BIE SAFETY ADVISOR

OSHA Issues Final Rule to Protect Privacy of Workers (Record Keeping Changes)

- To protect worker privacy, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued a final rule that eliminates the requirement for establishments with 250 or more employees to electronically submit information from OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) to OSHA each year. These establishments are still required to electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

By preventing routine government collection of information that may be quite sensitive, including descriptions of workers' injuries and body parts affected, OSHA is avoiding the risk that such information might be publicly disclosed under the Freedom of Information Act (FOIA). This rule will better protect personally identifiable information or data that could be re-identified with a particular worker by removing the requirement for covered employers to submit their information from Forms 300 and 301. **The final rule does not alter an employer's duty to maintain OSHA Forms 300 and 301 on-site, and OSHA will continue to obtain these forms as needed through inspections and enforcement actions.**

In addition, this rule will allow OSHA to focus its resources on initiatives that its past experience has shown to be useful - including continued use of information from severe injury reports that helps target areas of concern, and seeking to fully utilize a large volume of data from Form 300A—rather than on collecting and processing information from Forms 300 and 301 with uncertain value for OSHA enforcement and compliance assistance.

The agency is also amending the recordkeeping regulation to require covered employers to electronically submit their Employer Identification Number with their information from Form 300A. The final rule's requirement for employers to submit their EIN to OSHA electronically along with their information from OSHA Form 300A will make the data more useful for OSHA and BLS, and could reduce duplicative reporting burdens on employers in the future.

OSHA has determined that this final rule will allow OSHA to improve enforcement targeting and compliance assistance, protect worker privacy and safety, and decrease burden on employers.

Collection of Calendar Year 2018 information from the OSHA Form 300A began on January 2, 2019. **The deadline for electronic submissions is March 2, 2019.** Remember**, you will still need to post your 2018 300A Summary from February 1 – April 30, 2019.**

New Penalty Amounts Announced -

The Department of Labor has published the annual penalty adjustments for each agency, including OSHA, as required by the Federal Civil Penalties Inflation Adjustment Act. The new penalty levels will apply to penalties assessed after January 23, 2019. The table below shows the new maximum penalties for OSHA.

Type of Violation	New Maximum
§ Serious § Other-Than-Serious § Posting Requirements	$13,260 per violation
Willful or Repeated	$132,598 per violation
Failure to Abate	$13,260 per day beyond date

Monthly Toolbox Talk

BIE Safety Advisor

Winter Construction Hazard Awareness and Prevention

Cold Stress - Cold stress injuries at construction sites can be prevented by:

- Encouraging workers to dress warmly
- Providing the opportunity to consume enough warm drinks to stay hydrated
- Shielding work areas from drafts or wind to reduce wind chill
- Using radiant heaters to warm workers during breaks
- Training workers to recognize cold stress signs and symptoms
- Assigning workers to tasks in pairs so they monitor each other's condition.

Fall Hazards - Fall injuries can be prevented by:

- Encouraging workers to wear insulated and water-resistant boots with good rubber treads
- Using safety lines for any work at a height above the ground
- Training workers to take short steps and walk at a slower pace on icy or snow-covered surfaces so they can react quickly to a change in traction

Snow Removal - In addition to losing their footing and falling, a worker may be hurt if a ladder they are on skids and falls. A roof or other surface under construction could collapse under the weight of snow, ice, workers and equipment. There is also a danger of shock or electrocution from contact with power lines or damaged extension cords as well as the danger of musculoskeletal injuries from overexertion while attempting to move heavy snow. Snow removal-related injuries can be prevented by:

- Using snow removal methods that do not involve workers going on roofs or upper floors (if possible) such as using long-handled snow rakes
- Checking records of the maximum load limits of the roof, deck or floor and considering load limits along with estimated weight from snow and ice, workers, equipment, etc., before sending workers to clear an elevated surface
- Ensuring that workers use ladders and/or aerial lifts safely and requiring that they use fall protection equipment.

Winter Driving - Prevent winter driving accidents at construction sites by:

- Ensuring workers assigned to vehicles and transport duties receive additional training about winter weather driving hazards
- Properly maintaining and inspecting vehicles before use
- Making sure roadway construction work zones have traffic controls clearly identified by signs, cones, barrels and barriers, which are erected to guide drivers and protect workers.

Carbon Monoxide Poisoning - Small gasoline-powered engines and tools such as heaters, generators, pressure washers and snow blowers produce high concentrations of carbon monoxide. Open fires in enclosed areas and motor vehicle exhaust in a closed garage can also cause carbon monoxide poisoning. **CO is odorless and colorless. Workers can be quickly overcome before they recognize a problem.** Symptoms of CO exposure include **headaches, tightness across the chest, dizziness and drowsiness, which is followed by nausea, vomiting and loss of consciousness**. Anyone who recognizes early signs of CO exposure should immediately turn off equipment, go outdoors or to a place with uncontaminated air and seek medical care.

Carbon monoxide injuries can be prevented by:

- Ensuring workers understand the dangers of operating gasoline-powered equipment in closed areas and recognize the signs of CO exposure
- Using gasoline-powered engines outdoors at a safe distance from air entering buildings
- Using electric or manual equipment where possible
- Issuing personal CO monitors to workers who must perform tasks where potential sources of CO