

Safety Cornerstones

Provided By: Power Group Companies
A Newsletter of Practical Compliance & Safety Tips

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Cranes and Derricks Rule Protects Millions of Construction Workers

If your company is involved in construction, crane rental or crane certification, you may be affected by an OSHA rule regarding cranes and derricks used in construction. The new rule – which will affect approximately 267,000 construction, crane rental and crane certification establishments and about 4.8 million workers – was published on August 9, 2010, and parts of the rule will go into effect November 8, 2010. According to OSHA, compliance with the new rule will prevent injuries and fatalities while providing protection for the public and property owners.

Who is Affected?

Compliance with the rule is generally the responsibility of a “controlling entity,” which OSHA defines as:

- An employer that is a prime contractor, general contractor, construction manager, or
- Any other legal entity with overall responsibility for a project’s construction, along with its planning, quality and completion.

Equipment affected by the rule is “power-operated equipment used in construction that can hoist, lower and horizontally move a suspended load.” This includes derricks and a variety of cranes. The rule includes a comprehensive list of these cranes as well as a list of the types of equipment that are excluded from the rule’s coverage.

What Does the Rule Require?

The new standard, which addresses provisions for crane operator certification and crane inspection, set-up and disassembly, replaces a decades-old version that was universally recognized by industry stakeholders as outdated. It requires operators of most types of cranes to be qualified or certified under one of the methods set forth in the standard, and employers have up to four years to ensure their operators are properly certified. Other major provisions of the rule require controlling entities to:

- Determine whether the ground is sufficient to support the anticipated weight of hoisting equipment and associated loads;

- Assess hazards within the work zone that would affect the safe operation of hoisting equipment, such as power lines, objects and personnel within the work zone or swing radius of the hoisting equipment;
- Ensure that the equipment is in safe operating condition via required inspections; and
- Ensure that employees in the work zone are trained to recognize hazards associated with the use of the equipment and any related duties.

OSHA has posted a preliminary fact sheet and answers to frequently asked questions on its website and has said that additional materials for compliance assistance will follow. The [entire final rule](#) is also available on the OSHA website.

For more information about safety programs and OSHA compliance, contact the insurance professionals at Power Group Companies.

OSHA Targets Indifference, Egregious Violations in Latest Inspection Efforts

In an effort to ensure worker safety by setting examples for all employers, OSHA is aggressively enforcing its standards in cases where employers demonstrate indifference in protecting the health and safety of their workers.

In the past year and a half of the current OSHA administration, OSHA investigators have issued 17 citations for egregious violations. These employers showed multiple instances of willful and flagrant indifference to correcting workplace hazards, many of which resulted in tragic worker fatalities, worksite catastrophes (including explosions and chemical releases) or large numbers of worker injuries or illnesses. This number is more than double the amount of similar violations issued in the two years before the current administration took office. Some of the employers that have been cited as a part of OSHA's recent efforts include BP Products North America, Kleen Energy and Cooperative Plus.

What does this effort mean for employers? More than any other time, it is crucial to make safety and OSHA compliance a top priority. Measures to improve job safety and health will consistently help your bottom line by reducing workers' compensation claims, improving worker satisfaction and employee retention and avoiding costly citations from OSHA.

Making safety and proper recordkeeping a priority can improve your business operations and ensure that OSHA inspections go smoothly.



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OSHA Issues Interim Final Rules, Invites Comments

OSHA published three interim final rules in the August 31 *Federal Register* that will protect workers that express safety, health and security concerns. The regulations allow for writing and filing in languages other than English and establish procedures for handling worker retaliation complaints.

The regulations cover workers filing complaints in the railroad, public transit, commercial motor carrier and consumer product industries, and they establish procedures and time frames for handling complaints under the whistleblower sections of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the Consumer Product Safety Act of 2008.

OSHA's Whistleblower Protection Program webpage (www.whistleblowers.gov) contains additional information about worker rights and provisions under each of the whistleblower statutes and regulations.

Grain Facilities Fined More Than \$374,000

After \$721,000 in penalties issued in August when a worker was seriously injured from being engulfed by soybeans in a storage bin, Wisconsin-based Cooperative Plus, Inc. was issued an additional \$374,500 fine for exposing workers to undue hazards.

"This continued non-compliance with long-established safety standards for working in grain handling operations by Cooperative Plus Inc. shows a complete disregard for worker safety," said OSHA Assistant Secretary of Labor Dr. David Michaels.

Additional violations, including a lack of emergency action plan and failure to train workers in emergency use of respirators and grain handling hazards, further increased citations.

Assuming that you are committed to safe and healthful work practices, OSHA wants to work with you to prevent all losses. They believe that, when you make job safety and health a real part of your everyday operations, you will not lose in the long run. Investing in safety and health activity now will better enable you to avoid possible losses in the future. To ensure that your organization is in compliance, work with Power Group Companies on a comprehensive safety and risk management program.