

OSHA vs. Leading Practices in General Industry & Construction Safety

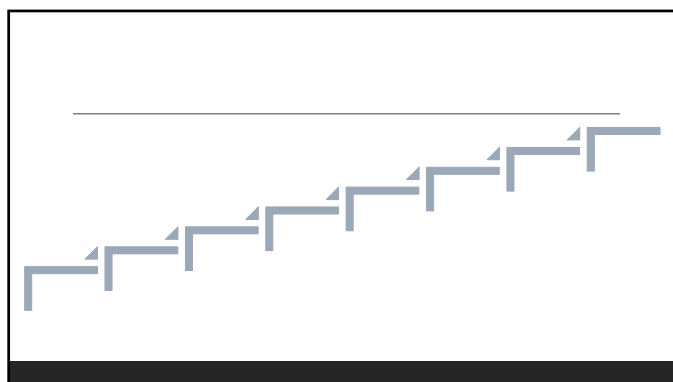
CHIP DARIUS, M.A., OHST, CIT, CSHO

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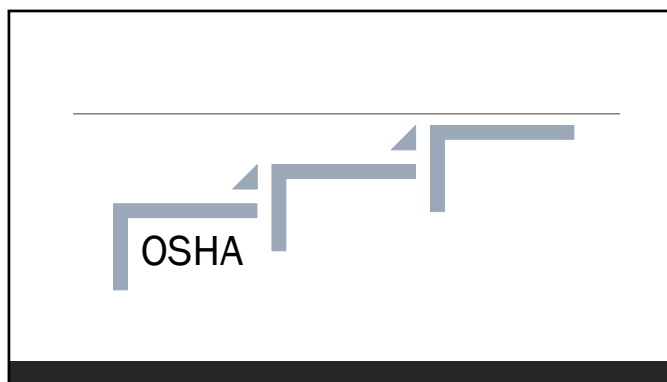
Overview

OSHA's role
 OSH Act, esp. Sec. 5 – the foundation and the launching point
 OSHA Standards and Incorporation by Reference: IBR
 IBR vs. Current State of the Art
 The Bleeding Leading Edge: National, International, Global
 Legal or Safe?

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OSH Act: OSHA's Role VERBS

To **assure** safe and healthful working conditions for working men and women; **by authorizing** enforcement of the standards developed under the Act; **by assisting** and **encouraging** the States in their efforts to assure safe and healthful working conditions; **by providing** for research, information, education, and training in the field of occupational safety and health; and for other purposes.

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OSH Act: OSHA's Role GOALS

To assure **safe and healthful working conditions** for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

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"No one should have to sacrifice their life for their livelihood, because a nation built on the dignity of work must provide safe working conditions for its people."

- FORMER US SECRETARY OF LABOR THOMAS E. PEREZ

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OSH Act: OSHA's Role

METHODS

To assure safe and healthful working conditions for working men and women; by authorizing **enforcement of the standards developed under the Act**; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for **research, information, education, and training** in the field of occupational safety and health; and for other purposes.

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So What's a Standard? OSH Act Sec. 3(8)

The term "occupational safety and health standard" means a standard which **requires conditions**, or the adoption or use of one or more **practices, means, methods, operations, or processes**, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

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National Consensus Standard OSH Act Sec. 3(9): 3 criteria

The term "national consensus standard" means any OSH standard or modification thereof which

(1), has been adopted and promulgated by a **nationally recognized standards-producing organization** under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached **substantial agreement** on its adoption, ...

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National Consensus Standard Sec. 3(9): 3 criteria

The term "national consensus standard" means any OSH standard or modification thereof which

(2) was formulated in a manner which afforded an opportunity for **diverse views to be considered** and

(3) has been **designated as such a standard by the Secretary**, after consultation with other appropriate Federal agencies.

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OSH Standards OSH Act Sec. 6(a)

...the Secretary shall, within 2 years of the effective date of this Act), by rule promulgate as an OSH standard **any national consensus standard**, and any established Federal standard, **unless** he determines that the promulgation of such a standard **would not result in improved safety or health** for specifically designated employees. In the event of conflict among any such standards, the **Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.**

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OSH Act Sec. 1: OSHA's Role

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by **assisting and encouraging the States** in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

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OSH Act Sec. 1: OSHA's Role

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for **research, information, education, and training** in the field of occupational safety and health; and for other purposes.

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Congressional Findings OSH Act Sec. 2

(a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, **interstate commerce** in terms of lost production, wage loss, medical expenses, and disability compensation payments.

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Congressional Findings OSH Act Sec. 2

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to **regulate commerce** among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation **safe and healthful working conditions** and to preserve our human resources –
by... (13 criteria)

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So What is Commerce? OSH Act Sec. 3(3)

The term "commerce" means trade, traffic, commerce, transportation, or communication **among the several States**, or **between a State and any place outside thereof**, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or **between points in the same State but through a point outside thereof**.

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Congressional Findings OSH Act Sec. 2

(b)(1) by encouraging employers and employees in their efforts to **reduce** the number of occupational safety and health **hazards** at their places of employment, and to **stimulate** employers and employees to **institute new and to perfect existing programs** for providing safe and healthful working conditions;

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Congressional Findings OSH Act Sec. 2

(b)(4) by **building upon advances** already made through **employer and employee initiative** for providing safe and healthful working conditions;

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Congressional Findings OSH Act Sec. 2

(b)(5) by providing for **research** in the field of occupational safety and health, **including the psychological factors involved***, and by **developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;**

*see Sec. 5

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Congressional Findings OSH Act Sec. 2

(b)(7) by providing medical criteria which will **assure insofar as practicable** that **no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;**

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Congressional Findings OSH Act Sec. 2

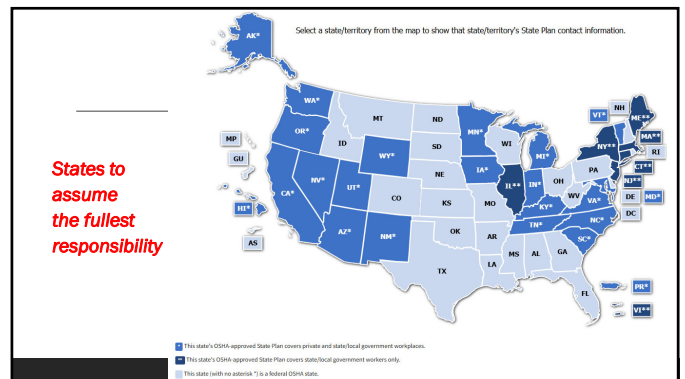
(b)(9) by providing for the **development and promulgation** of occupational safety and health standards;

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Congressional Findings OSH Act Sec. 2

(b)(11) by encouraging the **States to assume the fullest responsibility** for the administration and enforcement of their occupational safety and health laws... to **develop plans** in accordance with the provisions of this Act...

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OSH Act Sec. 5(a) Duties

- (a) Each employer -
 - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious **physical** harm to his employees;
 - (2) shall comply with occupational safety and health **standards** promulgated under this Act.

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OSH Act Sec. 5(b) Duties

(b) Each employee shall comply with occupational safety and health **standards** and all **rules, regulations, and orders** issued pursuant to this Act which are applicable to his own actions and conduct.

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“Safety standards are written in blood, smoke, pain, and suffering.”

- UNKNOWN

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OSHA Standards and IBR

29 CFR 1910.6(a)(1)(i) and 29 CFR 1926.6(a)
 The standards of agencies of the US Government, and organizations which are not agencies of the US Government which are incorporated by reference in this part, **have the same force and effect as other standards in this part.** Only the mandatory provisions (i.e., provisions containing the word “shall” or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act.

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OSH Standards and IBR

29 CFR 1910.6(a)(1)(i) and 29 CFR 1926.6(b)
 The standards listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. **To enforce any edition other than that specified in this section, OSHA must publish a document in the Federal Register and the material must be available to the public.**

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IBR vs. State of the Art

IBR for 1910.261

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IBR vs. State of the Art

IBR FOR 1926.55

ACGIH

Threshold Limit Values of Airborne Contaminants for 1970

CURRENT



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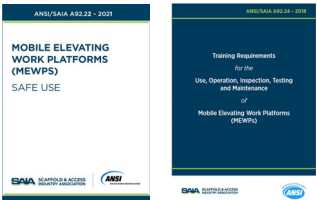
IBR vs. State of the Art

IBR FOR 1926.453, 1910.268

ANSI A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms

CURRENT: 2021

CURRENT: 2018



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IBR vs. State of the Art

IBR FOR 1926.350, 1910.252

ANSI Z49.1-1967, Safety in Welding and Cutting

CURRENT



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IBR

For 1910.178, 1910.261

Safety Standard for Powered Industrial Trucks


USAS B56.1 - 1969

SUPERSEDED

USA STANDARD

Best Copy Available Comes Off Film

"SUPERSEDED BY LATER ISSUE"




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State of the Art

ANSI/ITSDF B56.1-2020
(Revision of ANSI/ITSDF B56.1a-2018)

SAFETY STANDARD FOR LOW LIFT AND HIGH LIFT TRUCKS



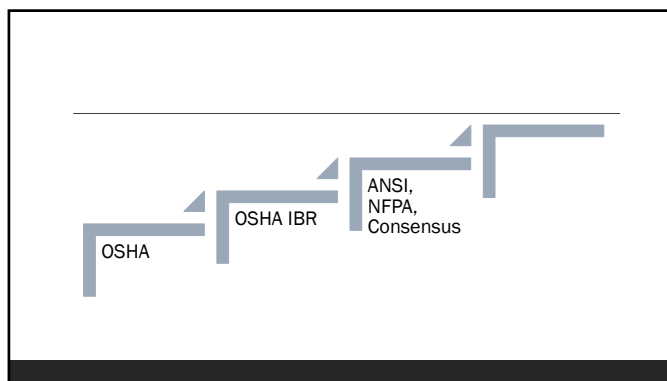
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State of the Art

ANSI/ITSDF B56.6-2021
(Revision of ANSI/ITSDF B56.6-2016)

SAFETY STANDARD FOR ROUGH TERRAIN FORKLIFT TRUCKS

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Construction:
ANSI A10.0 - Compendium

ASSP/A10 GUIDANCE DOCUMENT
For Construction and Demolition Operations

ASSP A10.0-2021
The Construction and Demolition Operations Compendium of Standards

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ANSI A10 Construction Standards

https://webstore.ansi.org/Standards/ASSE/ANSIASSEA10ConstructionPackage?gclid=EAlalQobChMI7P-6x6bu6wIVDfDACH2VjwN1EAAYASAAEgL2f_D_BwE

MOST RECENT

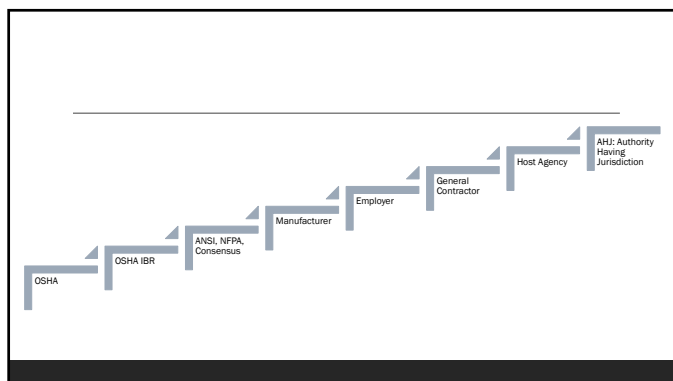
ANSI/ASSE A10 Construction Package

ANSI/ASSE A10 Construction Package - Parts 1 To 49 (Save Up To 20% Off List Prices)

PDF Price
\$2,999.00

ADD TO CART

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Bleeding, Leading Edge



ANSI A92.22-2021: Safe Use Of Mobile Elevating Work Platforms (MEWPs)

ANSI A92.24-2018: Training Requirements For The Use, Operation, Inspection, Testing And Maintenance Of Mobile Elevating Work Platforms (MEWPs)

ISO 45001: Occupational Health And Safety Management Systems

NFPA 70E, Nanotechnology, Drones, AI, ...

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Legal or Safe?

Legal does not mean safe

Legal does not guarantee safety

Legal is the least you can do under law

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Because we Must? Or Because we Care?



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Q&A

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