

ASSE WORKPLACE SAFETY UPDATE

MAY 18, 2018



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Douglas J. Suter Biography

Douglas J. Suter is a partner with the Columbus Office of Hahn Loeser + Parks, LLP. For the second year in a row, Doug has been recognized as the Best of the Best by *Ohio Super Lawyers* magazine.

For 2017, Douglas has been named one of the Top 5 Superlawyers in Columbus and one of the Top 100 Superlawyers in Ohio for the third consecutive year. Douglas has also once again for 2017 been named to the list of The Best Lawyers in America.

In 2011, Douglas was singled out and featured in *Ohio Super Lawyer* magazine as one of Ohio's Top 5 exceptional lawyers for 2011. Douglas has also been recognized as one of the Top 100 trial lawyers in Ohio by the *National Trial Lawyer*. In 2016, Douglas was recognized as a global award winner for complex commercial litigation by *Corporate Live Wire*.

Douglas is highly regarded as a trial lawyer, concentrating in commercial litigation, labor and employment litigation, patent litigation, governmental litigation and OSHA/MSHA litigation. In his 27 year career as a lawyer, Douglas has developed a broad based law practice providing legal counsel to many national companies.

Douglas devotes a large portion of his litigation practice to representing employers nationwide in OSHA litigation before the Occupational Safety & Health Review Commission, MSHA litigation, and defending employers in other labor and employment matters, including wrongful death defense, defense of employers in multi-employer worksite accidents and fatalities, Workers' Compensation matters, V.S.S.R. actions, intentional tort actions and construction litigation. Douglas defended the first Ohio company ever charged with criminal willful OSHA violations by the United States Justice Department following a workplace fatality and he has been involved in at least one hundred wrongful death and significant injury cases and over three hundred OSHA cases.

Douglas has lectured and written on OSHA, workplace safety, and liability matters for The Ohio State University, Marshall University, the American Society of Safety Engineers, the Ohio Division of Safety & Hygiene, the Builders Exchange of Central Ohio, the Ohio State Bar Association Continuing Legal Education Institute, the Columbus Area Chamber of Commerce, the National Business Institute, The County Engineers Association of Ohio, The American Gas Association, Ohio Rural Electric Cooperative and numerous trade associations and safety

councils. In 2001, he represented the Builders Exchange of Central Ohio in contract negotiations with the United States Department of Labor, resulting in the OSHA/Builders Exchange Partnership Agreement.

Douglas obtained his B.S. degree in Business Administration with honors from West Liberty State College, where he was named management student of the year. He obtained his Juris Doctorate degree *cum laude* from the Capital University Law School, where he was one of the editors of the Law Review. He was appointed by the American Bar Association to the Occupational Safety & Health Law Committee in 1992. He is also a member of the Society of Ohio Safety Engineers, National Safety Council, Builders Exchange of Central Ohio Safety Advisory Council and American Society of Safety Engineers.

I. OHIO OSHA ACTIVITY

- April 23, 2018:** Cincinnati OSHA office cites a national farming supply company for failing to maintain forklifts and allowing employees to operate dangerous forklifts with faulty brakes. Company was fined \$258,672.00.
- April 20, 2018:** Toledo OSHA office cites plastics company with multiple safety violations after OSHA inspections found employees exposed to fall, machine and electrical hazards. Company was fined \$261,454.00.
- April 13, 2018:** Cincinnati OSHA office cites roofing contractor for failure to train workers on fall hazards and for allowing roofers to work at heights greater than 13 feet without fall protection. Roofing company was fined \$138,394.00.
- March 16, 2018:** Kraft Heinz Foods cited by Cincinnati OSHA office for lockout/tagout and machine guarding violations after an employee suffered an amputation injury clearing a jam in a machine at Kraft's Mason, Ohio facility, OSHA fined the company \$109,939.00.
- March 16, 2018:** Columbus OSHA office and Hebron, Ohio auto parts manufacturer settled OSHA violations and penalties for \$1 million dollars. Company had repeated employee amputation injuries.
- March 12, 2018:** Toledo OSHA office cites Northern Ohio manufacturer with serious and repeat violations of Ohio machine guarding and lockout/tagout regulations after an employee clearing a jam in a machine suffered an amputation injury. Company was fined \$155,208.00.
- February 16, 2018:** Steubenville, Ohio contractor settled OSHA 11C whistleblower lawsuit paying back wages to an employee who was allegedly terminated for filing complaints with OSHA that employees were exposed to confined space and respiratory hazards as they cleaned storage tanks.
- January 3, 2018:** Toledo OSHA office cites roofing contractor with multiple fall protection citations and issues a \$91,629 penalty after numerous employees were observed performing roofing work above 8 feet without adequate fall protection.
- December 31, 2017:** Toledo OSHA office cites Ohio vinyl tile manufacturer without multiple machine guarding violations and issues a \$514,236.00 penalty after one employee's hand was crushed and another employee's fingers were amputated.
- June 28, 2017:** Columbus OSHA office fines Groveport, Ohio manufacturer \$610,034.00 for machine safety violations, lock out/tag out deficiencies and silica

exposure. OSHA issued six Repeat violations, 19 Serious violations and five Other Than Serious violations.

- May 19, 2017:** Cleveland OSHA office fines Republic Steel \$279,578.00 after finding employees at Republic's Canton, Ohio plant exposed to machine hazards and lead exposure.
- May 4, 2017:** Toledo OSHA office issued automobile insulation manufacturer \$569,463.00 in OSHA penalties after a 46 year old employee suffered an amputation of his right hand, wrist and forearm. OSHA cited the company three Willful violations and two Repeat violations for inadequate machine guarding and lockout/tagout deficiencies.
- January 18, 2017:** Columbus OSHA office issued a \$235,879.00 citation to a Coshocton foundry alleging that workers were exposed to machine hazards and fall hazards. The company was issued three Repeat citations and four Serious citations.
- Nov. 21, 2016:** Cleveland OSHA office is investigating a trench collapse case involving a 28 year old employee who was injured while installing sewer lines in an 8 foot trench.
- Nov. 17, 2016:** Cincinnati OSHA office issued \$274,359.00 in penalties to a construction company after a 33 year old employee was killed when a 12 foot trench collapsed on him.
- Nov. 15, 2016:** Toledo OSHA office issued \$117,579.00 penalties against Dollar General for allowing emergency exits to be blocked. OSHA issued one Willful violation and had cited Dollar General in September 2016 for the same hazards.
- Nov. 10, 2016:** Cincinnati OSHA office issued \$226,937.00 in penalties to Moraine automotive glass supplier for PPE, electrical hazards, hazard communication and machine guarding deficiencies OSHA issued 23 Serious citations.
- Nov. 10, 2016:** Cincinnati OSHA office issued \$149,979.00 in penalties to a commercial bakery after a 28 year old worker lost part of his right arm in an improperly guarded bread wrapping machine. OSHA found other employees exposed to the same hazards and issued 1 Willful citation and 2 Serious citations.
- Nov. 1, 2016:** Toledo OSHA office issued \$159,631.00 in penalties to Ohio manufacturer of railroad track repair kits for lockout/tagout deficiencies. OSHA issued 1 Willful citation and 11 Serious citations.

Oct. 31, 2016: Columbus OSHA office issued \$214,857.00 in penalties after an Ohio manufacturer that OSHA asserted was exposing employees to the risks of amputations by disabling safety devices in order to speed up production. OSHA issued 1 Willful citation and 6 Serious citations.

Oct. 25, 2016: Cleveland OSHA office issued \$60,571.00 to the J.M. Smucker Company after a 39 year old employee suffered an amputation of the tip of his right index finger. OSHA issued 1 Repeat citation and 1 Serious citation.

Oct. 24, 2016: Toledo OSHA office issued \$536,249.00 in penalties to a Mansfield auto parts manufacturer after a temporary employee suffered an amputation injury. OSHA found that employees were knowingly being allowed to bypass machine safety procedures in order to meet production quotas.

OSHA issued 3 Willful Egregious citations, 1 Willful citation and 3 Serious citations.

Oct. 19, 2016: Columbus OSHA office issued \$92,286.00 in penalties to Dublin Ohio steel erector after 6 temporary employees were exposed to falls of up to 60 feet with no fall protection. The employer was issued 8 Serious citations and 2 Repeat citations.

Sept. 20, 2016: Columbus OSHA office issued \$156,772.00 in penalties to Dollar General for blocking exit routes with stacked merchandise. OSHA issued 3 Repeat citations.

Sept. 12, 2016: Columbus OSHA office issued \$94,064.00 in penalties to a roofing contractor after OSHA investigators observed 9 employees atop a single family residence without adequate fall protection. OSHA issued 2 Willful citations.

Sept. 12, 2016: Cleveland OSHA office issued \$256,545.00 in penalties to a Cleveland auto parts plating facility after workers were observed climbing on top of acid tanks that heat to 170 degrees – just weeks after an employee suffered third degree chemical burns after falling into an acid etching tank.

OSHA issued 1 Willful citation and 8 Serious citations.

Sept. 20, 2016: Dollar General was fined \$156,772.00 and issued 3 Repeat citations for jeopardizing worker and customer safety with blocked exits.

Sept. 12, 2016: Strasburg contractor was fined \$94,064.00 and issued 2 Willful citations for failure to use fall protection and failure to train employees to use gear properly.

July 27, 2016: Cleveland stone fabricator was fined \$63,360.00 and issued 2 Willful, 3

Repeat and 2 Serious citations for failure to establish a respiratory protection program and other noise and safety hazards.

July 14, 2016: Elmore, Ohio metal alloy manufacturer was fined \$70,000.00 and issued 1 Willful citation for machine guarding issued.

June 29, 2016: Hebron auto parts manufacturer was fined \$3,426,900.00 and issued 46 Egregious Willful, 2 Willful, 1 Repeat and 8 Serious citations for failing to properly train workers and for routinely tolerating willful and safety violations. The company was also placed on OSHA's Severe Violator List for failing to address these safety hazards.

June 20, 2016: Mentor Towing parts manufacturer was fined \$99,000.00 and issued 3 Repeat and 8 Serious citations for guarding, electrical hazards and other machine safety violations.

June 13, 2106: Bellefontaine rubber-hose manufacturing plant was fined \$70,000.00 and issued 11 machine safety violations for guarding and other safety issued at the plant.

June 10, 2016: Aerodynamic & Emission Control Product manufacturer was fined \$89,000.00 and issued 1 Repeat and 15 Serious and 1 Other Than Serious citations for guarding, fall hazards, Confined Space Permit, failure to maintain and inspect portable fire extinguishers and other safety deficiencies at the Cleveland facility.

June 7, 2016: Ohio metal stamping facility fined \$45,500.00 and issued 2 Willful and 2 Serious citations for noise hazards.

May 25, 2016: Ohio gun shop was fined \$194,400.00 and placed on OSHA's Severe Violator List and issued 2 failure to abate and 6 Serious citations for safe and health violations with regard to lead exposure and failure to establish a respiratory protection program.

May 2, 2016: Lima Pallet Company fined \$51,590.00 and issued 12 Serious citations for hearing protection, guarding, lockout/tagout, electrical and other safety deficiencies at its facility.

May 3, 2016: Northwood, Ohio Cement Company fined \$92,000.00 and cited for 1 repeat and 10 Serious violations, including lockout/tagout, machine guarding, hearing conservation program, respiratory protection, training and other safety deficiencies.

May 3, 2016: Mansfield, Ohio Plastics Company fined \$43,200.00 and issued 8 Serious citations for lockout/tagout, fall training and electrical safe work practice deficiencies.

- April 27, 2016:** Republic Steel fined \$121,000.00 and issued 5 repeat citations. OSHA also found Republic Steel in violation of its 2014 corporate wide settlement agreement with OSHA. Republic Steel was cited for guardrailing, lockout/tagout and machine guarding deficiencies.
- April 21, 2016:** Findley, Ohio automotive component supplier fined \$82,500.00 and issued 2 Repeat and 2 Serious for lockout/tagout, guardrail/ladder and machine guarding deficiencies.
- April 21, 2016:** Circleville, Ohio lamp manufacturer fined \$88,000.00 by the Columbus OSHA Office and issued 2 Repeat and 3 Serious violations for lockout/tagout and machine guarding deficiencies.
- April 6, 2016:** Northwestern Ohio farming operation cited by Toledo OSHA office for hazard communication and respiratory protection deficiencies after a worker died from exposure to hydrogen sulfide gas.
- April 5, 2016:** Ohio law and garden equipment manufacturer fined \$77,000.00 and issued 1 Willful and 1 Serious citation for hearing conservation and respiratory protection deficiencies.
- March 23, 2016:** Kroger Co. fined \$45,500.00 and issued 1 Repeat and 1 Serious citation when an employee's fingertip was amputated by a power saw used to butcher meat.
- March 21, 2016:** Northwest Ohio window manufacturer fined \$44,500.00 and issued 2 Repeat and 2 Serious citations after a 22 year old employee's right hand got caught in the rollers of a glass press he was ordered to clean.
- March 16, 2016:** Hillsboro Ohio excavator fined \$91,000.00 and issued 1 Willful citation and 3 Serious citations after an employee was killed when a trench with no trench protection caved in.
- March 15, 2016:** Northwestern Ohio contractor fined \$69,300.00 and issued 1 Willful and 2 Serious citations after employees were observed working 15 feet in the air on improperly constructed ladder jack scaffolds.
- March 8, 2016:** Northwestern Ohio packaging company fined \$69,000.00 and issued 2 Repeat and 3 Serious citations after an employee sustained a degloving injury on a powered conveyor.
- February 29, 2016:** Northwestern Ohio automotive component supplier fined \$59,500.00 and issued 1 Repeat and 5 Serious citations for lockout/tagout and forklift/forklift training deficiencies.

- February 24, 2016:** East Liverpool Ohio hazardous waste incinerator fined \$63,370.00 and issued 4 Repeat and 1 Serious citation after a worker was exposed to aniline. Citations were for inadequate respirator use, PPE deficiencies and inadequate decontamination procedures.
- February 24, 2016:** Cincinnati Ohio roofing contractor fined \$117,000.00 and issued 1 Willful and 11 Serious citations after a worker working on a new commercial roof with no fall protection fell to his death.
- February 16, 2016:** West Chester Ohio cable wire insulation manufacturer fined \$69,300 and issued 1 Willful and 4 Serious citations after employee's finger was crushed and amputated by the claim arm of a machine. Company cited for machine guarding training and lockout/tagout deficiencies.
- February 11, 2016:** Chicken producing plant fined \$23,100.00 and issued 2 Repeat citations for recordkeeping violations.
- February 1, 2016:** Canton steel company fined \$129,500.00 and issued 2 Repeat and 3 Serious citations after worker fell 40 feet while conducting maintenance on a crane at the facility.
- In May 2015, the company was fined \$393,500.00 and placed on OSHA's Severe Violator List as a result of a crane latch failure which resulted in a 1,000 pound piece of equipment dropping on an employee.
- January 25, 2016:** Northern Ohio bolt manufacturer fined \$121,000.00 and issued 4 Repeat and 2 Serious citations for machine guarding and training deficiencies.
- January 25, 2016:** Huber Heights Ohio plastic extrusion manufacturer fined \$49,000.00 and issued 1 Willful citation for machine guarding deficiencies after an employee suffered a degloving injury while working on a puller machine.
- December 23, 2015:** Cleveland excavator fined \$93,940.00 and issued 2 Willful and 2 Serious citations after employees were observed in multiple trenches up to 8 feet deep with no trench protection.
- December 22, 2015:** Columbus based roofing contractor fined \$54,650.00 and issued 1 Willful and 7 Repeat citations for failure to provide fall protection for roofing activities.
- December 16, 2015:** Northern Ohio printing company fined \$88,200.00 and issued 3 Willful and 4 Serious violations after 3 employees sustained amputation injuries.
- December 16, 2015:** Ohio masonry contractor fined \$131,440.00 and issued 4 Willful and 3 Serious citations for allowing workers to work on scaffolding with

inadequate guardrails and with no fall protection equipment.

December 16, 2015: St. Mary's Ohio concrete ready mix manufacturer fined \$51,920.00 and issued 1 Willful, 3 Repeat and 2 Serious OSHA citations for confined space, electrical, and lockout/tagout deficiencies.

December 9, 2015: Waverly Ohio electronics recycler fined \$56,850.00 and issued 6 Serious citations for violation of OSHA's lead standard.

December 8, 2015: Canton Ohio chicken processing facility fined an additional \$460,000.00 and issued 11 Repeat and 4 Serious citations for deficiencies in ammonia refrigeration systems at two Ohio facilities.

The company was fined \$861,500.00 by the Columbus OSHA Office in August 2015 and placed on OSHA's Severe Violator List. In all, the company was fined \$1.87 million in OSHA penalties in 2015.

November 19, 2015: Akron Ohio metal stamping company fined \$103,600.00 and issued 1 Willful and 12 Serious citations after a worker lost 3 fingers on a mechanical power press.

Company was cited for lockout/tagout and machine guarding deficiencies.

October 20, 2015: Fairfield Ohio packing company fined \$45,500.00 and issued 1 Repeat and 3 Serious citations. Company was cited for exposing employees to amputation hazards and lockout/tagout deficiencies.

September 23, 2015: Celina Ohio indoor shooting range fined \$61,200.00 and issued 23 Serious violations of OSHA's lead standard after employees were found to have elevated blood lead levels.

September 21, 2015: Northern Ohio cookie and cracker manufacturer fined \$52,500.00 and issued 1 Repeat and 2 Serious citations after employee had a finger amputated while unjamming a dough cutting machine.

August 27, 2015: Lancaster Ohio battery recycling facility fined \$74,250.00 by the Columbus OSHA Office and issued 8 Repeat and 1 Serious citation for violations of OSHA's lead standard.

August 20, 2015: Painesville Ohio nut and bolt manufacturer fined \$170,170.00 and issued 2 Willful, 3 Repeat and 3 Serious citations after an employee suffered an amputation after his finger was caught in a machine.

August 13, 2015: Elyria Ohio plastic molding company fined \$171,720.00 and placed on OSHA's Severe Violator List after a 21 year old employee on his first day on the job had four fingers amputated when he tried to clear a jam in a

plastic molding machine.

August 11, 2015: Lima Ohio emergency medical transport company fined \$235,000.00 and issued 4 Willful and 7 Serious violations for violations of OSHA's blood borne pathogens regulations.

August 6, 2015: Akron Ohio manufacturer fined \$60,000.00 and issued 9 Serious citations after an employee's right hand was amputated on a mechanical power press.

II. OHIO FATALITIES

August 28, 2017: Conneaut, Ohio – Worker dies in fall from tank wall.

July 31, 2017: Laurelville, Ohio – Worker fatally crushed by tree stump.

July 25, 2017: Mason, Ohio – Worker dies from fall from ladder.

July 22, 2017: Avon, Ohio – Worker dies from fall from roof.

July 14, 2017: Weston, Ohio – Worker dies after being struck by falling truss.

June 18, 2017: Greenville, Ohio – Worker fatally crushed between semi-truck and stationary trailer.

May 31, 2017: Logan, Ohio – Worker dies after being struck by falling tree branch.

May 21, 2017: Holiday City, Ohio – Worker dies when mower rolled over into ditch.

May 11, 2017: Dayton, Ohio – Worker dies after falling from load being lifted into trailer.

April 26, 2017: Hamilton, Ohio – Worker dies after being struck by front end loader.

April 25, 2017: Perry, Ohio – Worker dies from fall from ladder.

April 10, 2017: Cincinnati, Ohio – Worker dies after being crushed by steel coils.

April 10, 2017: Wellsville, Ohio – Worker fatally crushed when truck rolled over.

March 30, 2017: Galena, Ohio – Worker dies after being struck by steel beam.

February 22, 2017: Akron, Ohio – Worker dies after being crushed.

January 25, 2017: Saint Mary's, Ohio – Worker dies following motor explosion.

December 27, 2016: Belpre, Ohio – Worker dies from fall from roof.

December 1, 2016: Toledo, Ohio – Worker dies after becoming caught in a lathe.

November 27, 2016: Cincinnati, Ohio – Worker electrocuted when ladder contacted energized power lines.

November 17, 2016: Norwalk, Ohio – Worker killed after being struck by semi-tractor trailer.

November 10, 2016: Dover, Ohio – Worker struck and killed by front end loader.

November 3, 2016: Batavia, Ohio – Worker killed in fall.

October 20, 2016: Wooster, Ohio – Worker killed in fall inside grain silo.

III. OHIO ENFORCEMENT CASES WITH INITIAL PENALTIES ABOVE \$40,000.00

JANUARY 2017 – JANUARY 2018

In just 12 months in the bigger OSHA cases, the Ohio OSHA offices issued nearly \$5 million dollars in OSHA penalties.

January 4, 2017: Marysville, OH -- \$78,390.00

February 7, 2017: Grove City, OH -- \$48,799.00

February 9, 2017: Tiffin, OH -- \$50,194.00

February 22, 2017: Havilland, OH -- \$46,010.00

February 27, 2017: Cleveland, OH -- \$97,187.00

March 3, 2017: Antwerp, OH -- \$57,152.00

March 20, 2017: Elida, OH -- \$148,192.00

March 20, 2017: Elida, OH -- \$113,533.00

March 21, 2017: Powell, OH -- \$57,152.00

March 21, 2017: Powell, OH -- \$57,152.00

March 24, 2017: Cleveland, OH -- \$93,724.00

April 17, 2017: Salon, OH -- \$57,322.00

<u>April 24, 2017:</u>	Archibald, OH -- \$304,746.00 \$ 44,816.00 \$134,445.00
<u>May 2, 2017:</u>	Strongsville, OH -- \$70,985.00
<u>May 4, 2017:</u>	Oregon, OH -- \$569,463.00
<u>June 2, 2017:</u>	Mentor, OH -- \$60, 840.00
<u>July 3, 2017:</u>	Cincinnati, OH -- \$63,375.00
<u>July 3, 2017:</u>	Fairborn, OH -- \$57,040.00
<u>July 2, 2017:</u>	Maumee, OH -- \$166,225.00
<u>July 12, 2017:</u>	Cincinnati, OH -- \$57,045.00
<u>July 20, 2017:</u>	Springfield, OH -- \$98,990.00
<u>July 25, 2017:</u>	Columbus, OH -- \$170,299.00
<u>July 26, 2017:</u>	McComb, OH -- \$49,797.00
<u>August 1, 2017:</u>	Toledo, OH -- \$57,202.00
<u>August 14, 2017:</u>	Toledo, OH -- \$73,499.00
<u>September 5, 2017:</u>	Willoughby, OH -- \$62,870.00
<u>September 8, 2017:</u>	Fremont, OH -- \$48,438.00
<u>September 11 2017:</u>	Cincinnati, OH -- \$40,743.00
<u>September 20, 2017:</u>	Holmesville, OH -- \$63,376.00
<u>September 26, 2017:</u>	Sidney, OH -- \$169,486.00
<u>October 3, 2017:</u>	Columbus, OH -- \$ 78,876.00 \$112,937.00
<u>October 6, 2017:</u>	Springfield, OH -- \$82,388.00
<u>October 10, 2017:</u>	McArthur, OH -- \$61,348.00
<u>October 16, 2017:</u>	Cincinnati, OH -- \$44,365.00

October 30, 2017: Wickliffe, OH -- \$43,098.00
November 14, 2017: Medina, OH -- \$54,874.00
November 30, 2017: Cincinnati, OH -- \$192,659.00
November 30, 2017: Barberton, OH -- \$54,503.00
December 6, 2017: Lebanon, OH -- \$126,749.00
December 6, 2017: Maumee, OH -- \$45,632.00
December 6, 2017: Oregon, OH -- \$57,943.00
December 14, 2017: Waterville, OH -- \$91,629.00
December 21, 2017: Fostoria, OH -- \$488,886.00
January 8, 2018: Maumee, OH -- \$76,827.00
January 10, 2018: Maumee, OH -- \$42,681.00

IV. 2016 END OF YEAR OSHA STATISTICS

- 991 Worker deaths in 2016 were construction-related fatalities. One in Five workplace deaths were construction related.
- From January 2016 TO November 2016 – 23 workers were killed in trench collapses.
- 384 out of the 991 construction-related workplace deaths in 2016 were from falls, 82 were from electrocutions, 93 were from struck by objects and 72 were caught in between fatalities.

V. OSHA'S ACTIVE NATIONAL & SPECIAL EMPHASIS PROGRAMS

COMBUSTIBLE DUST

- OSHA Instruction CPL 03-00-008 – National Emphasis Program on Combustible Dust (reissued) (Date: 03/11/2008)\

FEDERAL AGENCIES

- OSHA Instruction FAP 03-00-007 – Federal Agency Targeting Inspection Program for FY2017 (FEDTAARG17) (Date: 05/11/2017)

HAZARDOUS MACHINERY

- OSHA Instruction CPL 03-00-019 – National Emphasis Program on Amputations (Date: 08/13/2015)

HEXAVALENT CHROMIUM

- OSHA Instruction CPL 02-02-076 – National Emphasis Program – Hexavalent Chromium (Date: 02/23/2010)

PRIMARY METAL INDUSTRIES

- OSHA Instruction CPL 03-00-018 – National Emphasis Program – Primary Metal Industries (Date: 10/20/2014). Note: This NEP does not set inspection goals nor does it require regional offices to develop emphasis programs, but it does provide uniform procedures for any unprogrammed inspection within these industries, and for any regional or State Plan emphasis program within these industries that may be voluntarily implemented.

PROCESS SAFETY MANAGEMENT

- OSHA Instruction CPL 03-00-021 – PSM Covered Chemical Facilities National Emphasis Program (Date: 01/17/2017)

SHIPBREAKING

- OSHA Inspection CPL 03-00-020 – National Emphasis Program on Shipbreaking (Date: 03/07/2016)

TRENCHING & EXCAVATION

- OSHA Inspection CPL 02-00-069 – Special Emphasis Program on Trenching and Excavation (Date: 09/19/1985)

VI. OHIO REGION 5 LOCAL EMPHASIS PROGRAM

REGION V: (IL, IN, MI, MN, OH, WI)

DIRECTIVE

CPL 04-00 (LEP 001)
CPL 04-00 (LEP 002)
CPL 04-00 (LEP 008)
CPL 04-00 (LEP 017)
CPL 04-00 (LEP 025)
CPL 04-00 (LEP 026)
CPL 04-00 (LEP 028)

TITLE

LEP for Building Renovation/Rehabilitation and Demolition (Eff. 10-1-2016)
LEP for Powered Industrial Vehicles (Eff. 10-1-2016)
LEP for Fall Hazards in Construction and General Industry (Eff. 10-1-2016)
Local Emphasis Program for Grain Handling Facilities (Eff. 10-1-2016)
Local Emphasis Program for Federal Agencies (eff. 10-1-2016)
Local Emphasis Program for Tree Trimming Operations (Eff. 10-1-2015)
LEP For Wood Pallet Manufacturing Industry (Eff. 10-1-2016)

CPL 04-00 (LEP 100)	LEP for Maritime Industries engaged in ship building and repair, marine cargo handling, navigation services to shipping, port and harbor operations, other support activities for water transportation, boat building, and marinas engaged in recreational boat repair located on or adjacent to navigable waterways
CPL 04-00-014	Local Emphasis Program for Lead (Eff.: 10-1-2016)
CPL 04-00-016	Local Emphasis Program for Silica (Eff. 10-1-2016)

VII. OSHA'S SEVERE VIOLATOR ENFORCEMENT PROGRAM

CPL 02-00-149 **(Eff. June 18, 2010)**

- Oil & Upstream gas hazards added to List of High Emphasis Hazards (02-11-2015)
- Grain Handling Hazards added to the list of High Emphasis Hazards (04-12-2011)

VIII. CRITERIA FOR SEVERE VIOLATOR CASES

- A. **Fatality/Catastrophe Criterion.** A fatality/catastrophe inspection in which OSHA finds **one** or more **willful** or **repeated** violations or **failure-to-abate** notices based on a serious violation related to a death of an employee or three or more hospitalizations. NOTE: The violations under this criterion **do not have to be High-Emphasis Hazards** as defined in Section XII. (p. 5)
- B. **Non-Fatality/Catastrophe Criterion Related to High-Emphasis Hazards.** An inspection in which OSHA finds **two** or more **willful** or **repeated** violations or **failure-to-abate** notices (or any combination of these violations/notices), based on **high gravity serious** violations related to a **High-Emphasis Hazard** as defined in Section XII. (p. 5).
- C. **Non-Fatality/Catastrophe Criterion for Hazards Due to the Potential Release of a Highly Hazardous Chemical (Process Safety Management).** An inspection in which OSHA finds **three** or more **willful** or **repeated** violations or **failure-to-abate** notices (or any combination of these violations/notices), based on **high gravity serious** violations related to hazards due to the potential release of a highly hazardous chemical, as defined in the PSM standard.
- D. **Egregious Criterion.** All **egregious** (e.g., pre-instance citations) enforcement actions will be considered SVEP cases.

IX. EXAMPLES OF HIGH GRAVITY HAZARD FALLING UNDER OSHA'S SEVERE VIOLATOR ENFORCEMENT PROGRAM

FALL HAZARDS COVERED UNDER THE FOLLOWING GENERAL INDUSTRY STANDARDS:

1. 29 CFR §1910.23 – Guarding floor and wall openings and holes. [Walking-Working Surfaces]

2. 29 CFR §1910.28 – Safety requirements for scaffolding [Walking-Working Surfaces]
3. 29 CFR §1910.29 – Manually propelled mobile ladder stands and scaffolds (towers) [Walking-Working Surfaces]
4. 29 CFR §1910.66 – Powered platforms for building maintenance [Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms]
5. 29 CFR §1910.67 – Vehicle-mounted elevating and rotating work platforms [Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms]
6. 29 CFR §1910.68 – Manlifts [Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms]

FALL HAZARDS COVERED UNDER THE FOLLOWING CONSTRUCTION INDUSTRY STANDARDS:

1. 29 CFR §1926.451 – General requirements [Scaffolds]
2. 29 CFR §1926.452 – Additional requirements applicable to specific types of scaffolds
3. 29 CFR §1926.501 – Duty to have fall protection
4. 29 CFR §1926.502 – Fall protection systems criteria and practices
5. 29 CFR §1926.760 – Fall protection [Steel Erection]
6. 29 CFR §1926.1052 – Stairways [Ladders]

AMPUTATION HAZARDS specified below that are covered under the National Emphasis Program on Amputations. (See CPL 03-00-003):

1. 29 CFR §1926.147 – The control of hazardous energy (lockout/tagout)
2. 29 CFR §1926.212 – General requirements for all machines
3. 29 CFR §1926.213 – Woodworking machinery requirements
4. 29 CFR §1926.217 – Mechanical power presses
5. 29 CFR §1926.219 – Mechanical power-transmission apparatus

COMBUSTIBLE DUST HAZARDS specified below that are covered by the Combustible Dust National Emphasis Program (Reissued), including the General Duty Clause (Sec. 5(a)(1) of the OSH Act). (See CPL 03-00-008):

1. 29 CFR §1910.22 – General requirements [Walking-Working Surfaces]
2. 29 CFR §1910.307 - Hazardous (classified) locations [Electrical]
3. Sec. 5(a)(1) of the OSH Act Any General Duty Clause violation concerning hazards related to dust collectors inside buildings, deflagration isolation systems, and duct-work issues.

CRYSTALLINE SILICA HAZARDS specified below that are covered by the National Emphasis Program – Crystalline Silica (See CPL 03-00-0070):

1. **Overexposure.**
 - a. 29 CFR Part §1910.1000 and 29 CFR Part §1915.1000 – Air Contaminants
 - b. 29 CFR §1926.55 – Gases, vapors, fumes, dusts and mists
2. **Failure to Implement Engineering Controls**

- a. 29 CFR §1910.1000(e) – Air Contaminants
- b. 29 CFR §1926.55(b) – Gases, vapors, fumes, dusts and mists
3. **When Overexposure Occurs.** 29 CFR §1910.134; 29 CFR §1926.103; and 29 CFR §1915.154 – Respiratory protection

LEAD HAZARDS

1. 29 CFR §1910.1025 – Lead
2. 29 CFR §1926.62 – Lead
3. 29 CFR §1915.1025 – Lead and 29 CFR §1915 Subpart D Welding, Cutting and Heating

EXCAVATION/TRENCHING HAZARDS specified below that are covered by the Special Emphasis Program – Trenching and Excavation (See CPL 02-00-069)

1. 29 CFR §1926.651 - Specific excavation requirements
2. 29 CFR §1926.652 - Requirements for protective systems [Excavations]

There are currently 29 Ohio Companies on OSHA's Severe Violator List.