

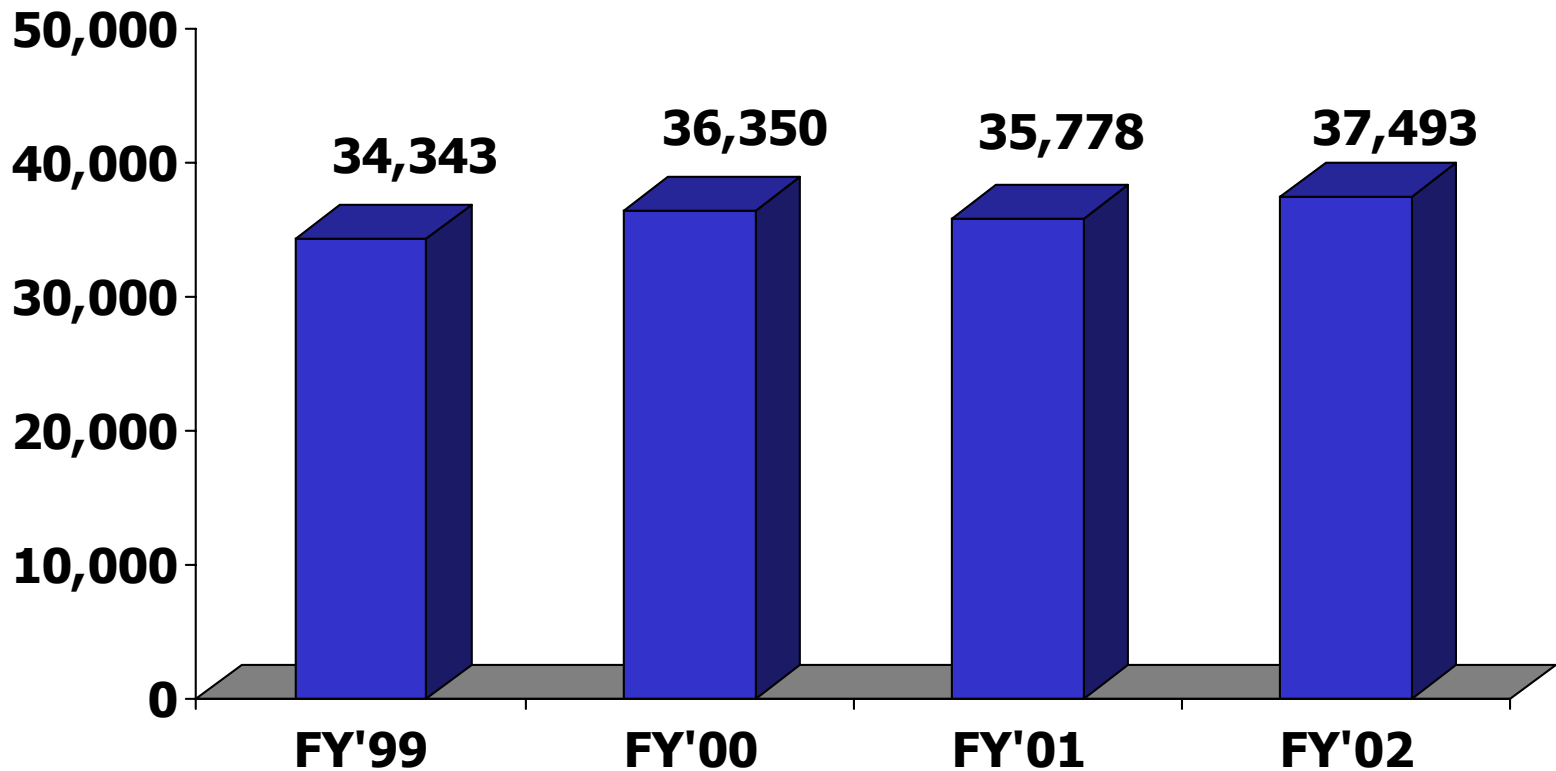


ABA – 2003: Occupational Safety and Health Law Committee

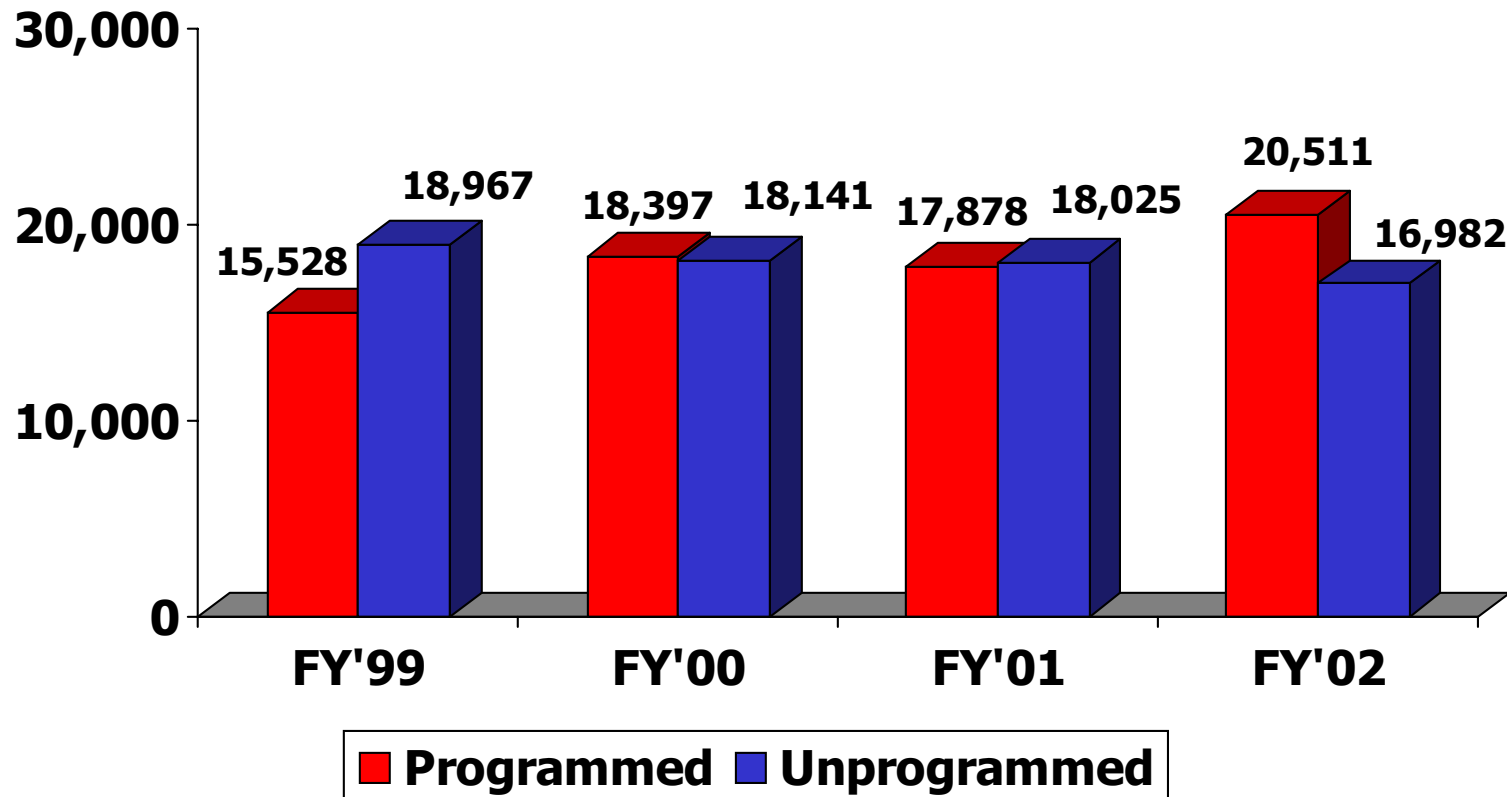
Richard Fairfax, CIH
Director, Enforcement Programs



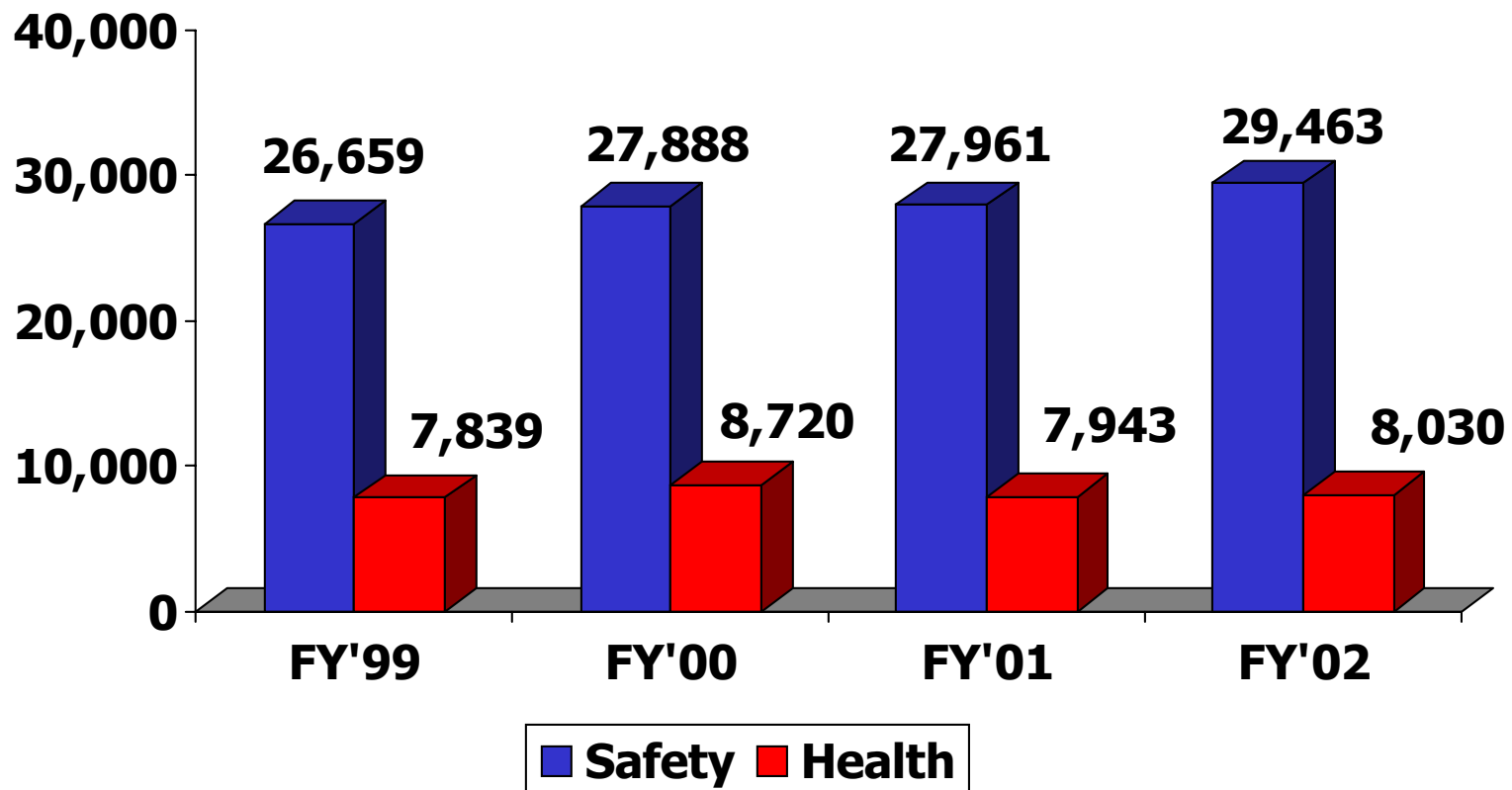
Total Inspections Conducted



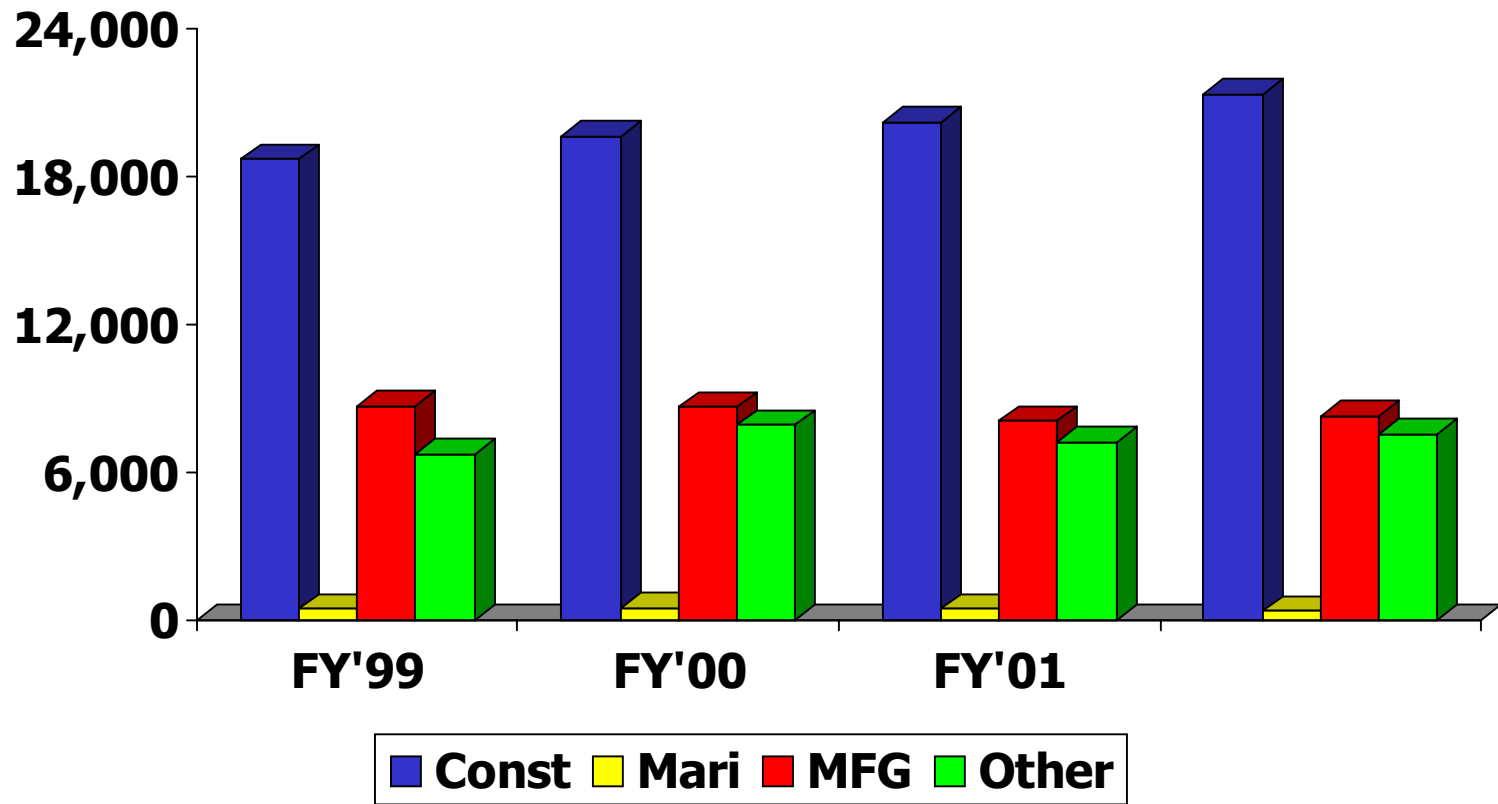
Programmed vs. Unprogrammed Inspections



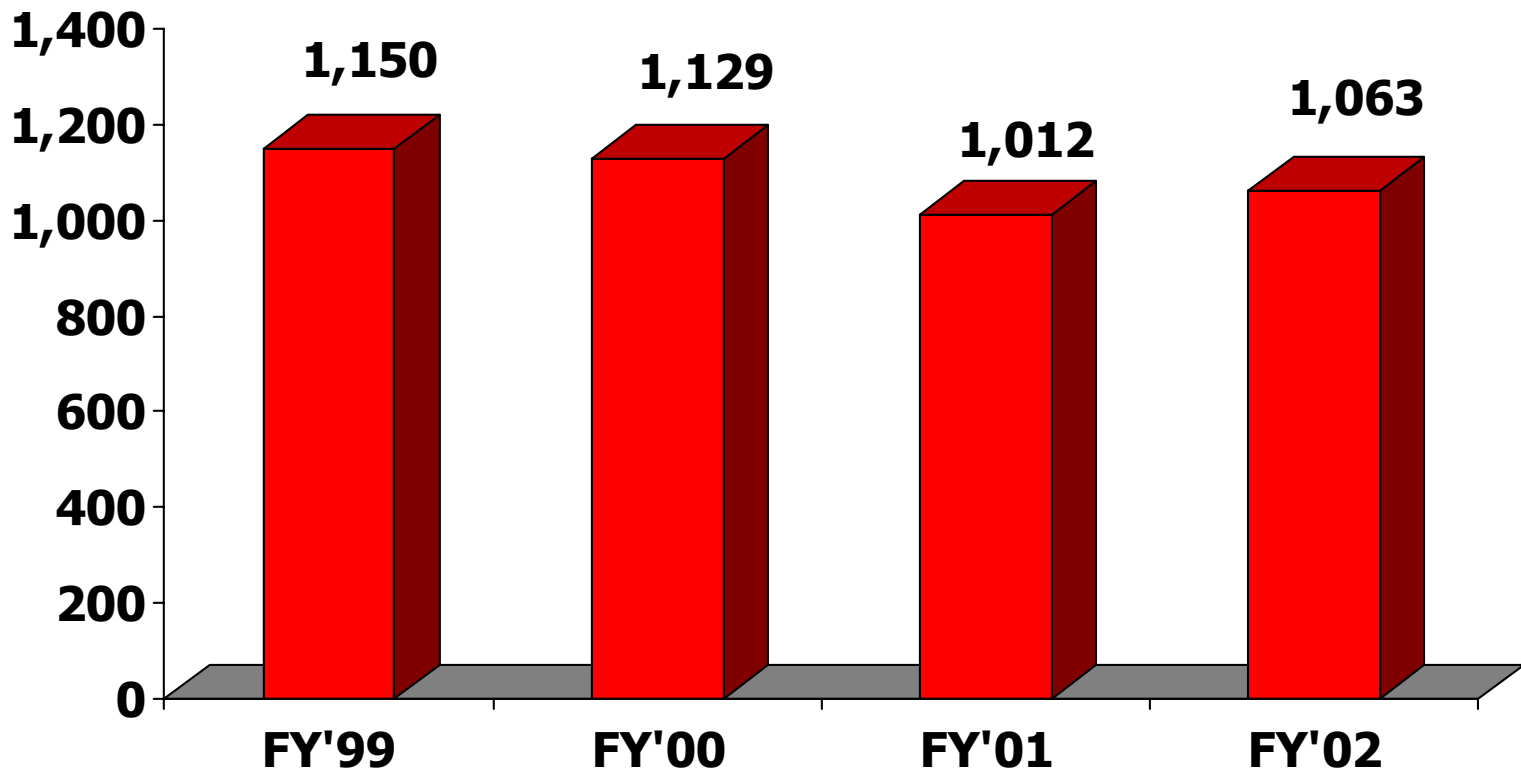
Inspections Conducted Safety vs. Health



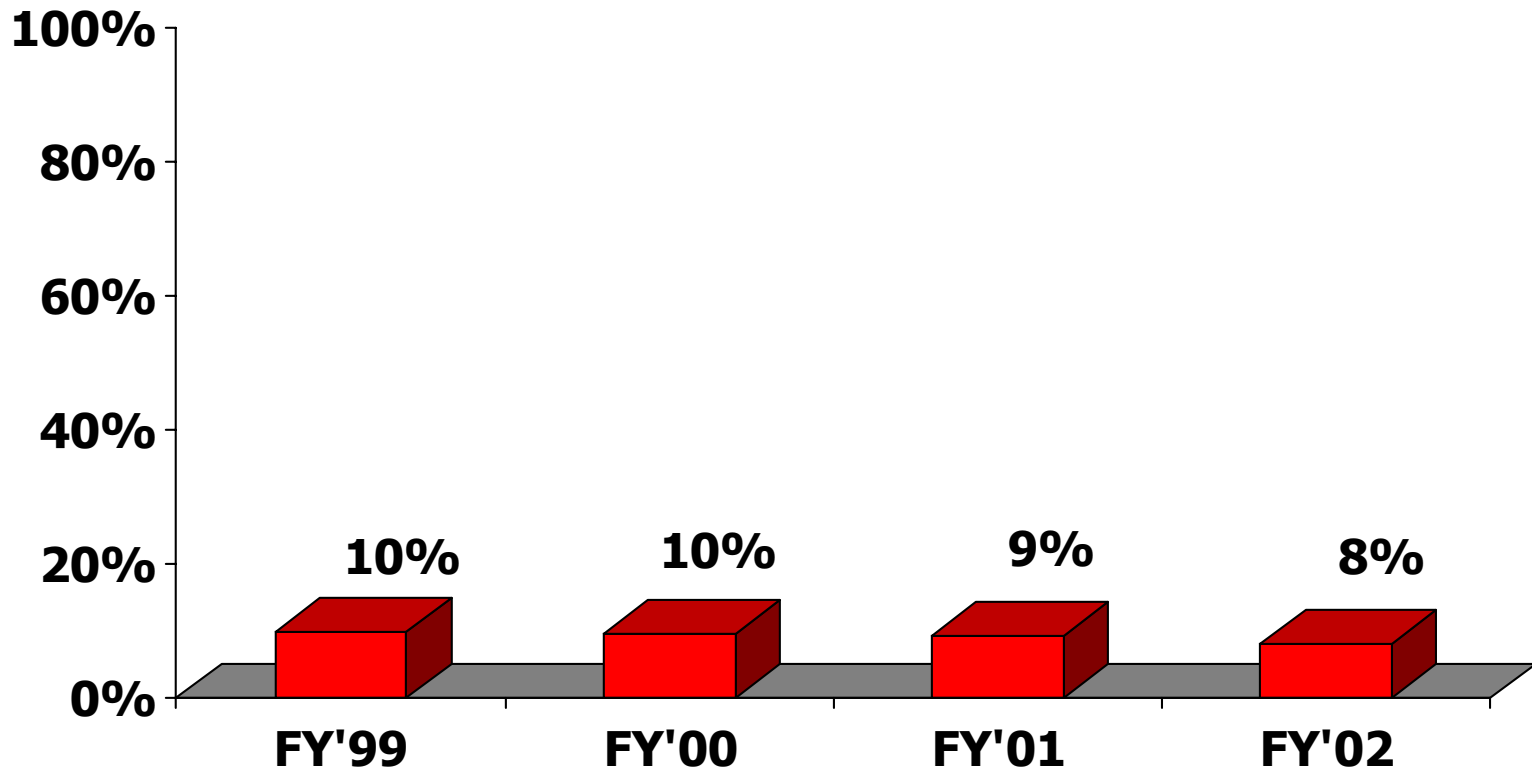
Inspections By Industry



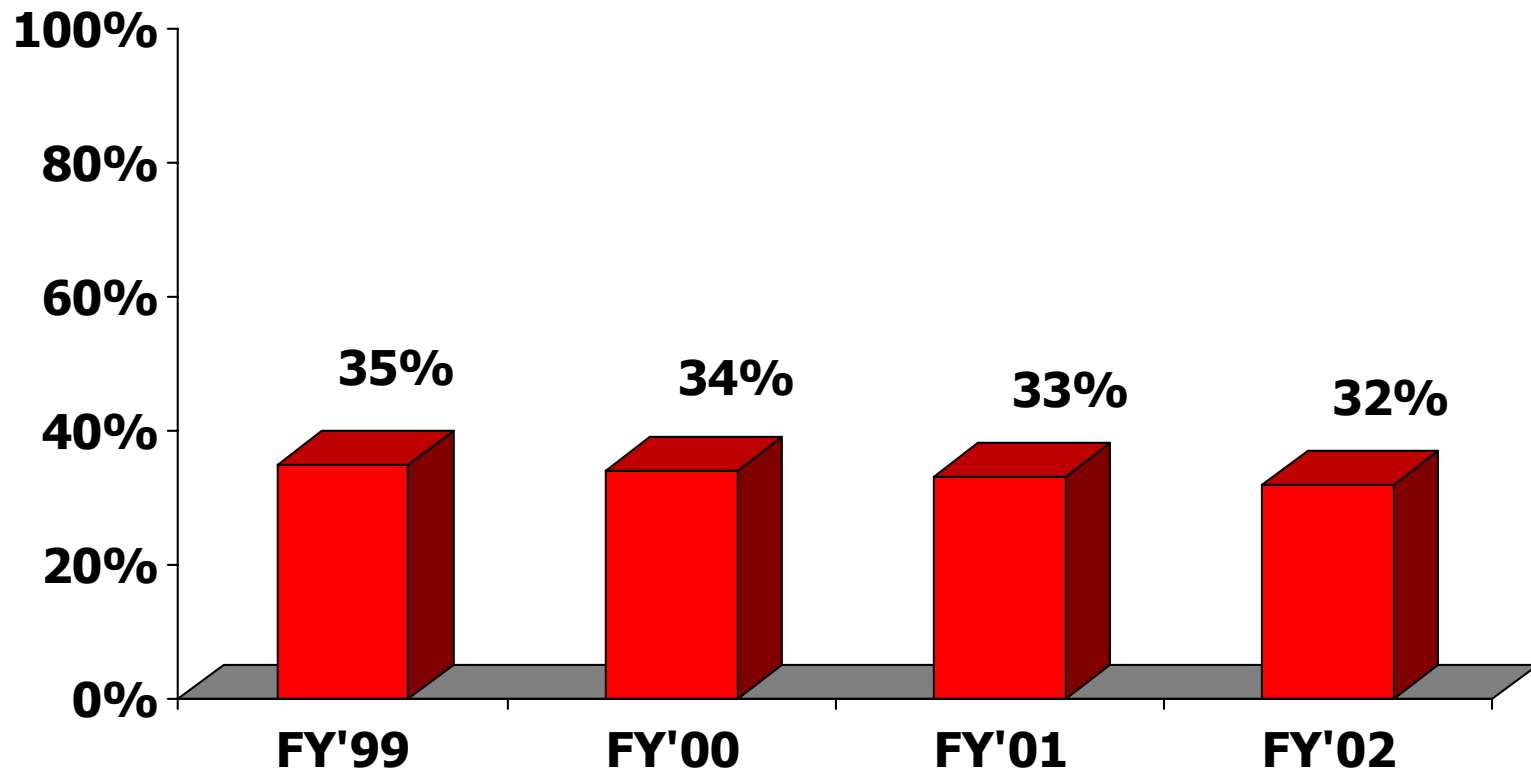
Federal OSHA Fatality Investigations



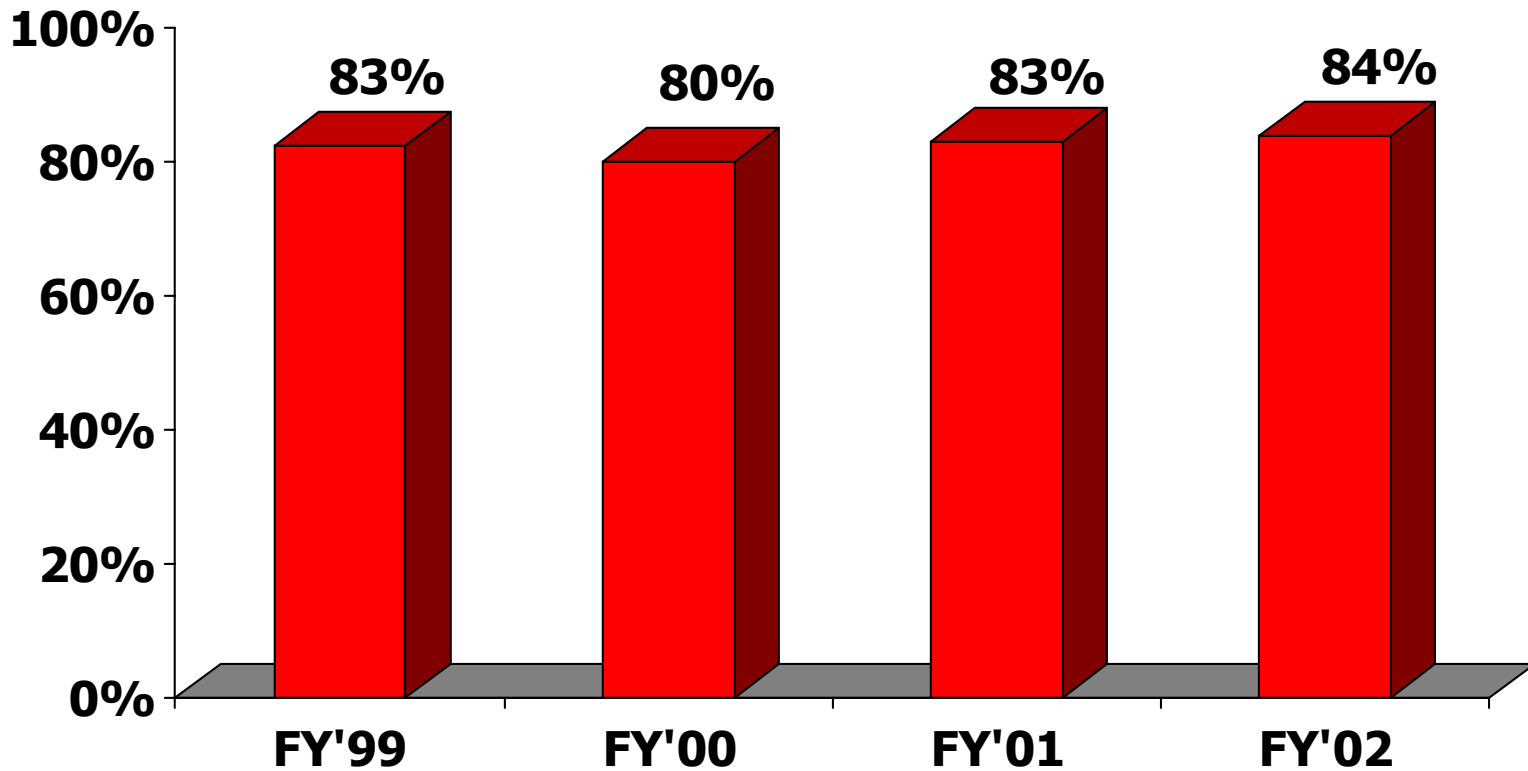
Percent of Inspections Contested



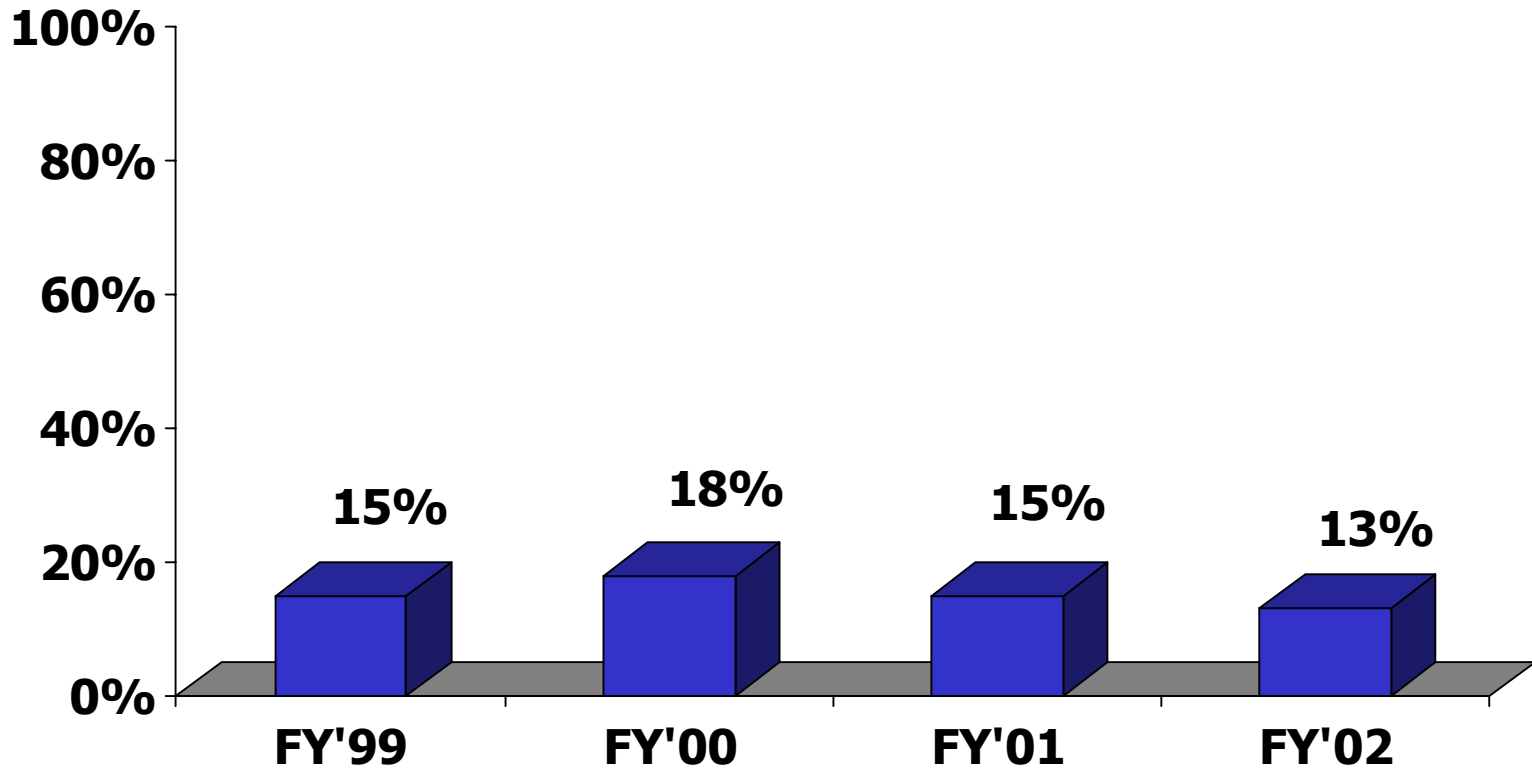
Percent of Inspection In-Compliance *(Closed Cases Only)*



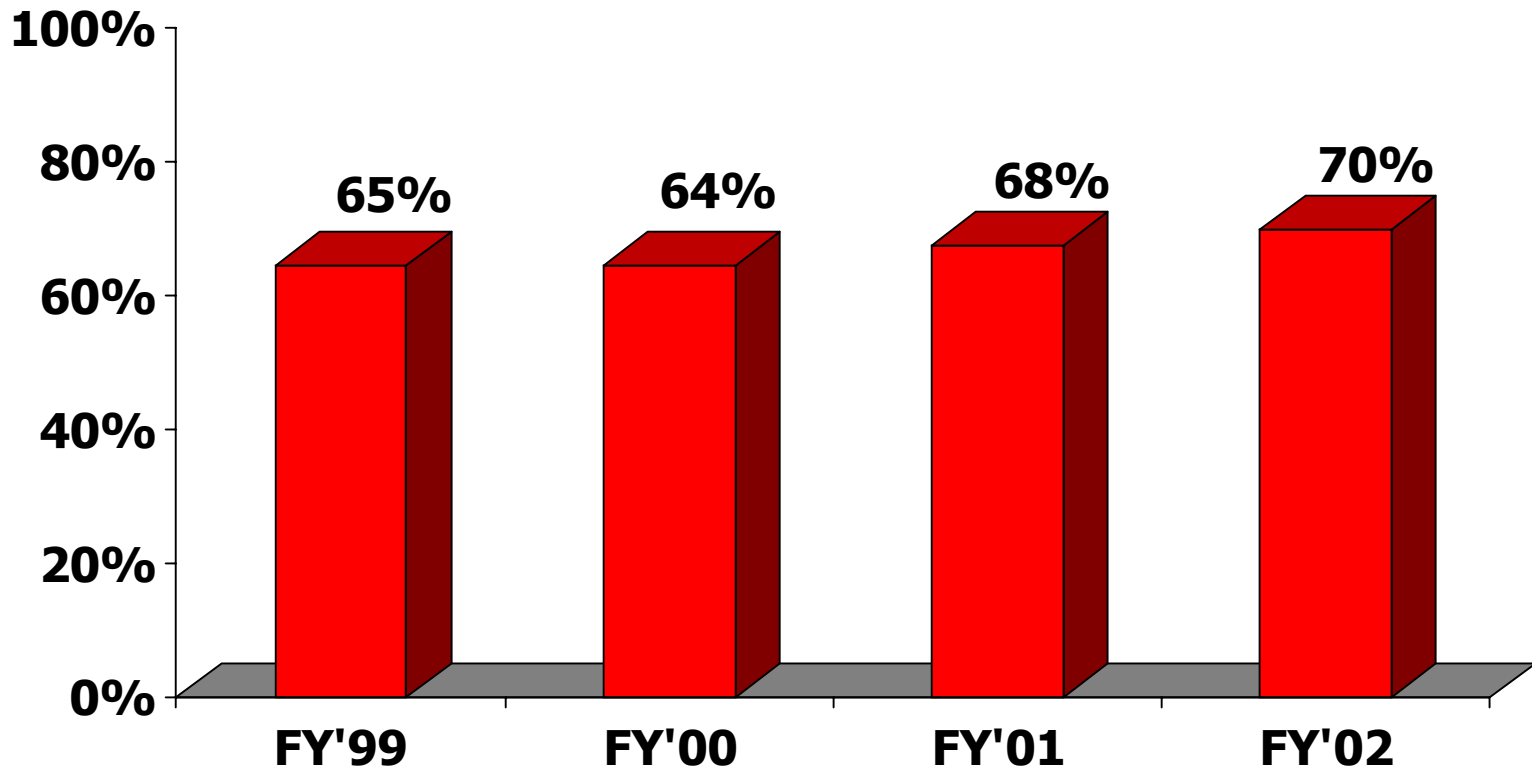
Percent of Inspections Not In Compliance -- With Serious Violations



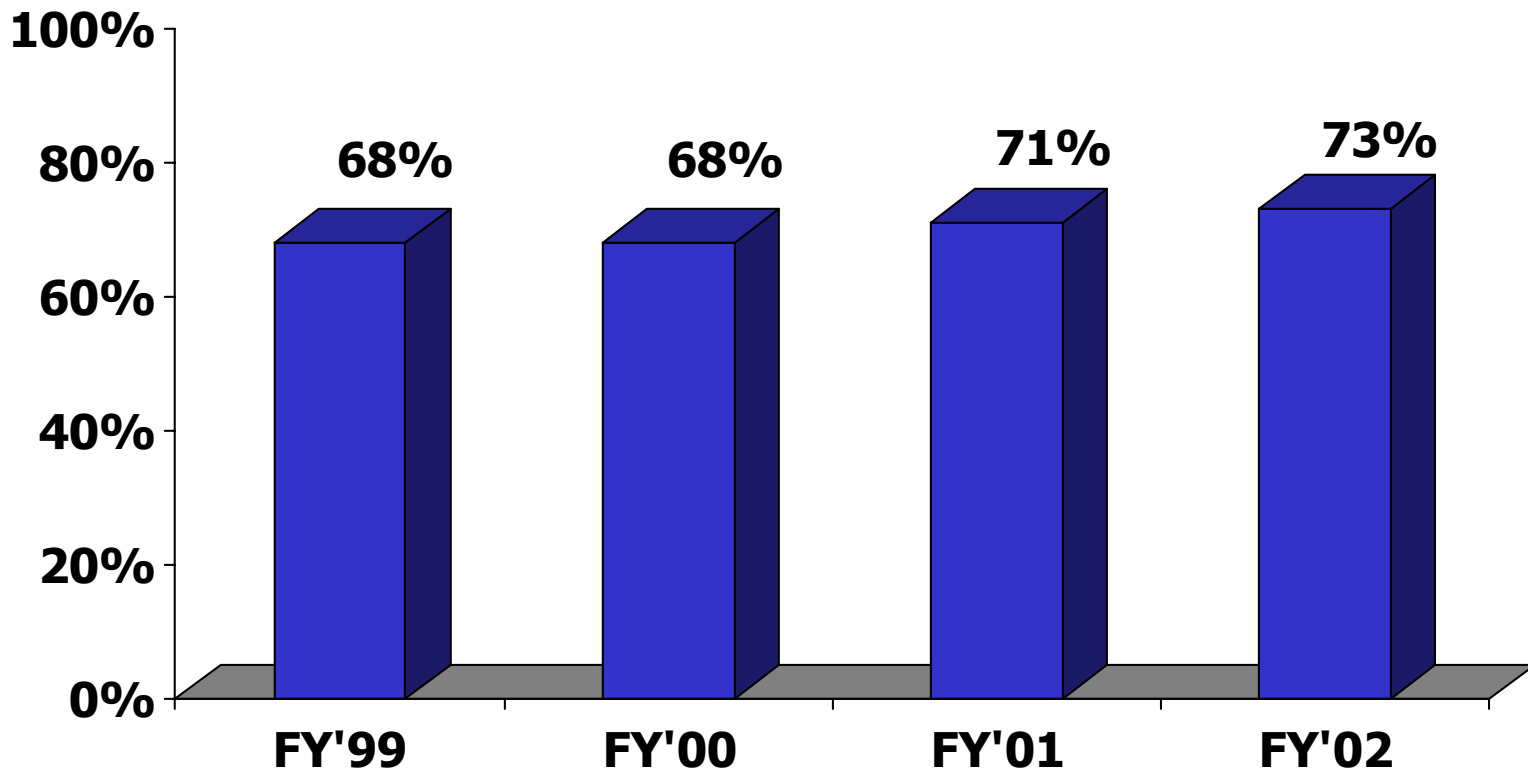
Percent Inspections Not In-Compliance -- With Only Other Violations Issued



Percent Of All Violations Cited As Serious

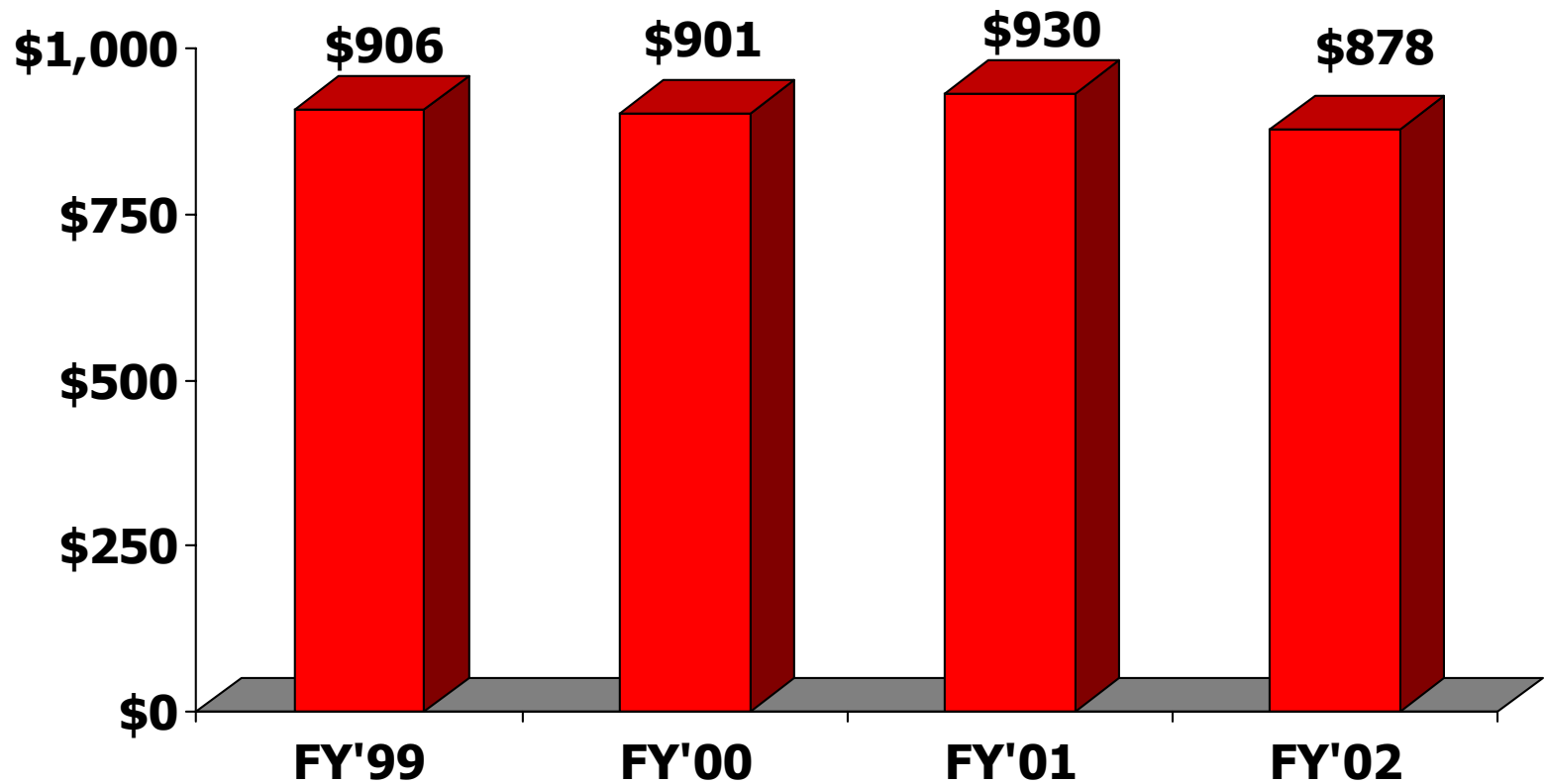


Percent Of Inspections With S,W,R, & Unclass Violations



Note: S,W,R, & Unclass = Serious, Willful, Repeat, & Unclassified Violation Types

Average Penalty Per Serious Violation





Top Cited Standards

	FY 2000	FY 2001	FY 2002
1.	19101200	19101200	1926.451
2.	1926.451	1926.451	19101200
3.	1910.134	1926.501	1926.501
4.	1926.501	1910.134	1910.134
5.	1910.147	1910.147	1910.147



Whistleblower Issues

- New Statutes Now Covered by OSHA
 - Air 21
 - Section 806 of the Corporate and Criminal fraud Accountability Act of 2002 (CCFA)
 - Generally referred to as “Sarbanes-Oxley Act”
 - Section 6 of the Pipeline Safety Improvement Act of 2002 (PSIA).



Whistleblower Issues

- OSHA receives 1800 to 2000 valid complaints per year
 - These are the complaints actually processed – not the number received.
 - Most are covered under Section 11(c) of the OSH Act



Whistleblower Issues

- Air 21 addresses workers addressing air carrier safety issues
 - April 1, 2002 OSHA published an interim final rule – 29 CFR 1979
 - Implemented procedures and time frames for handling complaints
 - The final rule for Air 21 is scheduled to be published in May of this year.



Whistleblower Issues

- Air 21 addresses workers addressing air carrier safety issues (cont.)
 - OSHA has received a total of 126 complaints through February 15th 2003.
 - 75 were filed in FY 2002 alone
 - 75% were dismissed or withdrawn
 - 25% were either settled or a favorable finding to the complainant was found
 - Through FY 2002 the Office of the ALJ had heard and issued decisions on 34 Air 21 appeals.



Whistleblower Issues

- Sarbanes-Oxley became effective on July 30, 2002.
 - The law covers any company with a class of securities registered under Section 12 of the SEC Act of 1934.
 - The Sarbanes-Oxley Act is patterned after Air 21.
 - An interim Rule is scheduled to be published this May of this year.



Whistleblower Issues

- Sarbanes-Oxley became effective on July 30, 2002 (cont.).
 - During its first seven months OSHA received 44 complaints.
 - 13 investigations have been completed
 - One complaint has made it to the ALJ for processing



Whistleblower Issues

- Most recently OSHA has been charged with Administering the whistleblower provisions of the Pipeline Safety Improvement Act
 - Signed into Law on December 15, 2002.
 - One complaint has been filed as of February 14th.



Ergonomic Issues

- Secretary's Four Pronged Approach
 - Guidelines
 - Enforcement
 - Ergonomics Research (Advisory Committee)
 - Compliance Assistance



Ergonomic Issues

- Guidelines
 - Nursing Homes
 - Poultry Industry
 - Retail Grocery



Ergonomic Issues

- Enforcement
 - Site Specific Targeting
 - Nursing Home National Emphasis Program
 - Local Emphasis Programs
 - Warehousing
 - Meat packing
 - Automotive parts manufacturing
 - Hospitals



Ergonomic Issues

- Enforcement
 - Nursing Home NEP
 - 9/17/2002 through 1/31/2003
 - **246 inspections opened**
 - Ergonomic related Inspection (non Nursing Homes)
 - 1/1/2002 through 1/31/2003
 - **63 Inspections opened**



Ergonomic Issues

- Enforcement
 - 33 Ergonomics Hazard Alert Letters issued since September of 2002.
 - Ergonomic case development in conjunction with the OSHA Solicitors
 - National ergonomics coordinating inspection team is in place
 - Use of outside experts on cases moving toward citation.
 - Four general Duty Clause Violations have been issued recently



SST Inspections

- Site Specific Targeting (SST)
 - 14,000+ letters were mailed to establishments with an LWDII rate above 6.0 on February 10 and 11
 - SST for FY 2003 will start four to six weeks later
 - LWDII cut-off for the SST is unknown at this time
 - Nursing Homes will remain separate in the Nursing Home National Emphasis Program
 - Low rate establishments in a high rate industry (sample) will be included in the SST



Current Compliance Projects

- Update Silica National Emphasis Program – in progress
- Recalcitrant Employers – OSHA is looking at
- Lock Out – Tag Out Directive has been revised and is out for ***internal*** review and comment
 - Posted on WEB for external comment
- 1910.269 Compliance Directive will be final and out by the end of March of this year.



Current Compliance Projects

- Confined Space Directive will be completed once the settlement with API is finalized
- OSHA is revitalizing the Corporate Settlement Agreement Process.
 - Five agreements have been undertaken within the last few months



QUESTIONS

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