Annual OSHA Update

Erica Baird, ASP, CPCU, ARM
Aspen Risk Management Group
April 22, 2025

Content Disclaimer

The information presented is general in nature and is intended to present an overview of employment practices.

The written and verbal contents of the presentation are not intended to constitute consulting and/or advice, and no client relationship is established between the presenter and attendees.

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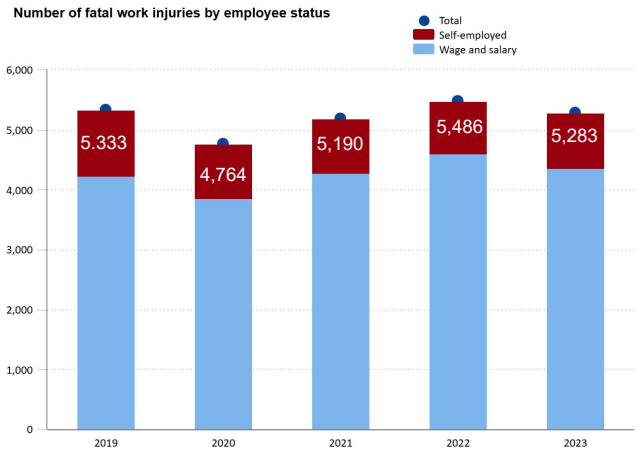
Agenda

- Review of recent National Fatality and Injury Statistics
- OSHA's Top 10 Citations
- Federal and State Standards
  - Pre-Rule
  - Proposed
  - Final
- Next Steps
- Questions

Work-Related Fatal Injuries – 2023



Source: U.S. Bureau of Labor Statistics.

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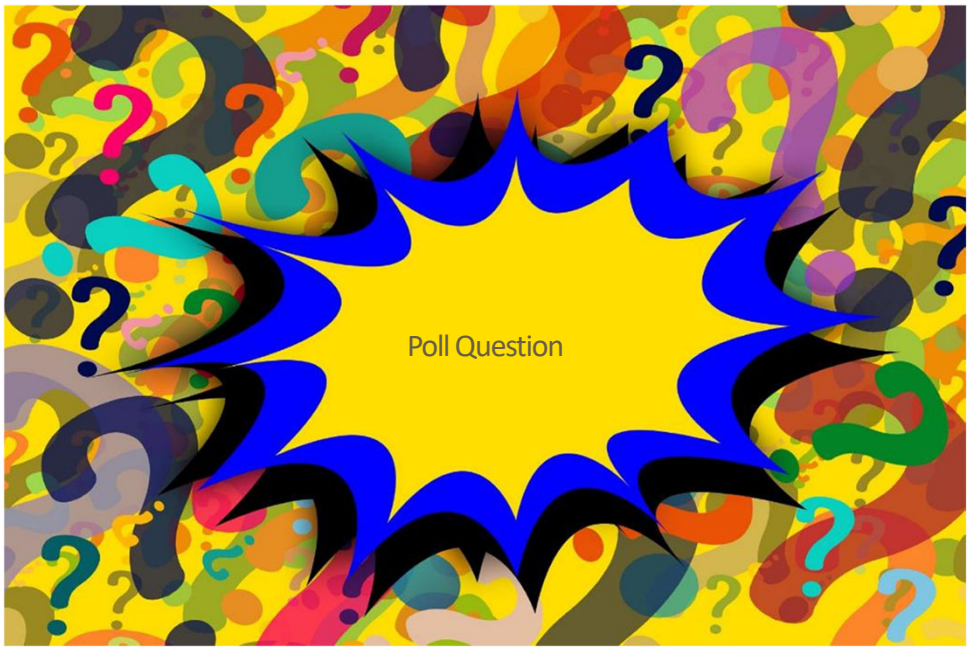
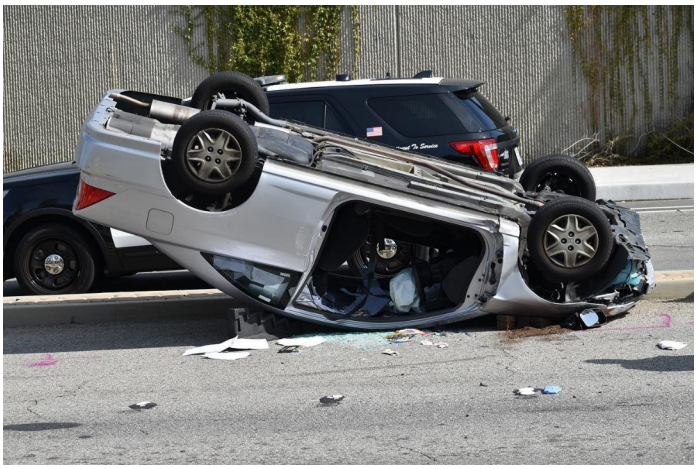
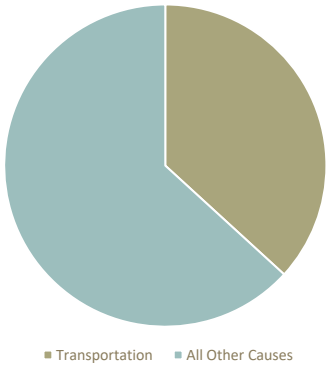


Transportation Incidents





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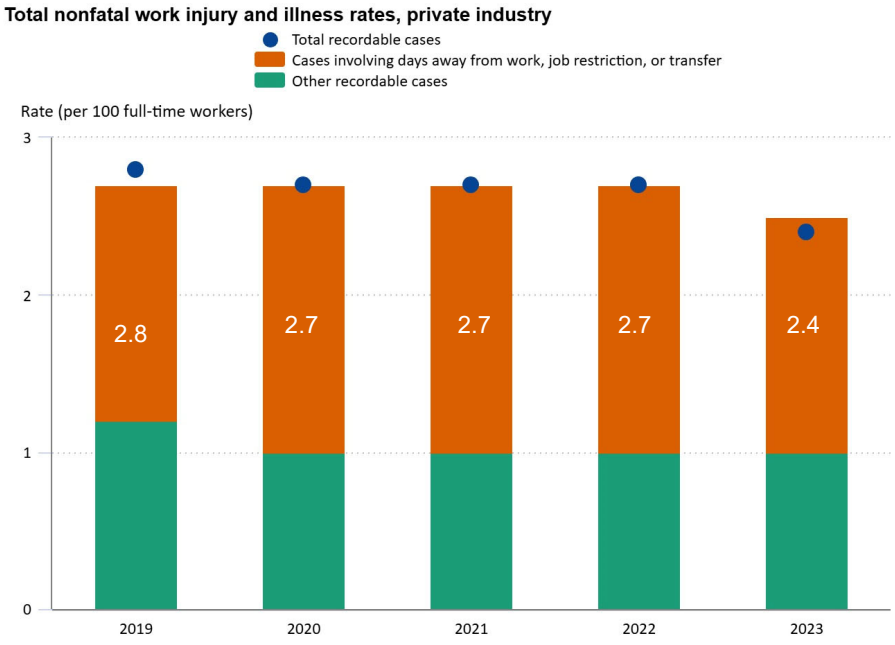
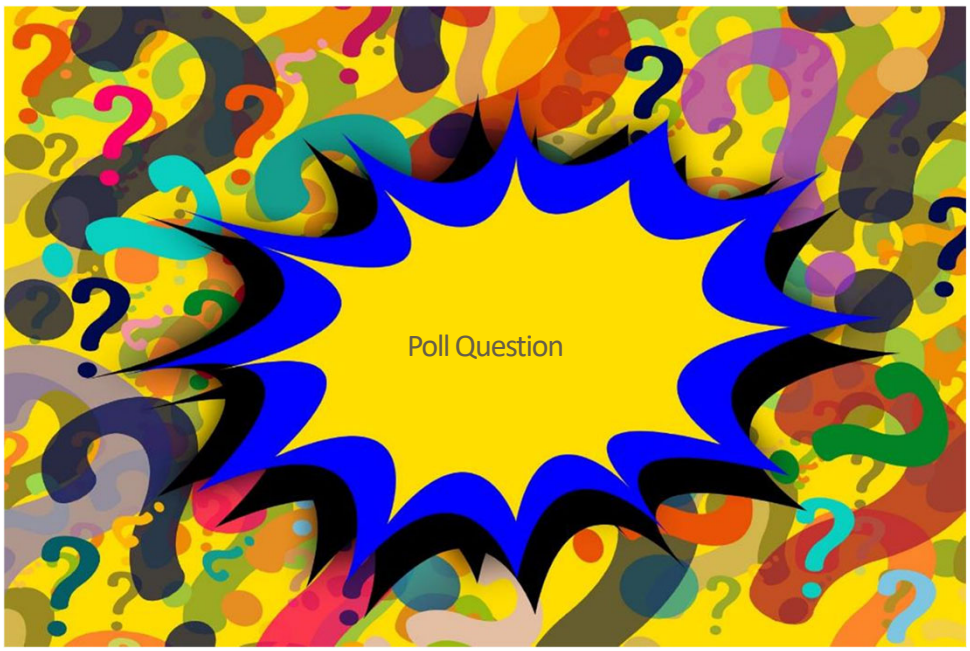


Source: U.S. Bureau of Labor Statistics.



2024 Federal OSHA Top 10 Citations

1. Fall Protection (1926.501): 6,307 – PY 7,721
2. Hazard Communication (1910.1200): 2,888 – PY 3,213
3. Ladders (1926.1053): 2,573 – PY 2,978
4. Respiratory Protection (1910.134): 2,470 – PY 2,481
5. Lockout/Tagout (1910.147): 2,443 – PY 2,554
6. Powered Industrial Trucks (1910.178): 2,248 - PY 2,561
7. Fall Protection Training (1926.503): 2,050 – PY 2,112
8. Scaffolding (1926.451): 1,873 – PY 2,859
9. Personal Protective & Life Saving Equipment – Eye and Face Protection (1926.102): 1,814 – PY 2,074
10. Machine Guarding (1910.212): 1,541 – PY 1,644

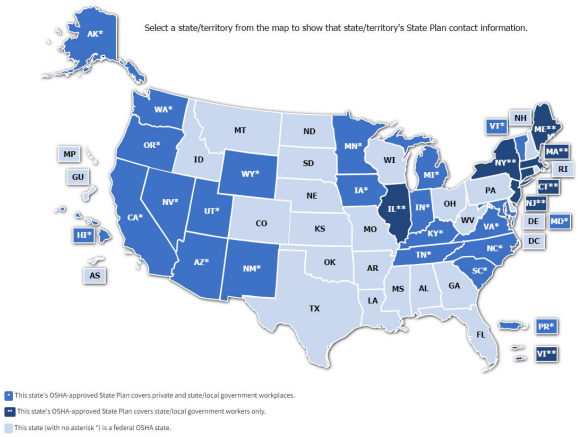
OSHA in the News

Arizona congressman Andy Biggs wants to abolish OSHA oversight nationwide

Rey Covarrubias Jr.
Arizona Republic
Feb. 10, 2025, 1:50 p.m. ET

OSHA

- Occupational Safety and Health Administration
  - Enforcement Unit
  - Consultation Unit
  - Other units – for issuing permits, certifications, licenses, etc.
- Appeals Board
  - Decides on actions taken by the Enforcement Division
- Standards Board
  - Promulgates Safety & Health Regulations



ENFORCEMENT AND INSPECTION, PERSONNEL SAFETY, REGULATORY DEVELOPMENTS

ASSP Voices Concern Over NIOSH Reorganization

By Guy Burdick, EHS Daily Advisor | Apr 3, 2025 | Enforcement and Inspection, Personnel Safety, Regulatory Developments

Updated: Apr 3, 2025

On April 2, the American Society of Safety Professionals (ASSP) expressed concerns about reductions to the National Institute for Occupational Safety and Health (NIOSH) as part of a Department of Health and Human Services (HHS) restructuring plan. The group also voiced concerns about a proposal not to renew leases for Occupational Safety and Health and Administration (OSHA) area offices.

HHS announced on March 27 it would create an Administration for a Healthy America (AHA), combining NIOSH with the Office of the Assistant Secretary for Health (OASH), Health Resources and Services Administration (HRSA), Substance Abuse and Mental Health Services Administration (SAMHSA), and Agency for Toxic Substances and Disease Registry (ATSDR).

In a policy position statement, the ASSP urged members of Congress to carefully review the HHS decision to move NIOSH, which is part of the U.S. Centers for Disease Control and Prevention (CDC), under the newly created AHA. It also asked representatives and senators to take steps to preserve NIOSH's role in safeguarding the health and safety of American workers.

"We are closely monitoring these probable agency changes, knowing they would have lasting effects on workplace safety, industry innovation, and worker well-being," ASSP President Pam Walaski said in a statement.

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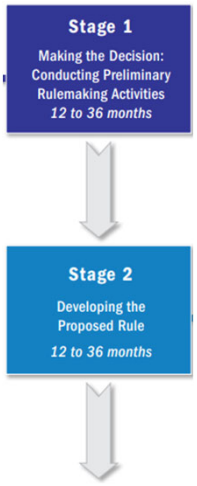
Prerule Stage

Federal



Federal – Topics Under Review

Prerule Stage	Blood Lead Level for Medical Removal

Source: https://www.osha.gov/laws-regs/unifiedagenda/currentagenda

Blood Lead Levels

Current OSHA Guidelines for Medical Removal:

- General Industry: 60 µg/dL
- Construction: 50 µg/dL
- Employees can return when blood lead levels drop below 40

Medical findings indicated adverse health effects can result at nearly any level of lead exposure. Examples of health effects include:

- Hypertension, seen in a range of 1-40 µg/dL
- Cognitive Dysfunction, seen in a range of 20-40 µg/dL
- Effects on Renal Function <5 µg/dL
- Effects on Reproductive Systems, seen in a range of 1-30 µg/dL

Prerule Stage

State

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Oregon

Lead (PEL)

Summary: The Permissible Exposure Limits (PEL) Advisory Committee evaluated Oregon OSHA's regulated substances listed in our air contaminant rules. Lead and Manganese were the first standards selected for revision, because workers in Oregon were exposed to these substances across a wide range of industries.

Timetable: The rulemaking process for Lead was initiated in late 2017, but was suspended to allow rulemaking for Manganese and COVID-19 to be completed. The rulemaking process for Lead was restarted in May of 2023. If you would like to join the stakeholders group for Lead rulemaking, contact Linda Pressnell and provide your name, contact information, and affiliation. For meeting minutes and more information about the stakeholder group, see the Lead Advisory Group page.

Hazard Communication

Summary: The US Occupational Safety and Health Administration drafted the revised hazard communication standard for commercial products to better protect workers and align US requirements closer to international guidance set by the UN in 2017 (RIN:1218-AC93). The current hazard communications standard, last revised in 2012, requires chemical manufacturers or importers to classify the dangers of chemicals and to notify users and customers by labeling containers and providing safety data sheets. Employers must provide their workers with information and training about the chemicals they are exposed to. Chemical manufacturers and others have new requirements for commercial product warning labels. The final rule was published 5/20/2024 in the Federal Register. There is a FAQ on the federal OSHA website. Oregon OSHA has six months to adopt the new requirements to be at least as effective as federal OSHA.

Timetable: On September 24, 2024, Oregon OSHA filed a notice of proposed rulemaking to adopt changes to Hazard Communication (29 CFR 1910.1200) published in the May 20, 2024, Federal Register. However, on October 9, 2024, federal OSHA published corrections and technical amendments to the Hazard Communication standard, as well as indicated their intent to make additional corrections in the future. This rulemaking is currently on hold as Oregon OSHA is awaiting further updates from federal OSHA.

Washington

- Occupational Exposures to Infectious or Contagious Diseases
- Trenching Rescue and Excavation Plan
- Lead
- Explosives – Safety standards for possession, handling and use
- Ergonomics – Scheduled Airlines – Ground Crew Operations
- Tower Crane Permit & Safety Requirements
- Worker Walk Around Rule

Proposed Regulations

Federal

Federal Proposed Rule

Proposed Rule Stage	Infectious Diseases
Proposed Rule Stage	Amendments to the Cranes and Derricks in Construction Standard
Proposed Rule Stage	Process Safety Management and Prevention of Major Chemical Accidents
Proposed Rule Stage	Shipyard Fall Protection--Scaffolds, Ladders and Other Working Surfaces
Proposed Rule Stage	Communication Tower Safety
Proposed Rule Stage	Emergency Response
Proposed Rule Stage	Lock-Out/Tag-Out Update
Proposed Rule Stage	Tree Care Standard
Proposed Rule Stage	Prevention of Workplace Violence in Health Care and Social Assistance
Proposed Rule Stage	Welding in Construction Confined Spaces
Proposed Rule Stage	Walking-Working Surfaces
Proposed Rule Stage	Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection
Proposed Rule Stage	Heat Illness Prevention in Outdoor and Indoor Work Settings
Proposed Rule Stage	Rapid REDON Fit-Testing Protocol: Amendment to Respiratory Protection Standard Appendix A

Source: https://www.osha.gov/laws-regs/unifiedagenda/currentagenda

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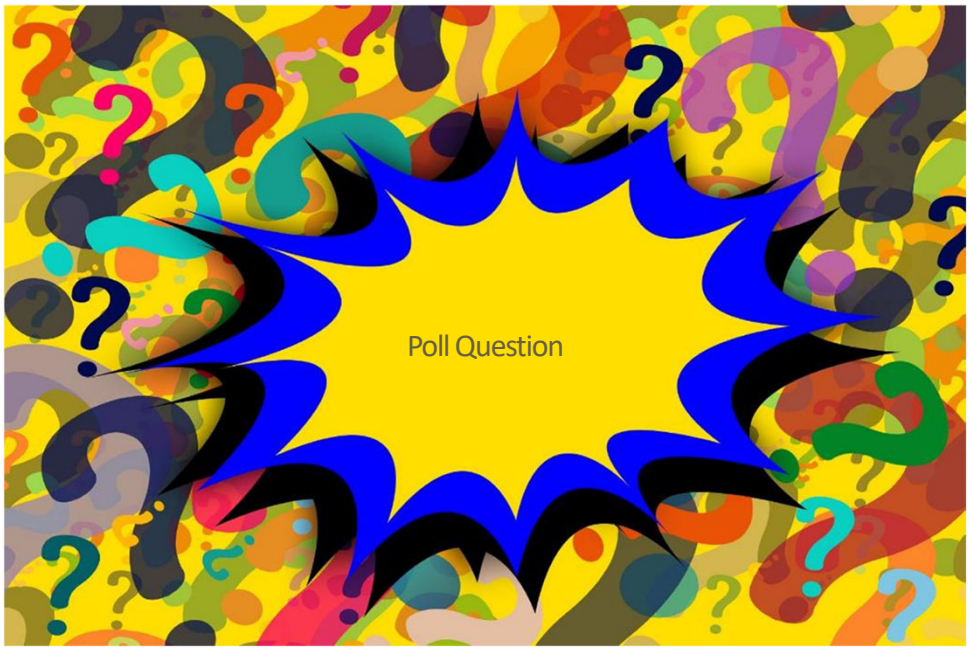


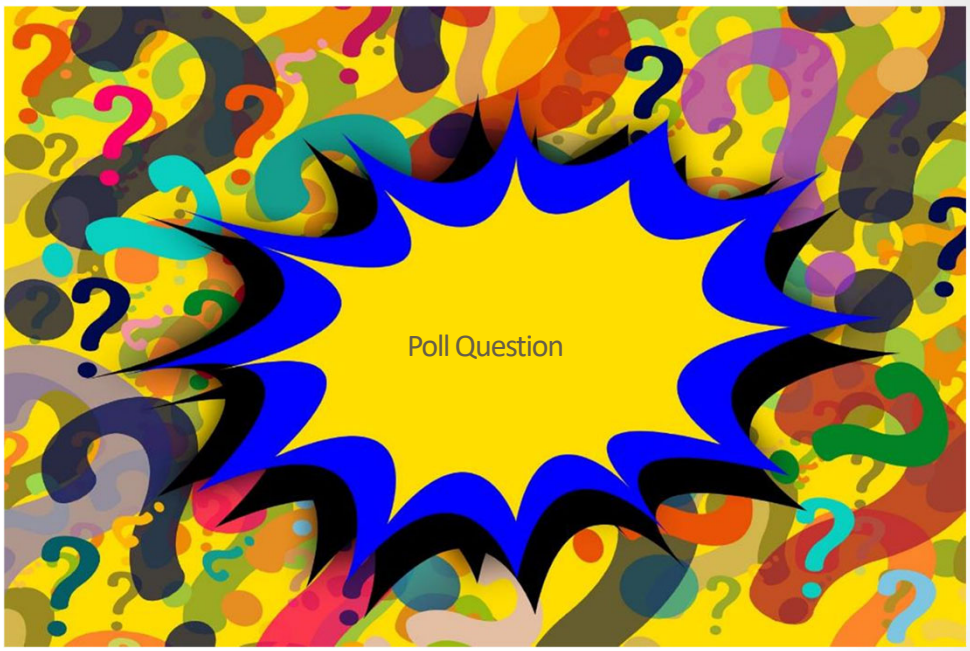
Updating Standards

- Process Safety Management

WATER. REST. SHADE.

Keeping Workers Safe in the Heat

- 50-70% of fatalities from heat occur in the first few days of working in a hot environment



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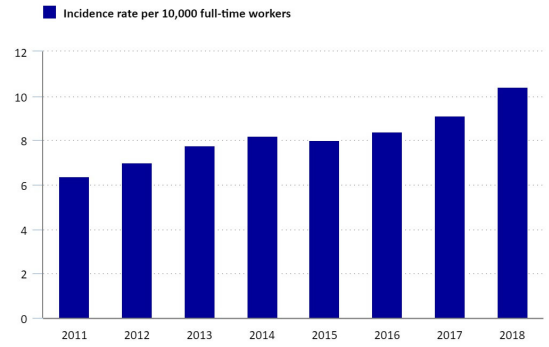
Workplace Violence in Healthcare

- In 2017, 27 employees in healthcare and social assistance sectors died as a result of homicide (BLS)
- In 2018, private-sector health care workers experienced workplace violence-related injuries requiring days off from work at an estimated rate at least **five times higher** than the rate for private-sector workers overall

Chart 1. Incidence rate of nonfatal workplace violence to healthcare workers, 2011-18



Click legend items to change data display. Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics.

Updating Standards

- Lock Out Tag Out
- Emergency Response
- Cranes and Derricks
- Shipyard Fall Protection
- Crystalline Silica
- Welding in Construction Confined Spaces

Tree Care Industry

- Hazards and Solutions
- Safety and Health Programs
- Standards
- Additional Resources
- **Workers' Rights**

Hazards and Solutions

Many hazards in the tree care industry are potentially fatal. Overhead power lines, falling branches, and faulty safety equipment are just a few of the dangers. The following references aid in recognizing some of the hazards that may be encountered by tree care professionals.

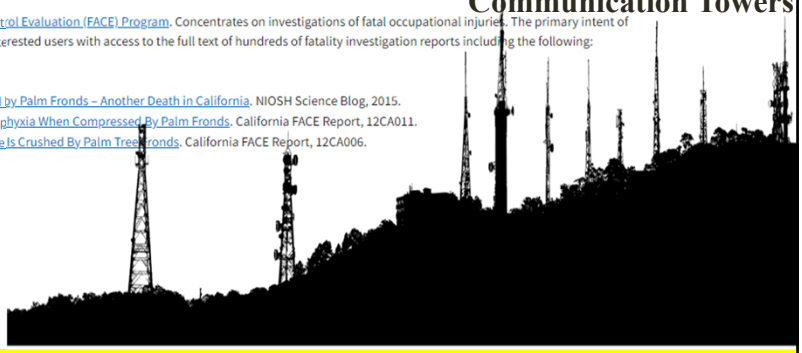
National Institute for Occupational Safety and Health (NIOSH) Fatality Assessment and Control Evaluation (FACE) Reports

- Fatality Assessment and Control Evaluation (FACE) Program. Concentrates on investigations of fatal occupational injuries. The primary intent of this program is to provide interested users with access to the full text of hundreds of fatality investigation reports including the following:

Asphyxia

- Palm Tree Worker Suffocated by Palm Fronds – Another Death in California. NIOSH Science Blog, 2015.
- A Tree Trimmer Dies From Asphyxia When Compressed By Palm Fronds. California FACE Report, 12CA011.
- A Tree Trimmer Dies When He Is Crushed By Palm Tree Fronds. California FACE Report, 12CA006.

Communication Towers



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Walking and Working Surfaces

- OSHA is proposing corrections to two provisions of the walking-working surfaces standard, Subpart D.
- Stairways narrower than 44 inches, and with 2 open sides will be corrected for an omission:
  - from “one stair rail system [on] each open side”
  - to “one stair rail system with handrail on each open side”
  - OSHA will consider stairways installed between January 17, 2017 and that date to comply with the Standard
- Expanding the range of rail heights at which the top of a “stair rail” may serve as a “handrail.” OSHA to allow:
  - Stair rails of 30-38 inches can be used as handrails, for installations made between 1/17/17 and the finalization date of these 2021 revisions
  - All handrails installed after this finalization date must be at least 42 inches in height (which OSHA states it intended all along)

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Rapid REDON fit-testing protocol

- Reduces the total duration of time required for fit testing
  - Eliminates 30-second durations for two fit test exercises
  - Eliminates second redonning of the respirator

https://www.osha.gov/respiratory-protection/resources

Proposed Regulations

State

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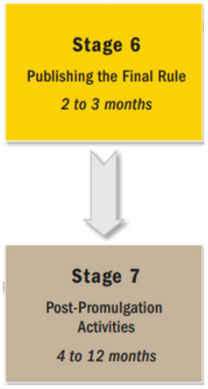
Washington

- Cranes, Rigging and Personnel Lifting
- Fire-Resistant Material Applicators
- Improve Tracking of Workplace Injuries and Illnesses
- Workplace Violence in Healthcare

Final Rule

Federal



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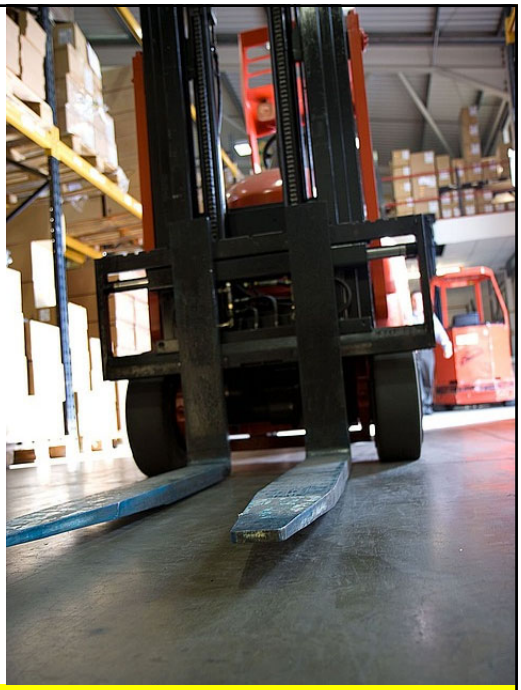
Federal Final Rules

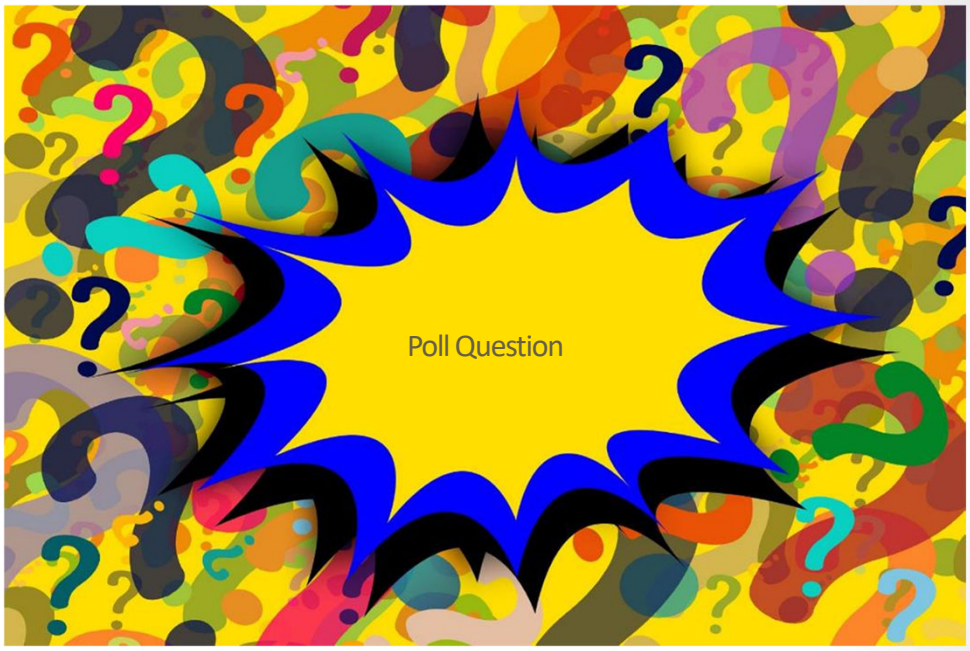
Final Rule Stage	Update to the Hazard Communication Standard
Final Rule Stage	Personal Protective Equipment in Construction
Final Rule Stage	Powered Industrial Trucks Design Standard Update
Final Rule Stage	Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes
~~Final Rule Stage~~	~~Occupational Exposure to COVID-19 in Healthcare Settings~~
Final Rule Stage	Procedures for the Handling of Retaliation Complaints Under the Anti-Money Laundering Act
Final Rule Stage	Procedures for the Handling of Retaliation Complaints Under the Criminal Antitrust Anti-Retaliation Act
Final Rule Stage	Procedures for the Use of Administrative Subpoenas

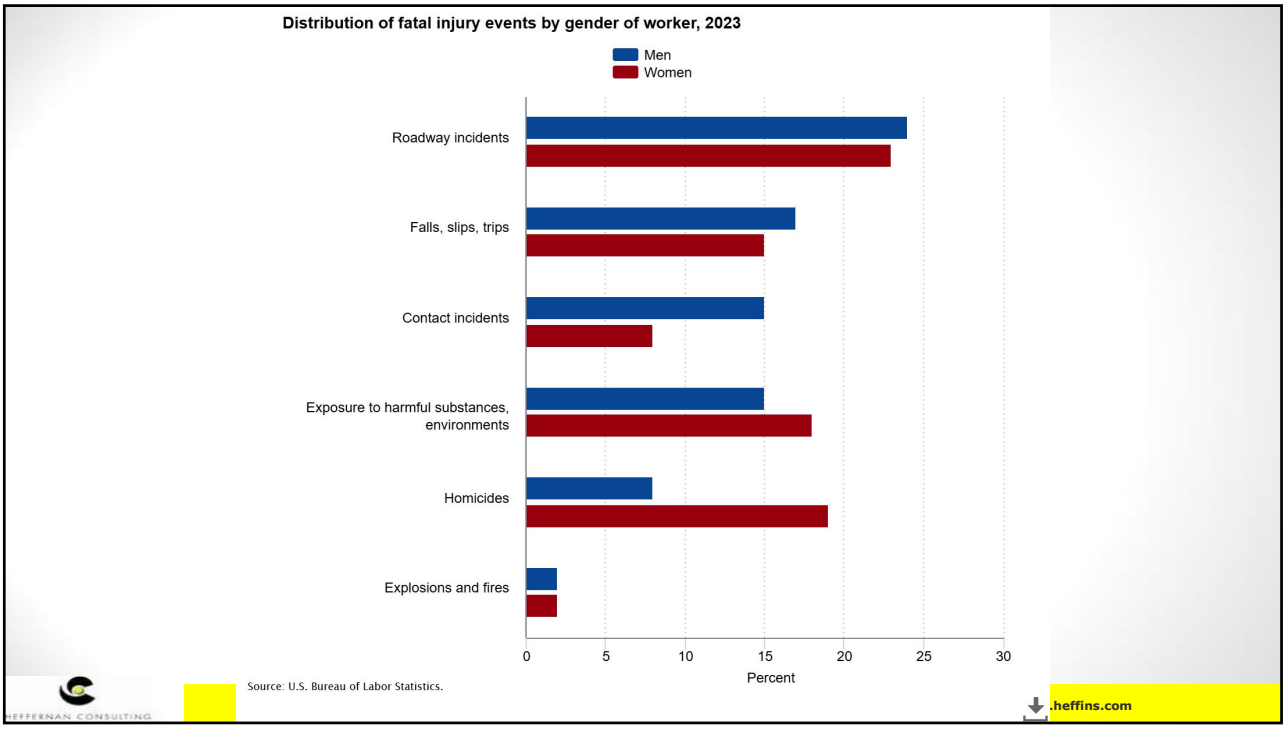
Source: https://www.osha.gov/laws-regs/unifiedagenda/currentagenda

Updating Standards

- PPE in Construction
- PIT

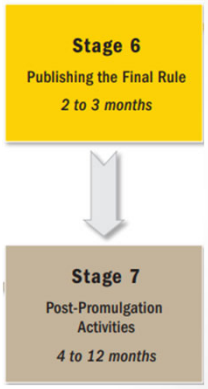



Poll Question


Distribution of fatal injury events by gender of worker, 2023
Men
Women
Roadway incidents
Falls, slips, trips
Contact incidents
Exposure to harmful substances, environments
Homicides
Explosions and fires
0
5
10
15
20
25
30
Percent
Source: U.S. Bureau of Labor Statistics.

Final Rule

State



California

- Restraining Order Protection Expansion (eff. 1/1/25)
- Blood Lead Levels (eff. 1/1/25)

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Blood Lead Levels

- Old standard based on data from 40 years ago
- Action Level: 30 reduced to 2 micrograms
- PEL: 50 reduced to 10 micrograms TWA

Restraining orders

Expansion of Legal Protection

Section 1	527.8 CCP - Temporary restraining orders
Section 2	Violence Restraining Order
Section 2.5	Harassment Restraining Order

Current law allows employers to seek protection for employees facing violence at work

Jan 2025 Changes

* Adds union/collective bargaining representatives
* EEs have choice to be named in the protection order
* Even if EE opts out, protection can be sought
* Harassment included in addition to violence

Oregon

- Proposed Comprehensive Amendments to Agricultural Labor Housing and Related Facilities
- Proposed Adoption of Federal and Oregon OSHA Minor Corrections

Amendments to Agricultural Labor Housing and Related Facilities

- Housing registration
- Site requirements
- Water
- Bathing Facilities
- Handwashing facilities
- Toilets
- Living areas
- Fire & Carbon Monoxide Protection
- Cooking and eating facilities
- Disease reporting
- Heat Illness Prevention

Nevada

- Heat Illness Prevention

Heat Illness in Nevada

- Job Hazard Analysis
  - Required for employers with more than ten employees
  - If no heat hazard identified: maintain documentation of JHA
- If heat hazard is identified:
  - A written HIPP is required
  - Employer must designate an employee as responsible for
    - Contacting EMS
    - Providing information needed by EMS
    - Transporting the employee to a location accessible to EMS
    - Monitoring working conditions for heat

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Washington

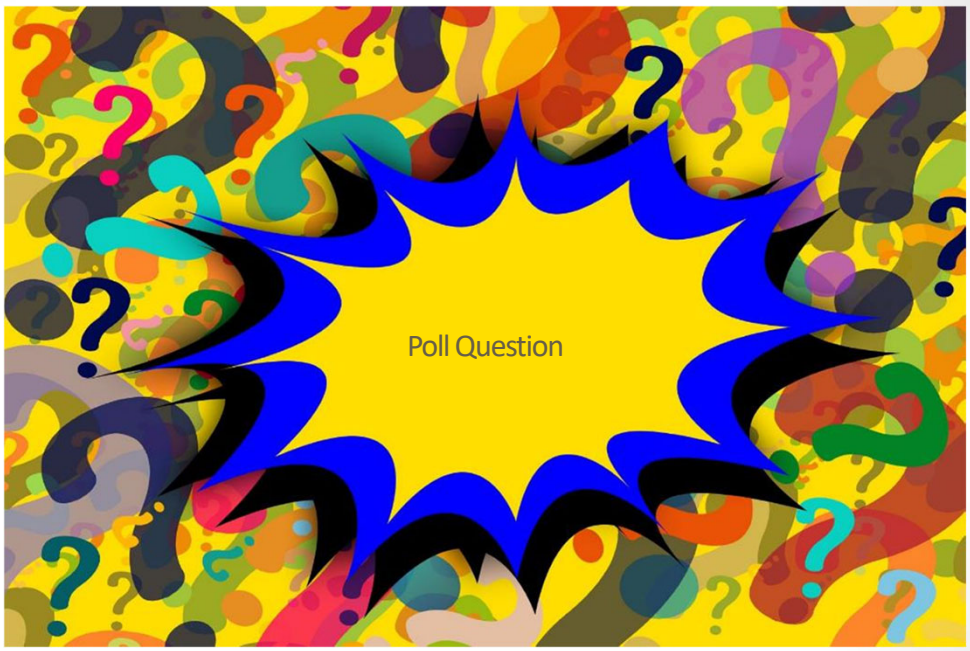
- Safety Standards for Firefighters
- Safety Standards for Quotas for Warehouse Distribution Centers
- Fall Protection
- Wildfire Smoke: EPA AQI Alignment

https://lni.wa.gov/rulemaking-activity/?ruleTopic=Safety%20%26%20Health&ruleStatus=All

Mental Health

Common Employer Mistakes

- Weak safety program
- Not taking OSHA seriously
- Providing too much information
- Missing or ineffective programs in place (see OSHA Top 10)
- Not asking for extensions (when it might be helpful)
- Not filing (district manager mtg, and appeal)



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OSHA Will Cite You For

- **Missing the window to call in a serious incident**
  - Fed/OSHA
    - 8 hours: death
    - 24 hours: amputation, loss of eye, work-related in-patient hospitalization
  - Cal/OSHA
    - 8 hours: death or serious injury or illness (inpatient hospitalization, amputation, eye loss, permanent disfigurement)
  - Oregon OSHA
    - 8 hours: death or EE catastrophe (3 or more hospital admissions – same incident)
    - 24 hours: in-patient hospitalization, loss of an eye, amputation or avulsion resulting in bone loss
  - Washington Labor & Industries
    - 8 hours: death or inpatient hospitalization
    - 24 hours: non-hospitalized amputation or loss of an eye
- **Failing to post 300A or submit electronically (if required)**

Fed OSHA Civil Penalties – Maximum and Minimum

Table 1: Maximum and Minimum Amounts for Civil Penalties

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	$1,221** per violation	$16,550 per violation
Other-Than-Serious	$0 per violation	$16,550 per violation
Willful or Repeated	$11,823* per violation	$165,514 per violation
Posting Requirements	$0 per violation	$16,550 per violation
Failure to Abate	N/A	$16,550 per day unabated beyond the abatement date [generally limited to 30 days maximum]

https://www.osha.gov/memos/2025-01-07/2025-annual-adjustments-osha-civil-penalties

One Last Thought on Your Safety Programs

- Your written programs are **your law**.
- Regulations are either **performance based or specification based:**
  - **Example:** The Injury & Illness Prevention program (3203) is a **performance - based standard. Employer tells OSHA how they will comply (perform).**
  - **Example:** The fall protection regulation is a **specification - based standard**. **OSHA tells the employer how to comply**.
- **Whatever you say becomes YOUR LAW,** and OSHA will hold you accountable to what you write down even if its more stringent than the regulation.

Thank you!

Erica Baird, ASP, CPCU, ARM
Aspen Risk Management Group
April 18, 2023

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Helpful Links

- BLS.gov
  - https://www.bls.gov/charts/injuries-and-illnesses/total-nonfatal-work-injuries-and-illnesses-by-year.htm#
  - https://www.bls.gov/charts/census-of-fatal-occupational-injuries/number-of-fatal-work-injuries-by-employee-status-self-employed-wage-salary.htm#
- Cal OSHA
  - http://www.dir.ca.gov/dosh/
  - http://www.dir.ca.gov/title8/index/T8index.asp
  - http://www.dir.ca.gov/dosh/PubOrder.asp
  - http://www.dir.ca.gov/dosh/DOSH_Archive.html
- National Institute of Safety and Health Publications
  - http://www.cdc.gov/niosh/pubs/default.html
- Federal OSHA
  - https://www.osha.gov/dep/index.html
  - https://www.osha.gov/news/newsreleases/enforcement
  - https://www.osha.gov/oshstats/index.html
  - https://www.nsc.org/newsroom/osha-reveals-top-10-safety-violations-for-fy-21-at
- CDC Pubs
  - http://www.cdc.gov/publications.htm
- State of Oregon Publications
  - http://www.orosha.org/standards/publications.html