



Occupational Health, Safety &  
Environmental Consultants

**OSHA Updates for January – March 2019**

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)  
REGULATORY UPDATES**

**1.0 FINAL STATUTES AND RULEMAKINGS**

Citations	Summary
<p><b>Title:</b> Tracking of Workplace Injuries and Illnesses  <b>Publication Date:</b> 1/25/19  <b>Agency:</b> Occupational Safety and Health Administration  <b>Document Type:</b> Final Rule  <b>Document Citation:</b> 84 FR 380  <b>Pages:</b> 380-406  <b>Document Number:</b> 2019-00101</p>	<p>OSHA has issued a final rule that eliminates the requirement for establishments with 250 or more employees to submit information electronically from OSHA forms 300 (Log of Work-Related Injuries and Illnesses) and 301 (Injury and Illness Incident Report) to OSHA each year. These establishments, as well as establishments with 20 or more employees, but fewer than 250 employees, in certain designated industries, are still required to submit information electronically from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses). The final rule helps avoid the risk of publicly disclosing sensitive employee information. The rule does not alter an employer's duty to maintain the OSHA forms and employee records. The final rule became effective of February 25, 2019. The final rule is available at:  <a href="https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses">https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses</a></p>

**2.0 LETTERS OF INTERPRETATION**

OSHA issued the following letters of interpretation since the last regulatory update:

November 2, 2018 - Use of Grit and Water Based Sweeping Compound for Silica Control - [1910.1053(h)(1); 1910.1053(f)(1)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2018-11-02-0>

November 5, 2018 - Enforcement Policy - Crane Operator Certification Requirements - [1926 Subpart CC; 1926.1427]

- <https://www.osha.gov/laws-regs/standardinterpretations/2018-11-05>

December 3, 2018 - Hazard Communication Standard Labeling Requirements Regarding Intra-plant and Intercompany Shipping -[1910.1200(f)(1); 1910.1200(f)(6); 1910.1200(f)(7)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2018-12-03>

December 11, 2018 - Updated Interim Enforcement Guidance for the Beryllium Standards - [1910.1024; 1926.1124; 1915.1024]

- <https://www.osha.gov/laws-regs/standardinterpretations/2018-12-11>

January 25, 2019 - Rope Descent System (RDS) Anchorage Testing Certification - [1910.27]



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- <https://www.osha.gov/laws-regs/standardinterpretations/2019-01-25>

March 4, 2019 - Silica in Construction: Integrated Water Delivery System, Exposure Assessment, Medical Surveillance and Respiratory Protection - [1926.1153(c)(1); 1926.1153(d)(2)(vi); 1926.1153(h)(1)(i)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-03-04>

### 3.0 RECENT NEWS AND DEVELOPMENTS

#### **OSHA Penalties Adjusting in 2019**

OSHA's civil penalties amounts for violations of workplace safety and health standards will increase in 2019 to adjust for inflation. The adjusted maximum penalty amounts will take effect upon publication in the Federal Register. New penalties for willful and repeat violations will be \$132,598 per violation; serious, other-than-serious, and posting requirements are \$13,260 per violation; and failure to abate violations are \$13,260 per day beyond the abatement date.

#### **New FAQs Available on Controlling Silica in General Industry**

OSHA posted new frequently asked questions (FAQs) on the standard for respirable crystalline silica in general industry. OSHA developed the FAQs in consultation with industry and union stakeholders to provide guidance to employers and workers on the standard's requirements, including exposure assessments, regulated areas, methods of compliance, and communicating silica hazards to workers. The FAQs are available on OSHA's website at the following link:

[https://www.osha.gov/dsg/topics/silicacrystalline/generalindustry\\_info\\_silica.html](https://www.osha.gov/dsg/topics/silicacrystalline/generalindustry_info_silica.html).

#### **Bulletin Addresses Safety for Workers Wearing Devices Containing Lithium Batteries**

A new OSHA bulletin addresses hazards associated with small, wearable devices powered by lithium batteries, such as body cameras. If these devices are damaged or defective, they may catch fire or explode. Employers should ensure that workers are trained to properly use, store, and charge these devices; identify, remove, and properly dispose of damaged or defective devices and batteries; and provide information on their health and physical hazards. The bulletin is available at <https://www.osha.gov/dts/shib/shib011819.html>.

#### **National Safety Council Report: Improve Safety by Reducing Workplace Fatigue**

A report from the National Safety Council reviews how employers can increase productivity and safety by reducing workplace fatigue. A single worker suffering from sleep deprivation can cost an employer thousands of dollars in lost productivity, absenteeism, and more. With 97 percent of workers reporting at least one risk factor for fatigue, most employers are affected by this issue. The report discusses the effects of fatigue on the workplace and gives employers specific, actionable guidance on implementing a fatigue risk management system. A copy of the report can be downloaded from the NSC website at [http://safety.nsc.org/managing-fatigue-report?utm\\_campaign](http://safety.nsc.org/managing-fatigue-report?utm_campaign).



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### **OSHA Requests Information on Powered Industrial Truck Standard**

OSHA is requesting information as the agency considers rulemaking to update the powered industrial trucks standards. OSHA will use the information received to determine what action, if any, it may take to reduce regulatory burdens and create jobs while improving worker safety. Powered industrial trucks include forklifts, fork trucks, tractors, platform lift trucks, motorized hand trucks, and specialized industrial trucks powered by an electrical motor or internal combustion engines. Comments must be submitted by June 9. <https://www.osha.gov/news/newsreleases/trade/03082019>.