

ADOSH UPDATE



Protection of life, health, safety and
welfare of Arizona's most valuable assets.

Presented by:
Jessie Atencio
Acting Director

Objectives

- **ADOSH Happenings**
 - **Standards Update**
 - **Safety Summits**
 - **Consultation and Training**
 - **VPP/SHARP/Partnerships/RRAP**
 - **Questions**
-

ADOSH Happenings.....

- **Heat Stress Awareness Campaign**
 - Promoted throughout the state
 - Include Billboards/Promotional Items/Presentations/
 - Federal OSHA Site: has smart phone app and other printable information
- **Nursing Home NEP**
 - Letters by our Office/Nationally
 - ADOSH Training
 - FEDERAL OSHA SITE
 - <http://www.osha.gov/SLTC/nursinghome/index.html>
- **New General Industry Digest**
- **Toll-Free Telephone Number**
 - 1-855-268-5251



OSHA



ADOSH Happenings cont'd

- **New Compliance
Assistant Director**

- **Larry Gast**
 - **Safety
Compliance 6
yrs with
Division**
 - **SCF/ASSE
President**



ADOSH Happenings cont'd

- Darin Perkins has accepted the Manager of EHS department position at the Central Arizona Project

- In his absence:
 - Larry Gast - Acting Director
 - Myself – Acting Director
 - Hiring process underway, open to in-house staff and external candidates
-

ADOSH Standard Updates

- **Confined Space in Construction**
 - **Multi-Employer Heavy**
- **Digger Derricks (Rescinded)**
 - <http://ohsonline.com/Articles/2013/02/07/Broad-Digger-Derricks-Exemption-Withdrawn.aspx>
 - <https://www.federalregister.gov/articles/2013/02/07/2013-02777/cranes-and-derricks-in-construction-revising-the-exemption-for-digger-derricks>
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTRATION&p_id=23510
- **Backing Operations**



ADOSH Standards Update

cont'd

- **Cranes & Derricks**
 - **Two of the 4 organizations do not meet the standards for testing on capacity**
 - **Crane Organizations do not train on capacity**
 - **Argument is “Capacity does not matter”**

Future Crane Interps (FEDS)


- Extended Reach Forklifts used as a crane
- Articulating knuckle-boom cranes
- Lifting Burial vaults
- Crane capacity and operator certification

Construction Directives

- Highway Work Zones
- Cranes & Derricks
- Construction chapter to FOM
- Excavations/trenching

ADOSH Safety Summits

- Tucson
- March 20-21 '13
- Tucson Convention Center
- Prescott
- Second Quarter
- East Phoenix
- Third Quarter
- Kingman
- Fourth Quarter



Arizona Division of Occupational Safety and Health
2013 Tucson Regional Safety Summit
 March 20-21, 2013 at the Convention Center
 260 South Church Ave., Tucson, AZ 85701

Helping You reach your safety summit!

March 20th

Wednesday Morning Keynote Presentation
Are "Sub-Cultures" Destroying Your Safety Culture?
 Presented by Mark Norton MAOM, RSP

This remarkable keynote is scheduled to combine outstanding research and ability to define and shape your organization's safety culture. Looking at psychological, cultural and behavioral elements resulting from culture more importantly we will examine the subtle and often ignored "sub-cultures" that may be lurking in your organization. This presentation will address how to identify and eliminate these sub-cultures and how to create a strong safety culture that has been recognized as one of the most important factors in preventing workplace accidents through effective programs, moral messaging and proper oversight. A special eye opener for all levels! The presentation begins at 8:30 am on March 20th. You'll be glad you came! Followed by "Burned at Work" - Constanine Burn Center.

Thursday Morning Keynote Presentation
"Excessive Violence in the Workplace"
 Presented by Chris Perez

Chris Perez is a seasoned criminal investigator and subject protection. He investigates sexually motivated crimes, child abuse and has managed several based investigations. Additionally, he Perez instructs police officers, investigators and other law enforcement agencies on how to handle violence and drug related incidents. He is a very credible speaker and instructor at the San Diego Naval Hospital, specifically working with management of assaultive behaviors. His three hour presentation will be given on March 21st beginning at 8:30 AM. You will be glad to your seat as he presents current information in both humorous and poignant effects. You won't want to miss this!

March 21st

OSHA 10 Hour Class— Construction and General Industry

Download form at: http://www.ica.state.az.us/ADOSH/ADOSH_Consultation_and_Training.aspx or call Rosemary at 602-542-1768
 * A \$5.00 CASH is charged per student as required by the OSHA Training Institute for card processing. Payable on first day of class.

Safety Management Classes for all levels!

For the New Safety Officer:

- Employer Rights & Responsibilities
- OSHA Consultation Services
- On-Line Resources for Safety Mgt
- Emergency Action Planning
- First Aid Kits—Requirements

Advanced Safety Management:

- Accident Investigation/Finding Root Causes
- Learning From Failures
- Creating a Powerful Safety Culture
- Effective Employee Safety Training
- CHS—Getting Ready for Change
- Workplace Drug Testing = CYA
- Workplace Violence Prevention

General Safety Classes:

- Heat Stress Prevention
- Scary Air Rise of Valley Fever
- Fatigue: Sleep and Safety
- Back Injury Prevention
- Blamed at Work
- AEDs and CPR in the Workplace
- Preparing for Contagion and Catastrophe!

General Safety Classes

- Electrical Safety
- Arc Flash Awareness
- Slip Trip and Fall Prevention
- Fall Protection
- Boiler Safety
- Warehouse/Material Handling

General Health Classes:

- Heat Stress Prevention
- Scary Air Rise of Valley Fever
- Fatigue: Sleep and Safety
- Back Injury Prevention
- Blamed at Work
- AEDs and CPR in the Workplace
- Preparing for Contagion and Catastrophe!

OSHA 10 Hour Class— see in both General Industry and Construction!
(Scary as a lion!)

Free!

OSHA 10 Hour Class— see in both General Industry and Construction!
(Scary as a lion!)

Great Lecture!

Demonstrations

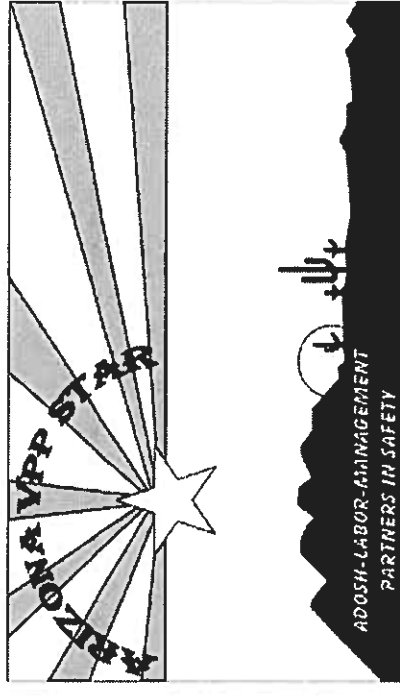
- Heat Stress—Common Safety-Prevention
- Fall Arrest System—Elasticity with the Worker's Weight!
- Under Stress—Capacity Care, Crisis, SCF Drug and Alcohol Testing, AZ Bureau Abuse and Injury News! Call 602-542-1840 if you are a worker and would like to see both at the Summit!

Boiler Safety with AZ Chief Boiler Inspector Randy Austin. He is an excellent speaker with tons of real experience and stories!

http://www.ica.state.az.us/ADOSH/ADOSH_Consultation_and_Training.aspx
Contact ADOSH at 602-542-1769

Consultation & Training

- Free Onsite Training and Education
 - No citations or penalties
 - Site training where 10 or more employees exist
 - Voluntary programs
 - RRAP – 9 Employers
 - Based on high injury/illnesses
 - SHARP – 22 Employers
 - 250 EE's and less
- VPP/C-VPP – 35 Employers
 - McCarthy/Prudential Overall Supply/Palo Verde
- Phoenix & Tucson Offices
 - Spanish/English Training
 - Safety and Industrial Hygiene



Outreach Newsletter

• ADOSH Advocate

- Quarterly Published
- Main topic on front page/highlight areas of our efforts
- Questions submitted
- Fatalities/Accidents
- Outreach efforts
- Training Schedule



<http://www.lca.state.az.us>

Volume 1 - 2012

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Choose Life
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ADOSH ADVOCATE

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Debra P. Davis, Director

Choose Safety ~ Choose Life

Learning from Workplace Fatalities Part two of a three-part series.

The buzzword in business is "sustainability" and it has been applied to creating safety cultures with various formulas and strategies. Interestingly, sustainability doesn't refer to a self-sustaining culture, rather a culture that chooses to sustain life. In the first part of these articles an idea was introduced that only power is sustainable and force ultimately exhausts its ability to influence behavior. Enforcement of safety rules through disciplinary action is self-limiting. The changes required for sustainable safety must come through the personal values and choices of each employee.

We can't help but ponder the sustainability of a three-step disciplinary action plan, whereby an employee can engage in misconduct and receive progressively severe responses from the employer (i.e. verbal warning, written warning, and then ultimately, dismissal). Why do we give an employee three chances to hit or injure himself or others? If an employee is a repeat offender, he/she demonstrates a character that is lacking a "sustainable" trait: the employee has failed to choose life over death.

For a safety culture to succeed, management and employees must embrace two underlying principles:
1) Each person has a right to life

and 2) Life is an active individual choice (active, because it must be continually chosen over the default, which is to be acted upon).

In Stephen Covey's best selling book, *The 7 Habits of Highly Effective People*, he encourages people to become more proactive and less reactive. "Reactive people are driven by feelings, by circumstances, by conditions by their environment. Proactive people are driven by values—consciously thought about, selected, and internalized values."

"Proactive people are and influence by external stimuli, whether physical, social, or psychological. But their response to the stimuli, conscious or unconscious, is a value-based choice or response."

Culture is defined as the "shared beliefs and values of a group" (Encarta Dictionary). In order to build a sustainable safety culture the group must begin by defining their values. The underlying value of safety is the respect for life. We cannot assume that every employee values life and respects the life of others. Safety structures must therefore begin with a statement of the company's value system and the expectation that each employee will make decisions based on those values.

"Every individual has a place to fill in the world and is important in some respect whether he chooses to be so

Assistance

- **ADOSH Consultation & Training:**
 - **Tucson: 520-628-5478**
 - **Phoenix: 602-542-1769**
 - **Toll Free #: 1-855-268-5251**
- **ICA & ADOSH Homepage: www.ica.state.az.us**
- **ADOSH Advocate (free quarterly newsletter)**
- **http://www.ica.state.az.us/divisions/osh/adosh_newsletter.html**
- **ADOSH Training Schedule (free OSHA classes)**
- **http://www.ica.state.az.us/divisions/osh/training_schedule.html**



Thank You & Any Questions?



Multi-employer Citation Policy


CPL 02-00-124 - CPL 2-0-124 - Multi-Employer Citation Policy - Windows Internet Explorer

File Edit View Favorites Tools Help

OSHA Intranet OSHA Webmail DOL LearningLink TSP Home Page Official Personnel Folder People Time The White House eTravel Customizable Links Sign In

Search More >> Share Page Tools >>

CPL 02-00-124 - CPL 2-0-124 - Multi-Employer Citation Policy

 **UNITED STATES DEPARTMENT OF LABOR**

OSHA **OSHA QuickTakes** Newsletter RSS Feeds Print This Page Text Size

Occupational Safety & Health Administration We Can Help

Home Workers Regulations Enforcement Data & Statistics Training Publications Newsroom Small Business OSHA

What's New | Offices

[Directives - Table of Contents](#)

- Record Type: Instruction
- Directive Number: CPL 02-00-124
- Old Directive Number: CPL 2-0-124
- Title: Multi-Employer Citation Policy.
- Information Date: 12/10/1999

OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

Local intranet 100%

: Done, but with errors on page.

Multi cont'd

CPL 02-00-124 - CPL 2-0.124 - Multi-Employer Citation Policy - Windows Internet Explorer

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2024

File Edit View Favorites Tools Help

OSHA Intranet OSHA Webmail DOL LearningLink TSP Home Page Official Personnel Folder PeopleTime The White House eTravel Customize Links

Google Site Policy. The following is the multi-employer citation policy: Multi Search Share More Sign In

CPL 02-00-124 - CPL 2-0.124 - Multi-Employer Citation...

examples explaining when citations should and should not be issued to exposing, creating, correcting, and controlling employers. These examples, which address common situations and provide general policy guidance, are not intended to be exclusive. In all cases, the decision on whether to issue citations should be based on all of the relevant facts revealed by the inspection or investigation.

- B. No Changes in Employer Duties. This revision neither imposes new duties on employers nor detracts from their existing duties under the OSH Act. Those duties continue to arise from the employers' statutory duty to comply with OSHA standards and their duty to exercise reasonable diligence to determine whether violations of those standards exist.

X. Multi-employer Worksite Policy. The following is the multi-employer citation policy:

- A. Multi-employer Worksites. On multi-employer worksites (in all industry sectors), more than one employer may be citable for a hazardous condition that violates an OSHA standard. A two-step process must be followed in determining whether more than one employer is to be cited.

1. Step One. The first step is to determine whether the employer is a creating, exposing, correcting, or controlling employer. The definitions in paragraphs (B) - (E) below explain and give examples of each. Remember that an employer may have multiple roles (see paragraph H). Once you determine the role of the employer, go to Step Two to determine if a citation is appropriate (NOTE: only exposing employers can be cited for General Duty Clause violations).
2. Step Two. If the employer falls into one of these categories, it has obligations with respect to OSHA requirements. Step Two is to determine if the employer's actions were sufficient to meet those obligations. The extent of the actions required of employers varies based on which category applies. Note that the extent of the measures that a controlling employer must take to satisfy its duty to exercise reasonable care to prevent and detect violations is less than what is required of an employer with respect to protecting its own employees.

B. The Creating Employer

1. Step 1: Definition: The employer that caused a hazardous condition that violates an OSHA standard.
2. Step 2: Actions Taken: Employers must not create violative conditions. An employer that does so is citable even if the only employees exposed are those of other employers at the site.

E. The Controlling Employer

1. **Step 1: Definition:** An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them. Control can be established by contract or, in the absence of explicit contractual provisions, by the exercise of control in practice. Descriptions and examples of different kinds of controlling employers are given below.
2. **Step 2: Actions Taken:** A controlling employer must exercise reasonable care to prevent and detect violations on the site. The extent of the measures that a controlling employer must implement to satisfy this duty of reasonable care is less than what is required of an employer with respect to protecting its own employees. This means that the controlling employer is not normally required to inspect for hazards as frequently or to have the same level of knowledge of the applicable standards or of trade expertise as the employer it has hired.
3. **Factors Relating to Reasonable Care Standard.** Factors that affect how frequently and closely a controlling employer must inspect to meet its standard of reasonable care include:
 - a. The scale of the project;
 - b. The nature and pace of the work, including the frequency with which the number or types of hazards change as the work progresses;
 - c. How much the controlling employer knows both about the safety history and safety practices of the employer it controls and about that employer's level of expertise.
 - d. More frequent inspections are normally needed if the controlling employer knows that the other employer has a history of non-compliance. Greater inspection frequency may also be needed, especially at the beginning of the project, if the controlling employer had never before worked with this other employer and does not know its compliance history.
 - e. Less frequent inspections may be appropriate where the controlling employer sees strong indications that the other employer has implemented effective safety and health efforts. The most important indicator of an effective safety and health effort by the other employer is a consistently high level of compliance. Other

d. More frequent inspections are normally needed if the controlling employer knows that the other employer has a history of non-compliance. Greater inspection frequency may also be needed, especially at the beginning of the project, if the controlling employer had never before worked with this other employer and does not know its compliance history.

e. Less frequent inspections may be appropriate where the controlling employer sees strong indications that the other employer has implemented effective safety and health efforts. The most important indicator of an effective safety and health effort by the other employer is a consistently high level of compliance. Other indicators include the use of an effective, graduated system of enforcement for non-compliance with safety and health requirements coupled with regular jobsite safety meetings and safety training.

4. Evaluating Reasonable Care. In evaluating whether a controlling employer has exercised reasonable care in preventing and discovering violations, consider questions such as whether the controlling employer:

- a. Conducted periodic inspections of appropriate frequency (frequency should be based on the factors listed in C.3.);
- b. Implemented an effective system for promptly correcting hazards;
- c. Enforces the other employer's compliance with safety and health requirements with an effective, graduated system of enforcement and follow-up inspections.

5. Types of Controlling Employers

a. Control Established by Contract. In this case, the Employer Has a Specific Contract Right to Control Safety: To be a controlling employer, the employer must itself be able to prevent or correct a violation or require another employer to prevent or correct the violation. One source of this ability is explicit contract authority. This can take the form of a specific contract right to require another employer to adhere to safety and health requirements and to correct violations the controlling employer discovers.

(1) Example 6: Employer GH contracts with Employer S to do sandblasting at GH's plant. Some of the work is regularly scheduled maintenance and so is general industry work; other parts of the project involve new

- c. Enforces the other employer's compliance with safety and health requirements with an effective, graduated system of enforcement and follow-up inspections.

5. Types of Controlling Employers

a. **Control Established by Contract.** In this case, the Employer Has a Specific Contract Right to Control Safety: To be a controlling employer, the employer must itself be able to prevent or correct a violation or to require another employer to prevent or correct the violation. One source of this ability is explicit contract authority. This can take the form of a specific contract right to require another employer to adhere to safety and health requirements and to correct violations the controlling employer discovers.

(1) **Example 6:** Employer GH contracts with Employer S to do sandblasting at GH's plant. Some of the work is regularly scheduled maintenance and so is general industry work; other parts of the project involve new work and are considered construction. Respiratory protection is required. Further, the contract explicitly requires S to comply with safety and health requirements. Under the contract GH has the right to take various actions against S for failing to meet contract requirements, including the right to have non-compliance corrected by using other workers and back-charging for that work. S is one of two employers under contract with GH at the work site, where a total of five employees work. All work is done within an existing building. The number and types of hazards involved in S's work do not significantly change as the work progresses. Further, GH has worked with S over the course of several years. S provides periodic and other safety and health training and uses a graduated system of enforcement of safety and health rules. S has consistently had a high level of compliance at its previous jobs and at this site. GH monitors S by a combination of weekly inspections, telephone discussions and a weekly review of S's own inspection reports. GH has a system of graduated enforcement that it has applied to S for the few safety and health violations that had been committed by S in the past few years. Further, due to respirator equipment problems S violates respiratory protection requirements two days before GH's next scheduled inspection of S. The next day there is an OSHA inspection. There is no notation of the equipment problems in S's inspection reports to GH and S made no mention of it in its telephone discussions.

Analysis: Step 1: GH is a controlling employer because it has general supervisory authority over the worksite, including contractual authority to correct safety and health violations. **Step 2:** GH has taken reasonable steps to try to make sure that S meets safety and health requirements. Its inspection frequency is appropriate in light of the low number of workers at the site. Lack of significant changes in the nature of the work and types of

So what are types of situations..

- Lockout/Tagout
 - Confined Space
 - Hazardous Chemicals/Substances
 - Crane installation – set-up (Construction)
 - PSM
 - Others
-