

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

1.0 FINAL STATUTES AND RULEMAKINGS

Citations	Summary
<p>Title: Additional Ambient Aerosol CNC Quantitative Fit Testing Protocols.</p> <p>Publication Date: September 26, 2019</p> <p>Agency: Occupational Safety and Health Administration</p> <p>Document Type: Final Rule</p> <p>FR Document: 2019-20686</p> <p>Effective Date: September 26, 2019</p>	<p>The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) issued a final rule that provides employers with two new fit testing protocols for ensuring that employees’ respirators fit properly. The new protocols are the modified ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol for full-facepiece and half-mask elastomeric respirators, and the modified ambient aerosol CNC quantitative fit testing protocol for filtering facepiece respirators. Both protocols are variations of the original OSHA-approved ambient aerosol CNC protocol, but have fewer test exercises, shorter exercise duration, and a more streamlined sampling sequence.</p> <p>These two quantitative methods add to the four existing in Appendix A of OSHA’s Respiratory Protection Standard, which contains mandatory respirator fit-testing protocols that employers must choose from to protect employees from hazardous airborne contaminants. The rule does not require employers in general industries, shipyard employment, and construction to update or replace their current fit testing methods, and does not impose additional costs. The final rule is available at the following link: https://s3.amazonaws.com/public-inspection.federalregister.gov/2019-20686.pdf</p>

2.0 LETTERS OF INTERPRETATION

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

July 29, 2019 - Determining whether the injury would apply to the work-related exception personal task and outside the assigned working hours - [1904.5(b)(2)(v)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-07-29>

June 28, 2019 - PSM and Aerosol (Flammable Gas) Containers Stored in Warehouses/Distribution Centers - [1910.119; 1910.119(a); 1910.119(d)(3)(ii)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-06-28>

June 19, 2019 - First aid for bleeding control - [1910.151(a); 1910.151(b); 1910.266(i)(7); 1910.269(b)(1)(ii); 1910.410(a)(3); 1915.87(c)(5); 1915.87(d); 1917.26; 1918.97(b); 1926.50(c); 1926.50(d)(1)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-06-19>

June 5, 2019 - Ladder Grasp Requirements - [1910.23(b)(12)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-06-05>

3.0 RECENT NEWS AND DEVELOPMENTS

Using Leading Indicators to Improve Safety and Health Outcomes

A new OSHA webpage shows how businesses can improve safety and health programs by tracking workplace conditions and events to prevent injuries or illnesses before they occur. Leading indicators can play a vital role in preventing worker fatalities, injuries, and illnesses and strengthening other safety and health outcomes in the workplace. Leading indicators are proactive and preventive measures that can shed light about the effectiveness of safety and health activities and reveal potential problems in a safety and health program. Many employers are familiar with lagging indicators. Lagging indicators measure the occurrence and frequency of events that occurred in the past, such as the number or rate of injuries, illnesses, and fatalities. While lagging indicators can alert you to a failure in an area of your safety and health program or to the existence of a hazard, leading indicators are important because they can tell you whether your safety and health activities are effective at preventing incidents. A good safety and health program uses leading indicators to drive change and lagging indicators to measure effectiveness. The new OSHA webpage is available at <https://www.osha.gov/leadingindicators/>.

OSHA and Health Canada Issue Joint Guidance on GHS Labeling Requirements

To support implementation of the Globally Harmonized System of Classification and Labeling of Chemicals, OSHA and Health Canada have released joint guidance documents on labeling and pictogram requirements for hazardous chemicals. The guidance is part of the 2016-17 Regulatory Cooperation Council's plan for workplace chemicals. Both countries have vowed to reduce and prevent differences in regulations while respecting the legislative and regulatory requirements of each. The guidance documents were issued in August and include:

- Labelling Requirements for Hazardous Products
(https://www.osha.gov/dsg/hazcom/RCC_Deliverable_Label_Comparison.pdf)
- Guidance on Regulatory Processes for Hazardous Products in the Workplace
(https://www.osha.gov/dsg/hazcom/HCS-HC_Regulatory_Process_Comparison.pdf)
- Guidance on Labeling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified
(https://www.osha.gov/dsg/hazcom/Pictogram_HNOC_PHNOC_and_HHNOC_HC.pdf).

U.S. Department of Labor Reminds Employers About Submitting Injury and Illness Data to OSHA

On August 9, OSHA issued a statement reminding employers who have not already done so to submit their 2018 OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

Who is required to submit Form 300A?

- Establishments with 250 or more employees that are required to keep OSHA injury and illness records, and
- Establishments with 20 to 249 employees in certain industries. For the list of designated industries, visit <https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904.41AppA>.



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How to submit Form 300A:

Submit injury and illness data electronically at www.osha.gov/300A. For questions about submission requirements, complete the Help Request Form at www.osha.gov/injuryreporting/ita/help-request-form.

The NIOSH Occupational Exposure Banding Process for Chemical Risk Management

The National Institute for Occupational Safety and Health (NIOSH) recently released a chemical management strategy that can quickly and accurately assign chemicals into categories to protect workers on the job. Occupational exposure limits (OELs) play a critical role in protecting workers and emergency response personnel from exposure to dangerous concentrations of hazardous materials. In the absence of an OEL, determining the appropriate controls needed to protect workers from chemical exposures can be challenging. According to the U.S. Environmental Protection Agency, the Toxic Substances Control Act (TSCA) Chemical Substance Inventory currently contains over 85,000 chemicals that are commercially available, yet only about 1,000 of these have been assigned an authoritative (government, consensus, or peer reviewed) OEL. Occupational exposure banding, also known as hazard banding or health hazard banding, is a systematic process that uses qualitative and quantitative hazard information on selected health-effect endpoints to identify potential exposure ranges or categories. The new NIOSH document provides the background, rationale, and instructions for the occupational exposure banding process and gives guidance for risk managers to identify control levels for chemicals without authoritative OELs. The document is available at the following link: <https://www.cdc.gov/niosh/docs/2019-132/pdfs/2019-132.pdf?id=10.26616/NIOSH PUB2019132>.

Opioid Toolkit for Employers

A new employer toolkit from the National Safety Council (NSC) aims to help employers create workplace safety programs focused on opioids. The toolkit includes sample policies, fact sheets, presentations, safety talks, posters, white papers, reports, videos and more, so employers can implement a workplace program on opioids. These materials will help companies understand how opioids impact the workplace, recognize signs of impairment, educate employees on the risks of opioid use, develop drug-related HR policies and support employees who are struggling with opioid misuse. Visit the NSC website at <https://www.nsc.org/pages/prescription-drug-employer-kit> for additional information.