

Virginia Occupational Safety and Health (VOSH) Update

ASSP MEETING – MAY 18, 2023

NOVA CHAPTER



Topics

- VOSH State Plan Program
- Update | VOSH/OSHA's Regulatory Agenda
- VOSH Compliance Activity
- Cooperative Programs



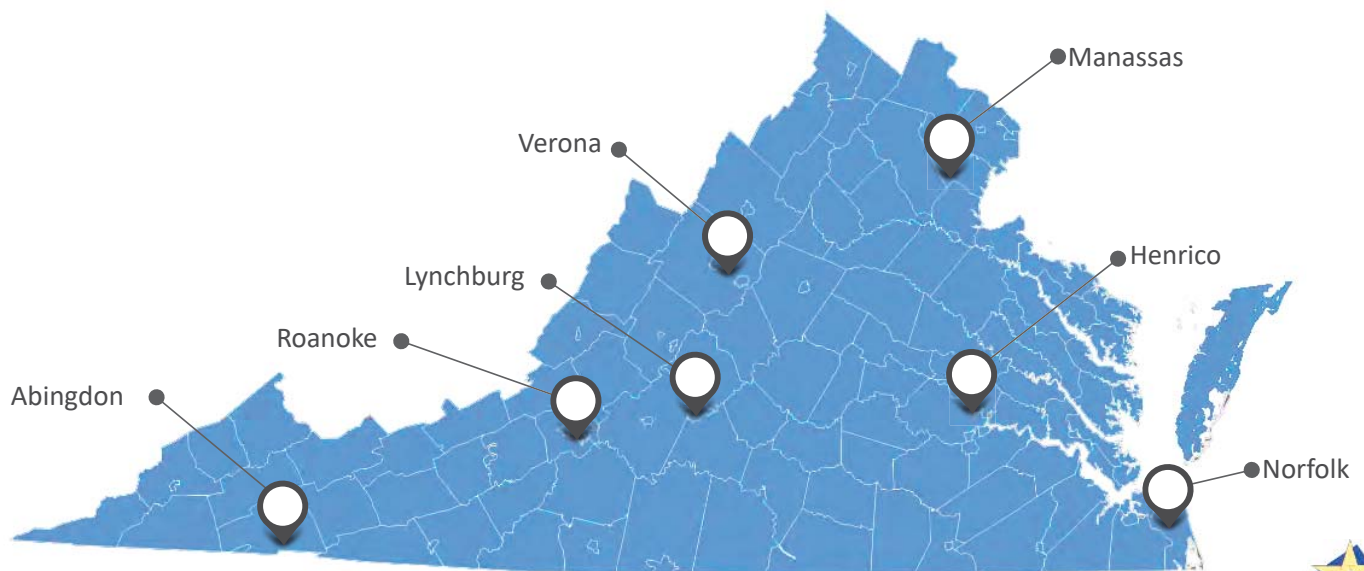
OUR AGENCY – MISSION

Mission

It is the mission of the Virginia Department of Labor and Industry to make Virginia a **better place to work, live, and conduct business**. We will achieve this goal by promoting safe, healthful workplaces, best employment practices, job training opportunities through registered apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessels.



Our Offices Locations



Agency Programs



Boiler Safety
Compliance



Labor and
Employment Law



Registered
Apprenticeship



Virginia Occupational Safety
and Health (VOSH)



Boiler and Pressure Vessel Safety



- ❖ 33,512 Certificates Issued
- ❖ 74,568 Objects Registered
- ❖ 36,847 Objects Inspected

- 2 Incidents - 2022
- 0 Injuries
- 0 Fatalities



VOSH | State Plan

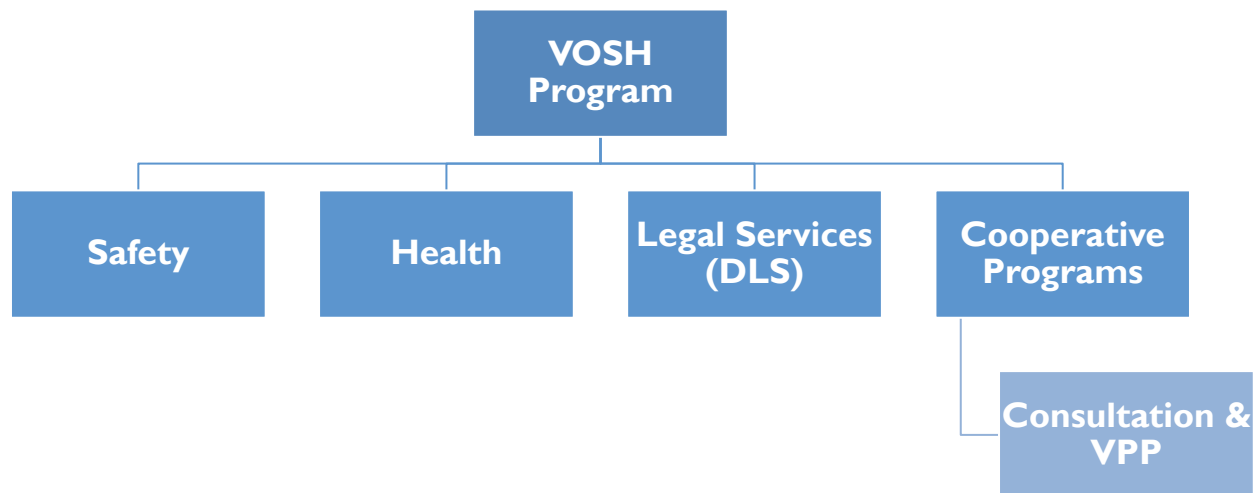
Virginia is one of 23 States and territories

that operates its own OSH program:

- ❖ Jurisdiction:
- ❖ Private Employers (GI, Const & AG) & state and local government workers (including Maritime).



VOSH | State Plan



VOSH versus OSHA



What is the OSHA's Regulatory Agenda?

- **Regulatory Agenda** informs the public of federal agencies' regulatory priorities
 - Published twice a year in Spring and Fall on [Reginfo.gov](https://www.reginfo.gov)
- **Regulatory Plan** (published as part of Fall Agenda) has more details about the most significant regulatory actions

The screenshot shows the "View Rule" page for RIN 1218-AD25 on Reginfo.gov. The page includes the following information:

- Agency:** Department of Labor (DOL)
- RIN Status:** Previously published in the Unified Agenda
- Major:** No
- CFR Citation:** 29 CFR 1910.179, 29 CFR 1925.602
- Legal Authority:** Not Yet Determined
- Legal Deadline:** None
- Timetable:**
- Priority:** Substantive, Nonsignificant
- Agenda Stage of Rulemaking:** Proposed Rule Stage
- Unfunded Mandates:** No

Action	Date	FR Cite
NPRM	02/16/2022	87 FR 8725
Public Comment Period End	06/17/2022	
NPRM Analysis Comments	07/09/2022	

Regulatory Flexibility Analysis Required: Undetermined
Small Entities Affected: Businesses
Included in the Regulatory Plan: No
Government Levels Affected: Undetermined
Federalism: No

VOSH Unique Regulations

GENERAL INDUSTRY

- ARM – Manufacturer’s Specifications
- Telecommunications, General Approach Distance for Electrical Hazards
- Confined Spaces in the Telecommunications Industry
- Tree Trimming Operations
- Overhead High Voltage Line Safety Act
- Reverse Signal Operation Safety Requirements for Vehicles, Machinery, and Equipment

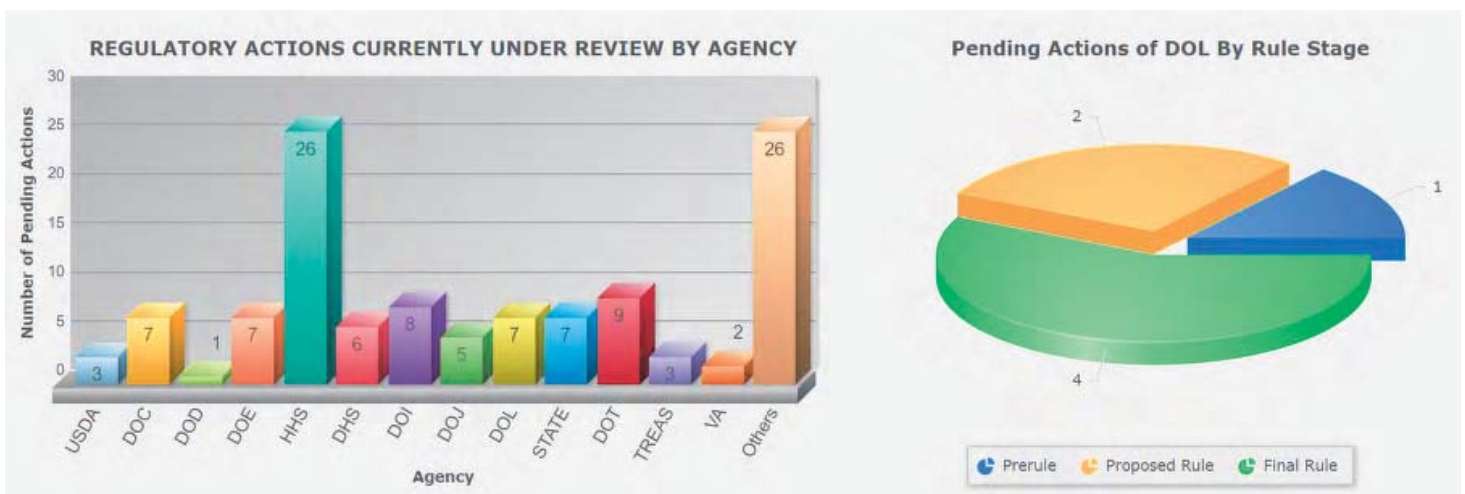
CONSTRUCTION

- ARM – Manufacturer’s Specifications
- Overhead High Voltage Line Safety Act
- Reverse Signal Operation Safety Requirements for Vehicles, Machinery, and Equipment
- Sanitation
- Steel Erection

AGRICULTURE

- Field Sanitation

Regulatory Actions Currently Under Review



Stage of the Rule Making: Final Rule Stage

Agency	Agenda Stage of Rulemaking	Title	RIN
DOL/OSHA	Final Rule Stage	Update to the Hazard Communication Standard	1218-AC93
DOL/OSHA	Final Rule Stage	Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes	1218-AD30
DOL/OSHA	Final Rule Stage	Occupational Exposure to COVID-19 in Healthcare Settings	1218-AD36
DOL/OSHA	Final Rule Stage	Improve Tracking of Workplace Injuries and Illnesses	1218-AD40
DOL/OSHA	Final Rule Stage	Procedures for the Use of Administrative Subpoenas	1218-AD44

OSHA: Final Rule Stage

Hazard Communication Update

- Harmonize the HCS to the latest edition of the GHS.
- Codify enforcement policies OSHA has issued since the 2012 standard.
 - [OSHA's Proposed Rulemaking to Amend the Hazard Communication Standard](#)
- Interim Final Rule is expected in Dec-2022.



OSHA: Final Rule Stage

Improve Tracking of Workplace Injuries and Illnesses

- Requires establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300, 301, and 300A to OSHA once a year.
- Establishments with 20 or more EEs in certain industries would continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year.
- Update the classification system used to determine the list of industries covered by the electronic submission requirement.
- Remove the current requirement for establishments with 250 or more employees, not in a designated industry, to electronically submit information from their Form 300A to OSHA on an annual basis.



OSHA: Proposed Rule Stage

- Infectious Diseases
- Cranes and Derricks in Construction Amendments
- Shipyard Fall Protection
- Communication Towers
- Emergency Response
- Lockout/Tagout Update
- Tree Care
- Welding in Construction Confined Spaces
- PPE in Construction
- Powered Industrial Truck Design Standard Update
- Walking-Working Surfaces
- Silica- Medical Surveillance Provisions Revisions



Proposed Rule Stage: Infectious Diseases

- Employees in health care and other high-risk environments face long-standing infectious disease hazards.
- OSHA is examining alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease.

Proposed Rule expected in May 2023.

Agenda Stage of Rulemaking: Final Rule Stage



Proposed Rule Stage: PPE in Construction

OSHA is planning to clarify requirements for the fit of PPE in construction.

Must fit to be “adequate” and of “safe design”

Proposed Rule was expected:
September 2022



Proposed Rule Stage: Cranes and Derricks in Construction

OSHA is proposing various corrections and amendments to the cranes and derricks standards issued in 2010.

Proposed Rule expected - January 2023.



Severe Violator Enforcement Program (SVEP)

OSHA INSTRUCTION: CPL 02-00-169

DATE: September 15, 2022

- Enforcement policies and procedures for OSHA's SVEP, which concentrates resources on inspecting employers that have demonstrated indifference to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations.
- Replaces OSHA's June 18, 2010, SVEP's Program.
- On 03/01/23 – 430 Employers listed

Severe Violator Enforcement Program (SVEP)



Criteria | Severe Violator Enforcement Program (SVEP)

Fatality/Catastrophe	At least <u>1 willful or repeated violation</u> or <u>FTA notice</u> based on a serious violation directly related either to an employee death, or to an incident causing <u>3+ employee</u> hospitalizations
Non-Fatality/Catastrophe	At least <u>2 willful or repeated violations</u> or <u>FTA notices</u> (or any combination of these violations/notices), based on the presence of <u>high gravity serious violations</u> .
Egregious	All egregious (e.g., per-instance citations) enforcement actions shall be considered SVEP cases.

Removal| Severe Violator Enforcement Program (SVEP)

An employer may be removed from the SVEP Log after at least three years from the date of receiving acceptable abatement verification. To be eligible for removal, the employer must have:

- Abated all SVEP-related hazards
- Paid all final penalties
- Where applicable, followed and completed all applicable settlement provisions,
- Received no additional serious citations related to the hazards identified in the original SVEP inspection or any related establishments, and
- Have received one follow-up or referral OSHA inspection.

OSHA's MEMO

Application of Instance-by-Instance Penalty Adjustments

Application:

- **High-Serious Violations:** Falls, Trenching, Machine guarding, Respiratory Protection, Permit-required confined space, Lockout-Tagout.
- **OTS violations** specific to recordkeeping.

OSHA's MEMO

Application of Instance-by-Instance Penalty Adjustments

The factors to be considered include (one or more):

- ER has received a willful, repeat, or FTA within the past five years where that classification is current.
- ER has failed to report a fatality, inpatient hospitalization, amputation, or loss of an eye pursuant to the requirements of 29 CFR 1904.39.
- ER proposed citations are related to a fatality/catastrophe.
- Proposed recordkeeping citations are related to injury or illness(es) that occurred as a result of a serious hazard.

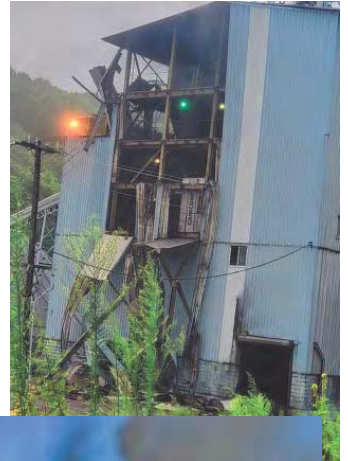
What Initiates a VOSH Inspection?

1. **Imminent Danger**
2. **Fatalities**
3. **Accidents/Hospitalizations/Amputations**
4. **Complaints/Referrals**
5. **Follow-up | Monitoring**
6. **Programmed**



National Emphasis Programs

- Combustible Dust (CPL 03-00-008) **Updated -01/30/23**
- Process Safety Management (PSM)
- Diacetyl
- Hexavalent Chromium
- Crystalline Silica
- Trenching and Excavation (CPL 02-00-165) **Updated -07/01/21**
- Lead
- Primary Metals Industry
- Amputations
- Injury and Illness Recordkeeping



Combustible Dust

National Emphasis Programs

CPL 03-00-025
National Emphasis
Program – Falls
05/01/2023



State Emphasis Programs

- Asbestos
- Fall Hazards in Construction (LEP Falls – Current NEP)
- Logging & Sawmill Industries
- Tree Trimming Operations
- Reverse Signal & Heavy Equipment
- Public Sector Workshops
- Overhead High Voltage Line Safety
- Scaffolding
- Wastewater & Water Treatment Facilities
- First Report of Injuries & Illnesses (FRI)



VOSH Impact



BEFORE

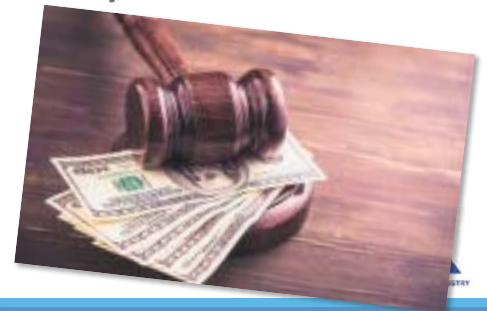


AFTER

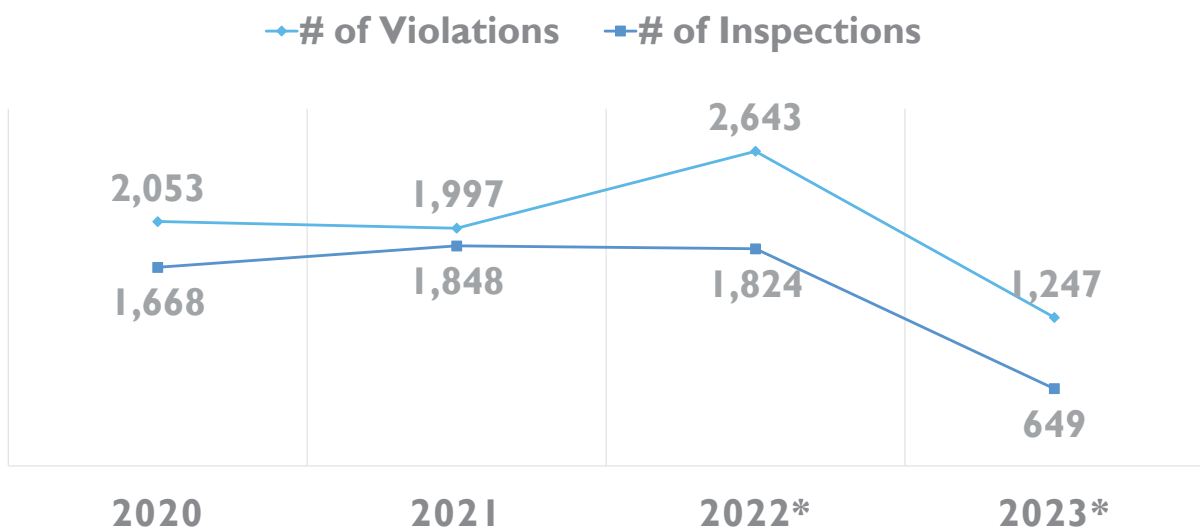
Current | Maximum VOSH Penalties

- Serious and Other-than-Serious \$14,270
- Willful and Repeat \$142,691
- Failure-to-Abate \$14,270 /day

CPI-U increased 1.06222% → VOSH maximum penalties increased percentage on August 1st.

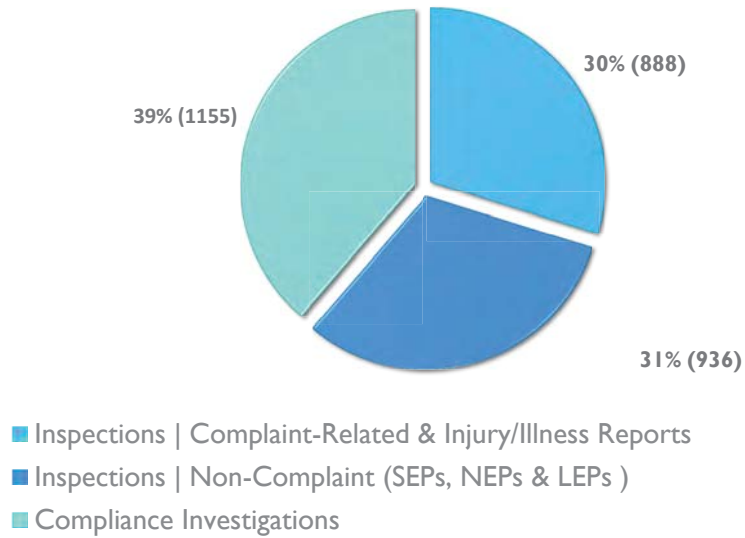


Trends | Violations VS Inspections

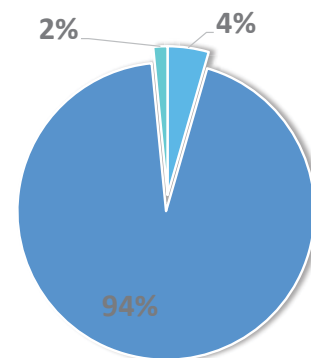
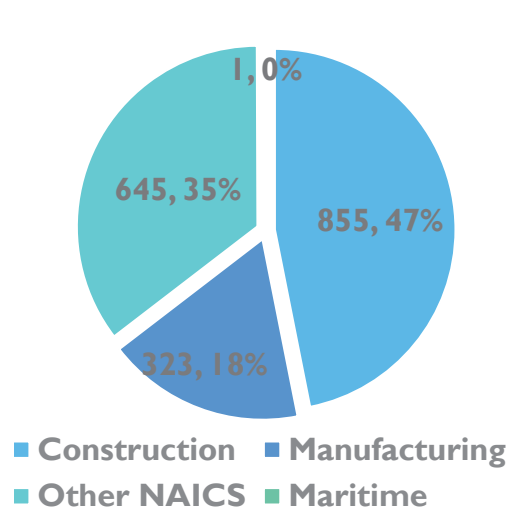


*YTD

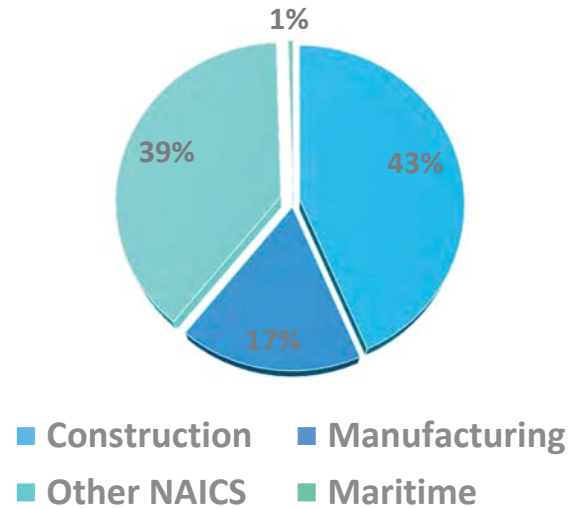
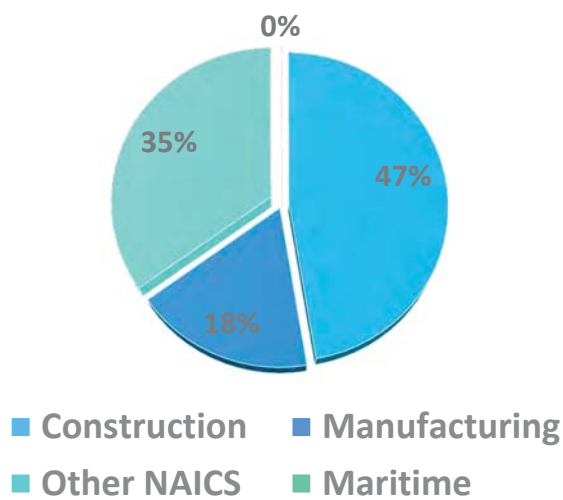
VOSH | CY22 | Enforcement Activity



VOSH | CY22 | Enforcement Activity



CY22 | Enforcement Activity | VOSH vs National



VOSH Most Cited Standards in Const. Ind.

CY-2021

1	1926.102(a)(1)	Eye and Face Protection
2	1926.501(b)(13)	Fall Protection - Residential
3	1926.100(a)	Head Protection
4	1926.50(c)	First Aid Training
5	1926.503(a)(1)	Fall Protection - Training
6	1926.501(b)(1)	Fall Protection - Unprotected sides and edges
7	1926.501(b)(11)	Fall Protection - Steep Roofs
8	1926.1053(b)(1)	Ladders
9	1926.501(b)(10)	Fall Protection - Roofing work on Low-slope roofs
10	1926.503(b)(1)	Fall Protection - Training

CY-2022

1	1926.501(b)(13)	Fall Protection - Residential
2	1926.100(a)	Head Protection
3	1926.102(a)(1)	Eye and Face Protection
4	1926.501(b)(1)	Fall Protection - Unprotected sides and edges
5	1926.1053(b)(1)	Ladders
6	1926.50(c)	First Aid Training
7	1926.503(a)(1)	Fall Protection - Training
8	1926.501(b)(11)	Fall Protection - Steep Roofs
9	1926.503(b)(1)	Fall Protection - Training
10	1926.501(b)(4)(ii)	Fall Protection – Hole Covers

VOSH Most Cited Standards in Gen Ind.

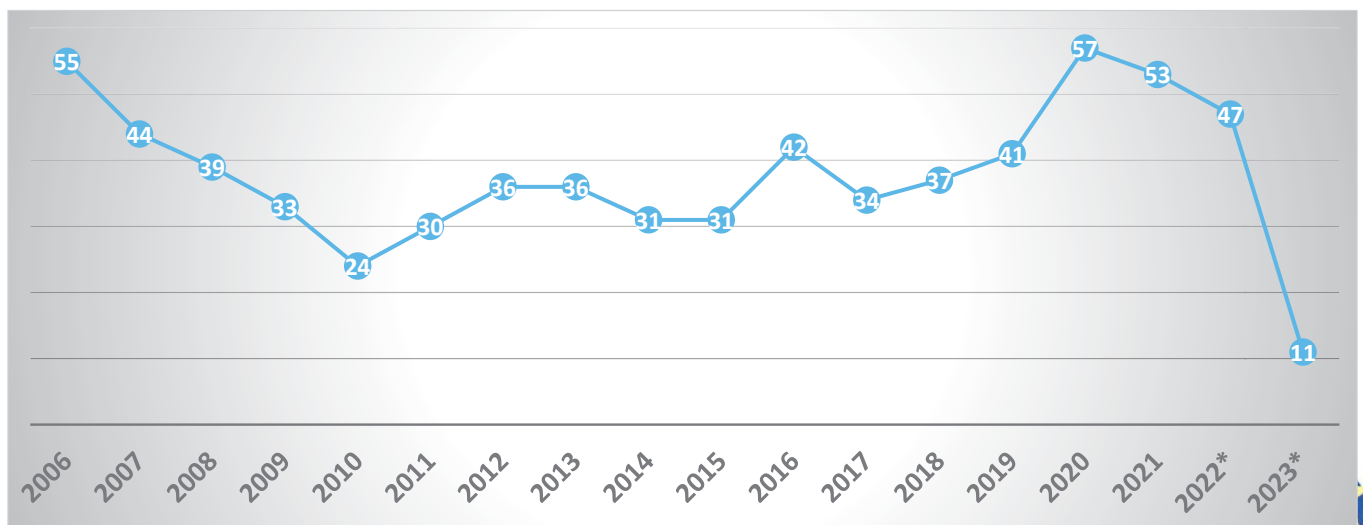
CY-2021

1	1910.1200(e)(1)	Hazard Communication – Program
2	1910.151(c)	First Aid Kit
3	16VAC25-60-120	Manufacturer's Specifications
4	1910.1200(h)(1)	Hazard Communication - Training
5	1910.212(a)(1)	Machine Guarding
6	1910.157(c)(1)	Portable Fire Extinguishers - Mounting
7	1910.305(b)(1)(ii)	Electrical - Unused Openings
8	1910.1200(g)(8)	Hazard Communication - SDSs
9	1910.157(e)(3)	Portable Fire Extinguishers – Annual Insp.
10	1910.22(a)(1)	Walking-Working Surfaces

CY-2022

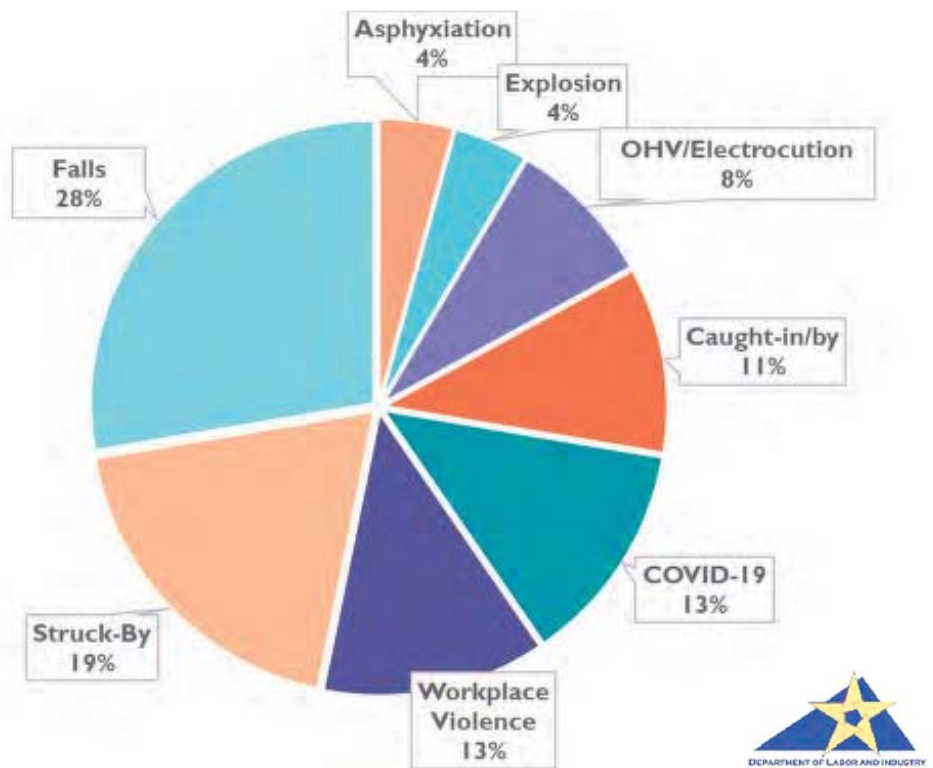
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3	1910.1200(h)(1)	Hazard Communication – Training
4	16VAC25-60-120	Manufacturer's Specifications
5	1910.157(c)(1)	Portable Fire Extinguishers - Mounting
6	1910.212(a)(1)	Machine Guarding
7	1910.157(e)(2)	Portable Fire Extinguishers - Inspection
8	1910.1200(g)(8)	Hazard Communication - SDSs
9	1910.303(g)(1)	Electrical Panels (36" Clearance)
10	1910.215(a)(4)	Grinders – Work Rest (1/8") opening

VA Fatality Trends



*Provisional data

CY22 Fatalities Hazards

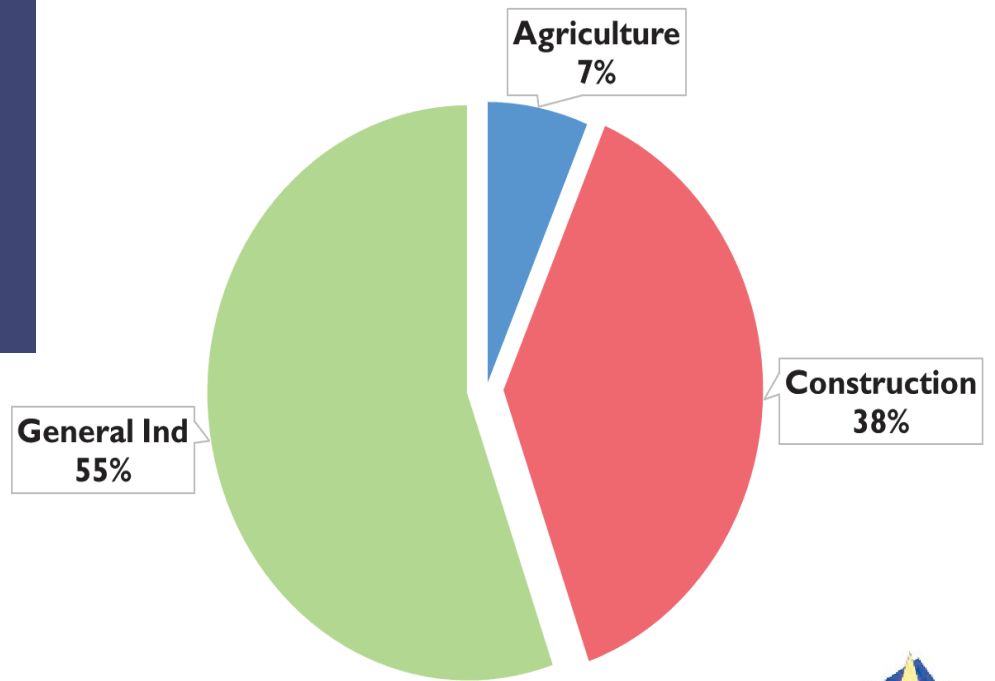


*Provisional data

CY22 Fatalities Hazards

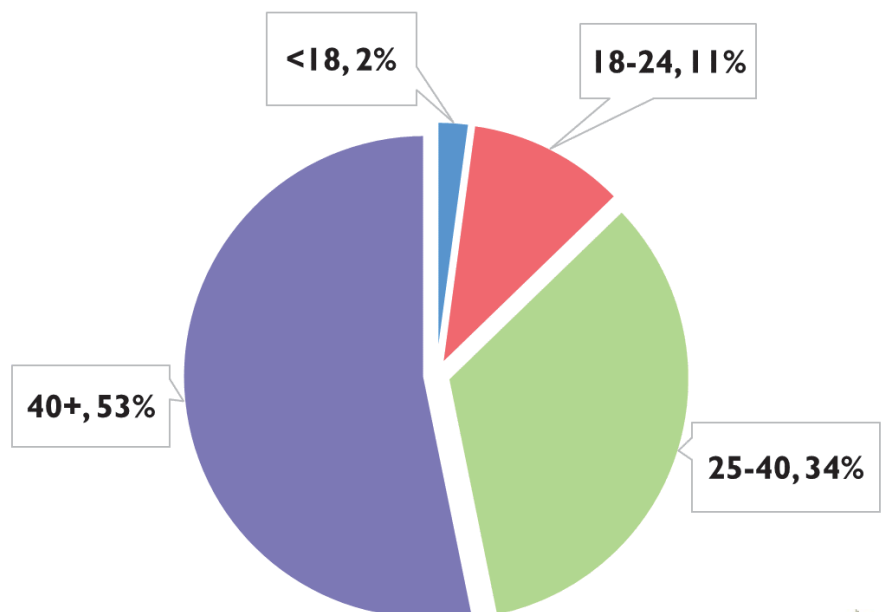


CY22 Fatalities Industry



*Provisional data

CY22 Fatalities Age Group

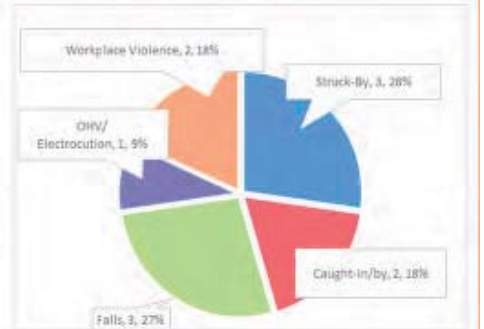
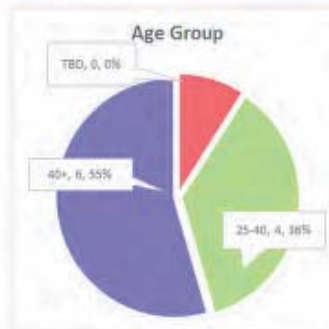
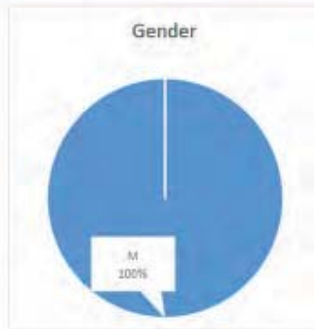
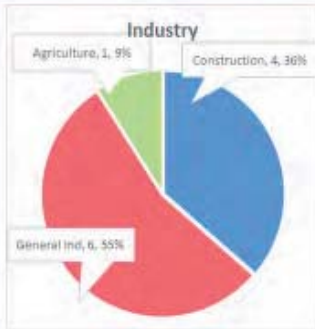


*Provisional data



CY2023 | VOSH Fatality Investigations

Fatalities	Industry			Gender		Age Group					Hazards							
Total	Construction	General Ind	Agriculture	M	F	<18	18-24	25-40	40+	TBD	Struck-By	Caught-in/by	Falls	OHV/ Electrocution	Asphyxiation	Workplace Violence	Explosion	Drowning
11	4	6	1	11	0	0	1	4	6	0	3	2	3	1	0	2	0	0



*Provisional data





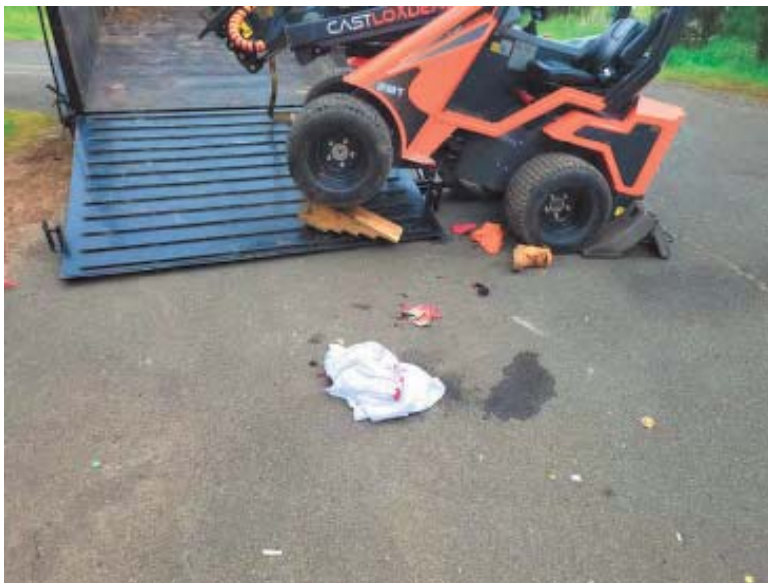
SECTION 6 - GENERAL SPECIFICATIONS AND OPERATOR MAINTENANCE

Platform Capacities

MODEL	MAXIMUM OPERATING HEIGHT	MAXIMUM PLATFORM CAPACITY ⁽¹⁾	MAXIMUM CAPACITY ON PLATFORM EXTENSION	MAXIMUM PERSONS ALLOWED IN PLATFORM	MAX. SIDE FORCE (Platform Fully Extended @ Max. Capacity)	MAXIMUM OPERATING WIND SPEED
1930ES	18.8 ft (5.7 m) (Full)	500 lb (227 kg)	250 lb (113 kg)	2 persons	100 lb (445 N)	28 mph (12.5 m/s)
2032ES	20 ft (6 m) (Full)	800 lb (363 kg)	250 lb (113 kg)	2 persons	120 lb (533 N)	28 mph (12.5 m/s)
2632ES	Zone A 20 ft (6.10 m) Zone B 26 ft (7.95 m)	800 lb (363 kg) 500 lb (227 kg)	250 lb (113 kg) 250 lb (113 kg)	2 persons 2 persons	120 lb (533 N) 100 lb (445 N)	28 mph (12.5 m/s) 28 mph (12.5 m/s)
2646ES		1,000 lb (454 kg)	250 lb (113 kg)	2 persons	150 lb (667 N)	28 mph (12.5 m/s)
3246ES	Zone A 26 ft (7.95 m) Zone B 32 ft (9.70 m)	1,000 lb (454 kg) 700 lb (317 kg)	250 lb (113 kg) 250 lb (113 kg)	2 persons 2 persons	150 lb (667 N) 105 lb (467 N)	28 mph (12.5 m/s) 28 mph (12.5 m/s)

NOTE: (1) Maximum Platform Capacity includes platform and platform extensions.

“DO NOT OPERATE THE MACHINE WHEN WIND CONDITIONS EXCEED SPECIFICATIONS ”
28 mph



“A structure of protection against the risk of tipping (ROPS) has been installed and the designated operator is obligated to fasten the safety belt.”

Manufacturer's Specifications



Data shows that over 98% of all accidents are preventable.

VOSH LOGGING OPERATIONS TRAINING



- **Pittsylvania Forest Products**
- **Mastin Logging**

VOSH FREE Consultation Services

➤ Site Surveys

- Full aka comprehensive
- Limited (ex. sampling, review equipment, process)

➤ Training and Education

- Informal/ and formal
- Onsite/offsite
- OSHA 10-hour classes

➤ IH Services

- Sampling/ monitoring
- Ergo assessment

➤ Program Assistance/Development

- Templates /sample written plans,
- Review of existing programs,
- Training materials

➤ Abatement Advice

- Telephone/e-mail assistance
- General information or referrals



CONSULTATION vs ENFORCEMENT

- | | |
|--|------------------------|
| ✓ Free | ✓ Free |
| ✓ Voluntary | ✓ <u>NOT</u> voluntary |
| ✓ No penalties | ✓ Potential Penalties |
| ✓ Confidential | ✓ Public Record |
| ✓ Flexible Scheduling | ✓ No advance notice |
| ✓ Additional Services (IH sampling, training) | |
| ✓ Good Faith | |



CONSULTATION | Benefits

- Access to trained safety and industrial hygiene services
 - Identify and correct potential S&H hazards
 - Answer questions about OSHA/VOSH standards
 - Reduce workplace injuries and illnesses
 - Strengthen safety and health programs
 - Enhance Safety Culture
 - Qualify for deferral or exemption from programmed VOSH inspections
- **Work cooperatively with VOSH!**



VOSH S&HMS Recognition Programs

SHARP



VOSH S&HMS Recognition Programs



CONTACT US

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NoVA Region

- 703-392-0900

Southwest Region

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Tidewater Region

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Lynchburg Field Office

- 434-385-0806

Abingdon Field Office

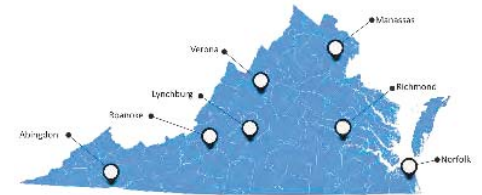
- 276-676-5465

Verona Field Office

- 540-248-9280

Consultation Division

- 804-786-7776
- Email: consultation@doli.virginia.gov



Questions

For more Information:

