

**Answers to questions asked by our subscribers
via the ASK database**

**OSHA Answers to Questions
From Our Subscribers
-- October 2005 --**



Presented By
The OSHA Advisor[©]

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**Common Sense Answers to Your Difficult OSHA Compliance
Questions**

OSHA Compliance Questions and Answers

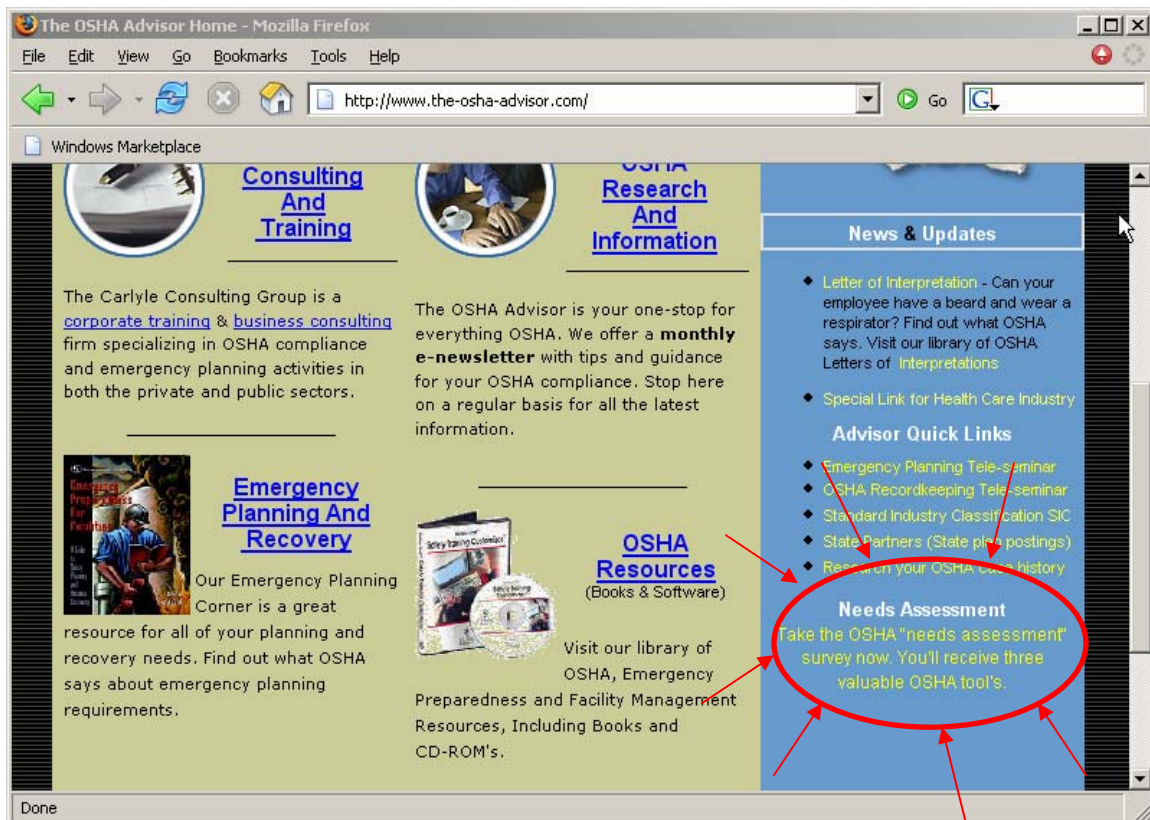
These questions were sent to The OSHA Advisor[®] via email during the week of October 1, 2005. During a live tele-conference conducted on October 4, David Casavant, President of the Carlyle Consulting Group answered a few of the questions sent in.

Why do we occasionally conduct these conference calls?

We like to provide an opportunity for our clients to get their difficult questions answered. In addition to our over 200 clients, we've also invited our over 4,000 newsletter subscribers to listen in to the tele-conference so they too can learn more about OSHA compliance.

What if you need more help with OSHA compliance?

If you find OSHA compliance difficult to achieve, or you just don't have time to make it happen at your organization, we invite you to visit us at www.The-OSHA-Advisor.com and take a 3 minute "Needs Assessment" which is found on the lower right hand side of the home page (see illustration below)



Question #1: Does OSHA visit home based businesses?
If so, what issues are they concerned with?

Answer:

First we must look at two OSHA Definitions.

Home-Based Worksite: The areas of an employee's personal residence where the employee performs work as employer. (i.e. you have a garment sewing business - you work from home, you may have other employees that work from your home)

Home Office: Space used in your home used when you take work home from your employer. (i.e. faxing, reports etc)

Background.

The OSH Act applies to a private employer who has any employees doing work in a workplace in the United States. It requires these employers to provide employment and a place of employment that are free from recognized, serious hazards, and to comply with OSHA standards and regulations (Sections 4 and 5 of the OSH Act). By regulation, OSHA does not cover individuals who, in their own residences, employ persons for the purpose of performing domestic household tasks.

OSHA respects the privacy of the home and has never conducted inspections of home offices. While respecting the privacy of the home, it should be kept in mind that certain types of work at home can be dangerous/hazardous. Examples of such work from OSHA's past inspections include: assembly of electronics; casting lead head jigs for fishing lures; use of unguarded crimping machines; and handling adhesives without protective gloves.

Policy for Home Offices.

OSHA will not conduct inspections of employees' home offices. OSHA will not hold employers liable for employees' home offices, and does not expect employers to inspect the home offices of their employees.

If OSHA receives a complaint about a home office, the complainant will be advised of OSHA's policy. If an employee makes a specific request, OSHA may informally let employers know of complaints about home office conditions, but will not follow-up with the employer or employee.

Policy for Other Home-Based Worksites.

OSHA will only conduct inspections of other home-based worksites when OSHA receives a complaint or referral that indicates that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, including reports of a work-related fatality.

The scope of the inspection in an employee's home will be limited to the employee's work activities. The OSH Act does not apply to an employee's house or furnishings.

Employers are responsible in home worksites for hazards caused by materials, equipment, or work processes which the employer provides or requires to be used in an employee's home.

Question #2: What are the triggers for an OSHA Audit?

Answer:

Basically 5 reasons why you will be audited:

1. Eminent danger (construction, landscaping)
2. Death or catastrophe
3. Complaint
4. Random audit (Officially know as "scheduled audit")
5. Follow-up (beware of multi locations)
- 6.

Recently, OSHA sent out over 13,000 letters to employers with elevated DART (injury) rates. OSHA has announced that these employers will be targeted for inspections!

Question #3: The problem I have with my supervisors is whether or not physical limitations are recordable. There is a variety of jobs of which an individual can be assigned to perform. A limitation may prevent them from operating one machine out of six and regular job rotation may or may not have included that machine. Would this be recordable?

Answer:

Must determine if the employee would be restricted from "routine functions" of their job scope. The regulations state:

1904.7(b)(4)(i) How do I decide if the injury or illness resulted in restricted work? Restricted work occurs when, as the result of a work-related injury or illness:

(b)(4)(i)(A) You keep the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or

(b)(4)(i)(B) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

(b)(4)(ii) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

EXAMPLE: Warehouse Stock picker

Let's say their typical job scope includes pulling stock for job orders, placing the stock on pallets, some stock is placed in an automated bagging machine. Most stock is less than 2 pounds.

Once a month a large shipment goes out and stock pickers are used to manually load stock onto trays and into large step side vans. Let's say the employee can't perform this task because the Licensed Health Care Provider (LHCP) restricted lifting to 15 pounds. Typical tray weighs 20 pounds.

Would this be recordable? _____

Also noteworthy:

(b)(4)(vi) If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

Question #4: What are the optimal lighting & lumens required in a typical warehousing environment?

Answer:

OSHA does not have specific standards for lighting levels however OSHA does "incorporate by reference" ANSI A11.1-65 Practice for Industrial Lighting. OSHA also speaks to requirements for auxiliary lighting on powered industrial trucks when lighting levels are low.

1910.178(h)(2) Where general lighting is less than 2 lumens per square foot, auxiliary directional lighting shall be provided on the truck.

Other standards exist (non-OSHA) that OSHA would look to for guidance, such as Architectural Standards by the American Institute of Architects (AIA). They reference lighting levels of 50 footcandles for conference rooms, office and factory applications. The footcandle requirements go up depending on the level of detail work being performed by the employees.

Question #5: I am trying to update my MSDS manual and what like to know where to get the best info on how to do it and does each office in our company have to have a manual

Answer:

OSHA requires three items when it comes to chemicals:

1. Chemical Inventory List
2. Labeling
3. MSDS

The first suggestion when developing an MSDS program is to inventory the chemicals you have onsite. OSHA requires that employers document the chemicals name, where it was used and when it was used.

**This inventory list must be kept for 30 years,
even if the chemical is no longer being used onsite. . .**

The next requirement is to ensure the chemicals are properly labeled.

29 CFR 1910.1200(f)(5) ...the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(f)(5)(i) Identity of the hazardous chemical(s) contained therein; and,

(f)(5)(ii) Appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

Finally, the Material Safety Data Sheet (MSDS) must be collected and made available. MSDS's should come with the chemical when it is purchased, but when that does not happen or the MSDS is lost, you may visit a number of websites and download the MSDS for free.

We prefer Cornell University's site at:

<http://msds.ehs.cornell.edu/>

Regarding the allowance of MSDS access via computer, OSHA says:

..1910.1200 (g)(8) The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(g)(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

Furthurmore, a recent OSHA Letter of Interpretation provides further clarification:

OSHA has not established minimum requirements for determining whether MSDSs maintained at the worksite are readily accessible to employees while they are in their work areas. OSHA has provided the following guidance to its compliance officers in the October, 1990 compliance directive CPL 2-2.38C: "Factors that may be appropriate to consider when determining if MSDSs are readily accessible may include: Must employees ask a supervisor or other management representative for the MSDS? Are the sheets or alternative methods maintained at a location and under conditions where employees can refer to them during each work shift, when they are in their work areas? If a computer or FAX system is used, do employees know how to operate and obtain information from the system? Employees must have access to the MSDSs and be able to get the information when they need it, in order for an employer to be in compliance with the rule." Employees must have access to the MSDSs and be able to get the information when they need it. This may be

accomplished in many ways and requires the compliance officer to exercise professional judgment in evaluating the accessibility of the MSDSs on-site.

As a final note, the system that is selected should be reliable. This means that employers should provide a backup computer system when the main system is down for short periods of time for maintenance, repair, or power disruption. Either providing a backup system to your main computer and facsimile equipment or printing a hard copy set of MSDSs before shutting down the system would meet the standard's intent.

Question #6: Do you have a book that spells out specific safety concerns that we could look for in our own company? Example: Chemical storage, how far apart is appropriate?

Answer:

We received many questions similar to this and the answer is yes! It's the OSHA regulations book (or software). Unfortunately, there does not exist any single book that will answer all of your questions. The regulations are too comprehensive and too many issues are industry or site specific. The best solution is to get a copy of the regulations and learn how to read them and do research on your questions.

If you need a CURRENT copy of the OSHA regulations, just email us at David@carlyleconsultants.com I'll be happy to get copies sent out to you.

The Regulations book is divided into sections (or Subparts) and each of those Subparts must be researched based on the hazards you have in the workplace. For instance, if you have employees which have occupational exposure to Blood or Other Potentially Infectious Materials (OPIM's) you must consult 29 CFR 1910.1030. This regulation will explain the required training, frequency, topics covered, PPE, Universal precautions, Hepatitis B vaccination etc.

Like any deep subject, OSHA requires time to fully understand. This resource has been provided as a quick reference that will quickly get you on track. It is free of “fluff” and gives you the strategies that you need to understand the basic concepts. Having said that, you’ll find that when dealing with these issues, you’ll likely be faced with questions. This resource probably will not answer those deeper questions, but we won’t leave you hanging! Please visit our website at www.The-OSHA-Advisor.com and sign up for our free monthly e-newsletter which provides you with management strategies, tele-seminars, articles and a host of other valuable tools.

P.S. Please feel free to pass this e-book on to your colleagues. Be sure to encourage them to sign up for the monthly e-newsletter as well.

Thanks! – The Staff at The OSHA Advisor. . .



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For OSHA Compliance Assistance, please visit
<http://tinyurl.com/3r7xs>

The information contained within this e-Book is intended to provide basic, non-exhaustive information on OSHA compliance issues. Because many factors play a role in successful OSHA compliance, The Carlyle Consulting Group or The OSHA Advisor assumes no legal responsibility for the information contained within this document.