood of an unannounced OSHA audit?

Answer to Question 3

Probably! Effective **1/1/2015**, most states now require you to notify **OSHA** within **24 hours** of any work related inpatient hospitalization, amputations or loss of an eye. In California, you must notify within 8 hours! Also, if this accident causes your workers comp. mod. to exceed the average for your industry, then you're more likely to be targeted for a visit under the

General Schedule guidelines. Additionally, especially if you are in California, if any government agency was involved in responding to this accident, i.e. paramedics, then an **OSHA** visit is imminent! By law in California, the paramedics must inform **OSHA** of any serious work related accident they respond to. In some states, there would have to be a fatality, a dismemberment, or multiple people hospitalized to invoke an **OSHA** visit.

Question 4

I have locks and tags for my employees to use when working on equipment. Is there anything else I need to do for compliance with the Lockout/Tagout standard?

Answer to Question 4

Yes! Not only do you need to have locks and tags, you also must have a written program detailing the requirements of lockout /tagout, as well as training for your employees based on what category of employees they fall under. These categories are: - Authorized Employee (the actual person doing the work on the equipment), - Affected Employee (the employee who works closely with the equipment but doesn't perform extensive maintenance on it), and - Other Employee (the helper, neighboring equipment operator etc.). Another important requirement is to have specific written procedures for each machine that requires Lockout and Tagout.

Question 5

I have Personal Protective Equipment such as gloves and safety glasses for my employees to use if they want to. Am I doing enough to satisfy OSHA?

Answer to Question 5

No! OSHA requires that you as an employer or supervisor do a written assessment of your work area to determine if hazards are present or are likely to be present which would necessitate the use of Personal Protective Equipment (PPE). If, through a thorough assessment, you determine that PPE is necessary, the use of that equipment must be enforced! In other words, it is not up to the individual employee to decide if or when they are going to use PPE, rather it is the situation and written procedures (based on your written hazard assessment) that determine when it is used. You must also have a complete written program and training as well as annually review the program to ensure its effectiveness and accuracy.

Question 6

How frequently should my company's Safety Data Sheets (SDS) be updated?

Answer to Question 6

The Hazard Communication Standard does not give a specific timetable for updating SDSs. It does however require you to provide the latest version of any SDS. Therefore, if a manufacturer updates their SDS two or three times a year, then likewise your company must make available to your employees those latest SDSs. As a practical matter, you must have a system in place to periodically request from all of the manufacturers whose chemical you use, the latest SDSs. We at ACS provide that service to our customers, thus relieving them of the tedious process of constantly requesting and updating SDSs. We electronically update our customers' SDSs on an on-going basis, as we receive those manufacturer updates.

Question 7

I heard that my company should keep track of injuries. How exactly do I do that?

Answer to Question 7

OSHA requires those companies with eleven or more employees maintain an OSHA 300 Log of Injuries and Illnesses. The summary Form 300A is to be posted February 1st to May 1st of the following year that you are recording for. For example, in 2015 you must keep a record of the work-related injuries and illnesses that occurred throughout the year. Then you post those results from February 1st to May 1st of 2016. Failure to do so will lead to citations and possible serious fines.

Question 8

What is the most often cited OSHA violation?

Answer to Question 8

Across all of general industry, failure to have a written Hazard Communication Program is consistently the most often-cited violation. Therefore, having a written program and seeing that your employees are effectively trained should be a major priority! Especially now that the GHS (Globally Harmonized System) of chemical hazard identification has been adopted by the United States **OSHA**, your HAZCOM Program will be closely scrutinized.

Question 9

Since our company is small, do we still need an eyewash station? Will a squeeze bottle do?

Answer to Question 9

Yes, your company still needs an eyewash if there is any possibility that a splash could result in an employee getting something in their eye. An eyewash by OSHA standards is one that provides at least 15 minutes of continuous flow of cool, clean water. Therefore a plastic squeeze bottle can never be used in lieu of a 15 minute eyewash. They can be used as an intermediate treatment while en route to an eyewash, and you must have a 15 minute unit within 10 seconds (federal standard) of all potential chemical splash sites. There are many requirements for proper eyewashes. Please ensure that your company complies with them!

Question 10

My Employees like to use "Dust Masks" ...does that require a formal Respiratory Protection Program?

Answer to Question 10

Not Likely. If the dust mask had to be worn for safety-sake as opposed to simply for comfort... then yes. Otherwise, a Respiratory Protection Program and training would be required for all respiratory protection devices including half and full face respirators. Basic requirements involve having to do the following:

1. Those employees who are to wear respirators must undergo an annual physical screening. (Documented)
2. Furthermore these same employees must undergo annual training that includes fit-testing.

NOTE: the use of respirators themselves is only required if employees work in atmospheres contaminated above a Permissible Exposure Limit (PEL).

Question 11

Does OSHA require us to have an Injury and Illness Prevention Program (IIPP)?

Answer to Question 11

It depends on your state. If you are in WA, CA, OR for example, then yes. Otherwise, if you are in a Federal OSHA state or a state that follows the federal program nearly 100% like AZ then you do not have to have an IIPP program. However, they are highly recommended because these programs tend to "fill-in-the-safety-gaps" so to speak for your company. For example, they normally cover Disciplinary Actions, Hazard Assessments, creating Codes of Safe Practices specific to your company's needs and safety committee establishment. Remember, in any OSHA audit, any good-faith efforts you do must be considered by OSHA in assessing your violations and fines.

Question 12

Do we have to do a "Fire-Drill" every year?

Answer to Question 12

The answer is **OSHA** does not require Fire-Drills per se though it does require "Evacuation-Training". Employees must know what to do in the event of a fire or other emergency. Common sense would tell you that "Evacuation Training" would be more effective if it included fire-drills. Some municipalities require (based on the "Fire-Code") that certain types of occupancies perform Fire Drills such as schools and High-Rise Buildings. But regular general industry entities do not have to perform fire drills ...but again they are a great idea! Now, what OSHA does require is that if you have 10 or more employees you must have a formal written "Fire-Prevention Plan" and "Emergency-Action Plan" suited to your particular needs. If you have less than 10 employees this information is still to be communicated, however, a written-formal plan is not required. But not having a written plan is impractical, even if you do informal training, because your training would likely be inconsistent and therefore not very effective. So why take the chance? In this case, exceed the standard to ensure your employees safety!

Question 13

We do not have a forklift at our facility but we do have a "motorized pallet jack". Do we still need to train the operators?

Answer to Question 13

Most definitely yes. Any device that is "motorized" and moves material under its own power is required to abide by the same training requirements as Forklifts such as retraining every 3 years, daily checklists, Classroom and Operational (driving test) training etc. Therefore, motorized pallet jacks and Straddle lifts require this type of training. This area of **OSHA** compliance is usually in the top 10 most-cited violations.

Question 14

Our Corporate office wants us to have a "Bloodborne-Pathogens-Program". Is this really necessary?

Answer to Question 14

The only time you would need to have a Bloodborne Pathogen Program and training is when your employees are "routinely-exposed" to Bloodborne hazards such as having to have a first aid person onsite when your plant is more than 5 minutes from a 911 paramedic response (some states less). However, it is a good training to have as well as First-Aid training but not required unless your employees are "Occupationally-Exposed".

Question 15

When does a company have to have a Formal Hearing Conservation Program?

Answer to Question 15

When any employee is exposed to more than 85 decibels dba for a time-weighted-average of 8 hours, then a formal Hearing Conservation Program would be required. This would include annual audio hearing exams. To determine if this requirement applies to your company, you must obtain the services of a noise-testing company that will place "Dosimeters" on those suspected-affected employees to determine if indeed they are exposed to 85 dba for 8 hours on average. If yes, then you must have a formal Hearing Conservation Program.

What would OSHA think of our one-hour safety orientation that we conduct with all new employees that includes a plant tour and an explanation of our emergency procedures for dealing with fires, earthquakes, and on-the-job accidents? We also show them our FOHFS Book, and we let them know that their supervisor will gladly answer their questions about job hazards.