The New OSHA
What Foundries Can Expect in 2010 and Beyond

Stephanie Salmon
American Foundry Society - Washington Office
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Overview of the New OSHA

- Leadership
- Top Priorities & Impact on Foundries
  - Aggressive Regulatory Agenda
    - New Standards
    - New Enforcement Initiatives
    - New Penalties
  - Overhaul OSH Act
The New OSHA: Leadership

- **New Team**
  - Dr. David Michaels – OSHA Administrator
  
  "The price is too high – we just don’t have a refinery crisis, or a mine crisis – we have a health and safety crisis."

- **“Get Tough” Approach**

- **Realigned Priorities within the Agency**
  - Hired more personnel for enforcement, standards & inspectors
OSHA Agenda: Top Priorities

- **Improve Workplace Safety & Health**
  - Enact New Standards / Regulations
  - Increase Enforcement / Inspections
    - ↑ Emphasis on Industrial Hygiene – noise / hearing loss
    - Restructure penalties

- **Change Recordkeeping Rules**
  - Underreporting & Recording of ergonomic injuries

- **Raise Voice of the Worker in the Workplace**
  - Transparency & Openness
OSHA Standards: Top Priorities for Foundries

- Spring 2010 Key Regulatory Items
  - Crystalline Silica
  - Combustible Dust
  - Injury & Illness Prevention Rule
  - Beryllium
  - Ergonomics
  - Global Harmonization of Chemicals
Crystalline Silica – Next in Line

- **Notice of Proposed Rulemaking February 2011**
  - Reduction from current PEL
    - Current = 100 µg/m$^3$ - Options = 25/50/75/100 mg/m$^3$
    - Make changes to equipment/line
    - Protective work clothing / Respiratory protection
    - Hygiene facilities and practices / Employee health screening

- **Potential issues for Foundries:**
  - Substantial non-compliance with current standard – lower standard would be hard for many foundries to meet
  - Action level
    - Poor analytical capability makes it hard to measure exposures lower than current PEL; action level would be even more difficult
Combustible Dust – Next Steps

- Published Advance Notice of Proposed Rulemaking – October 2009
  - Requested comments on whether the standard should cover different combustible dusts separately or together, develop site-specific dust plan
    - AFS submitted comments - January 2010
  - Public hearings held from Dec to April 2010
    - AFS members participated

- Initiate Small Business Panel - April 2011
  - 120 day process
    - AFS & member company to participate
Combustible Dust – Key Foundry Issues

- Foundries being inspected under NEP and cited under General Duty Clause
- Testing for Combustible Dust - Kst Test
  - Hazard Assessment
    - must not rely solely on positive “explosion severity” or Deflagration Index (Kst) - positive Kst alone is not necessarily indicative of a hazard
    - OSHA should consider reasonable threshold Kst value or test that considers variety of factors
  - Diversity in Foundry Operations/Processes
    - Wide variety of applications
    - Cost and feasibility of a “one size fits all” rule
Injury & Illness Prevention Rule (I2P2)

- Comprehensive workplace safety and health program standard
  - required to find & fix workplace hazards - both “real and potential”
  - develop and follow a hazard reduction plan
  - CONCERN - easy for employers to be found noncompliant

- Stakeholder meetings – Summer 2010
  - AFS attended July 2010

- Highest priority for OSHA
Ergonomics – Citation & Enforcement

- Recordkeeping requirement of adding MSD column to the OSHA 300 log
  - Effective Jan 1, 2011
  - Increased use of General Duty Clause

- Reporting may lead to “back-door rule-making” on ergonomics
  - Force employers to consider abatement & other measures if data shows problem
OSHA Enforcement Initiatives: Top Priorities

- Initiated Severe Violator Enforcement Program (SVEP)
- Launched New National Emphasis Programs
- Increase use of General Duty Clause
- More Citations and Increased Penalties
SVEP: Overview

- OSHA “higher penalties and more aggressive, targeted enforcement will provide greater deterrent and further encourage these employers to furnish safe and healthy workplaces for their employees.”

- Effective June 2010 – Far reaching

- Employers targeted - willful, repeated, or failure-to-abate violations will undergo:
  - Intensive inspection with mandatory follow-up inspections
  - Multi-worksite inspections, nationwide referral
  - Adverse publicity / Higher penalties
National Emphasis Programs...

- FY 2008 & 2009 Programs Continuing in 2010
  - Site-Specific Targeting
  - Combustible Dust
  - Amputations
  - Silica
  - Lead
Rise of National Emphasis Programs

- New Programs for FY 2010
  - Injury and Illness Recordkeeping
  - Hexavalent Chromium
  - Primary Metal – Fall 2010
    - Reduce exposures to both health- and safety-related hazards
Recordkeeping NEP: Overview

- **OSHA Examining:**
  - Under reporting AND non reporting of workplace injuries and illnesses
  - Incentive Programs – those that discourage workers from reporting injuries
  - Facilities with 100 or fewer employees, review 100% of injury and illness records for 07 & 08
  - Steel, Iron & Copper Foundries
Congress:
OSHA Reform Legislation

- Robert C. Byrd Miner Safety and Health Act (HR 5663)
  - Most significant changes to OSH Act since 1972
  - Penalties
    - Increases penalties for OSHA violations
    - Criminal penalties - jail time from 6 mos to up to 10 yrs for death or serious injury of worker
    - New felony criminal sanctions against “any company officer or director” for “knowing” violations of the OSH Act
  - Abatement
    - Make immediate changes to alleged violation even if employer disagrees and decides to mount a legal challenge
OSHA Reform - Legislative Outlook

- **House**
  - Vote likely in September

- **Senate**
  - Legislation pending
  - Vote uncertain at this time / Post-election?

- **Election 2010 & Impact on Safety & Health Agenda**
  - New Congress / New Committee Chairs for 2011?
OSHA: Transparency & Openness

- Improve public's accessibility to OSHA
  - Employer reports, OSHA citations, settlements
  - Fatality/ catastrophe incident report by company, along with how the incident occurred - posted on front page of OSHA web site – www.osha.gov
  - OSHA's illness, injury, and exposure data through a comprehensive, searchable enforcement database [in process]
OSHA: Chemical Exposure Health Data

- OSHA released 15 years of data detailing workplace exposures to toxic chemicals

- Asbestos, benzene, beryllium, cadmium, lead, nickel, silica, and others

- Search by company, state, SIC codes from mid-1980’s

Questions?

Contact
Stephanie Salmon
AFS Washington Office
ssalmon@afsinc.org
202/842-4864