

OSHA Cornerstones

Second Quarter 2019

OSHA Signals Updates to Powered Industrial Truck Standards as it Requests Information from Employers

OSHA recently requested information on powered industrial trucks in the workplace, a sign that the agency will likely update its standards on these vehicles. Although the American National Standards Institute and the National Fire Protection Association updated their own standards last year, OSHA's regulations have only been changed once since they were adopted in 1971.

Powered industrial trucks are one of the most frequently cited OSHA standards, with 2,294 violations in 2018. The agency's current regulations don't include language on common risk exposures, such as carbon monoxide buildup from engines, noise hazards and stopping distances on descending grades. And, although updates may require employers to implement new safety procedures, OSHA stated that a major goal is to remove regulatory burden while improving safety.

As a part of the request for information, OSHA specified that it wants data on these specific topics:

- The types, age and usage of powered industrial trucks
- Maintenance and retrofitting procedures for each type of powered industrial truck
- Suggestions for regulating older vehicle models
- The types of accidents and injuries associated with the use of these vehicles
- The advantages and drawbacks of retrofitting machines with new safety features
- Any relevant components of powered industrial truck safety programs

OSHA will accept public comments on powered industrial trucks until June 10. For more information, see the full notice on [the Federal Register's website](#).

OSHA Issues Final Rule to Roll Back Electronic Reporting Requirements After Concerns About Employee Privacy

Earlier this year, OSHA updated its electronic reporting rule after concerns that reports on workplace injuries and illnesses contain employees' personal information. The agency also explained that under the original rule, it was possible for this information to be disclosed publicly through a Freedom of Information Act request or OSHA's Injury Tracking Application.

- Increased OSHA Penalties for 2019
- Federal law requires OSHA to increase its maximum penalties every year to account for inflation. Here's a list of the maximum penalties for 2019:
 - Other-than-serious violation: \$13,260 per violation
 - Serious violation: \$13,260 per violation
 - Failure to comply with posting requirements: \$13,260 per violation
 - Failure to correct a violation: \$13,260 per day until corrected
 - Repeated violation: \$132,598 per violation
 - Willful violation: \$132,598 per violation, and a minimum penalty of \$9,472 per violation

The new final rule only requires certain establishments to submit data from OSHA Form 300A, and became effective on Feb. 25. Previously, establishments with 250 or more employees were also required to submit forms 300 and 301. While this requirement was removed before the March 2 deadline to submit data, OSHA stated that it's likely that many employers automatically submitted data from all three forms, and using software to remove personal details won't be 100 percent effective.

Some organizations believe the final rule will negatively affect workplace safety, and six states filed a lawsuit against OSHA in an attempt to reinstate the original electronic reporting requirements. However, others believe that the final rule still allows the agency to collect a summary of workplace injuries and illnesses without revealing potentially harmful personal information.

New and Updated OSHA Resources to Help Prevent Falls

Falls are one of the most common and dangerous injuries in the workplace, and OSHA recently released a number of resources to help employers stay aware of common fall hazards and train their workforces.

Here's a summary of the new and updated resources:

- [A short video on five ways to prevent workplace falls](#)
- [A series of fact sheets on the safe use of ladders and scaffolding](#)
- [A series of fall safety videos on construction-related hazards](#), including floor openings, scaffolds and roofing
- [OSHA's full fall prevention training guide](#)
- [The National Safety Stand-Down to Prevent Falls in Construction](#), to be held May 6-10.

For more resources on preventing falls at your organization, call 920-921-5921 today or visit www.hierl.com.

According to the National Employment Law Project, the Trump administration's focus on deregulation has caused OSHA enforcement activity to fall and fatality investigations to rise.

Here are some quick stats from their report:

Fatality investigations

2016	2017	2018
837	890	929

OSHA Inspectors

2010	2016	2019
> 1,000	952	875

Total enforcement units (OSHA's weighted system)

2016	2017	2018
42,900	41,829	41,478