**,MICA Messenger Article**

This is going to be a general safety issues month. I want to cover some very important issues the impact your safety program and performance.

**Hazard Recognition**

This is a very important issue for all employers in the construction industry. No, I am not talking about Hazard Communication; that is a completely different topic. I am talking about the recognition of hazardous conditions on the worksite. We conduct new employee safety orientation of one kind or another. In this orientation we cover a variety of topics ranging from fall protection to PPE to distracted driving. One topic most employers miss in their orientation training is hazard recognition. Hazard recognition is basically teaching situational awareness. In other words pay attention to what you are doing, where you are and what is around you at all times. Evaluate every action you are going to take before you take it to be sure that you are not going to be in danger.

For example, you are going to perform work on a low sloped roof with the available fall protection of warning lines and a safety monitor. Based on the OSHA standards this fall protection is in compliance with the OSHA standards for fall protection on low-sloped roofs. As your employees ascend to the work area on a fall morning the first person on the roof may notice that it is very slippery with a heavy dew and patchy frost. He has just recognized a potential hazard in that an employee might slip on a patch of frost; slide under the warning line and off the edge of the roof. He is aware of a new hazard, one that the warning line system may not provide adequate protection. This is hazard recognition. The employee should be trained to raise that issue to you and request protection from this new hazard which was not contemplated when the warning lines were installed.

Another example is a situation in which your employee will be exposed to a hazard, which is not a hazard under normal operating conditions. For example, an employer is working in a manufacturing facility. There is an exhaust fan twenty feet up an outside wall. It is not a hazard to anyone because it is more than seven feet above the floor. But if your employee was given a job to perform that he determines will bring him into close proximity to the fan, he should, if he was trained in hazard recognition, identify the potential hazard and bring it to the attention of his supervisor.

Training employees in hazard recognition is required by 1926.21(b)(2). This standard requires you to train your employees in hazard recognition and avoidance. This standard is cited frequently in case where the compliance officer is performing an investigation following an employee injury. A citation may be issued alleging that if the employee had been properly trained under this standard they would have identified the hazard and take action to avoid exposure to it.

Coming full circle, the training for hazard recognition is for your employees to:

1. Always be aware of where they are.
2. Always be aware of what is around them.an d what is going on around them.
3. Always give 100% attention to what they are doing.
4. Always consider the task they are about to perform and what exposures they might have while performing it.
5. Whenever they feel that they might be exposed to a hazard consult with their supervisor before proceeding.

**Job Safety Analysis (JSA)**

The Job Safety Analysis should be performed by the crew leader or foreman every day before any employee enters the work area. The supervisor should take time before work begins to walk the entire job site, but especially the area in which work is to be performed on that day. He should note any changes in the work area that may have occurred between the time work was completed the day before and that morning walk around. He should note any hazards that the crew may confront as they complete the tasks for the day. I always suggest that as soon as the crew arrives and before they begin their work, the supervisor who did the JSA should go over his findings with them. He should also make sure that there is adequate PPE on site for any hazards identified and that any guards required are in place and functional.

You cannot do enough training, but I do not consider the JSA morning briefing training. You are assisting your employees with hazard recognition and you are training them in very important concept. I have been seeing more and more citations, especially following an on the job accident, for failure to train employees in hazard recognition. The morning JSA performed by the crew leader or foreman is intended to evaluate the worksite in light of the work to be performed that day and to acquaint all employees on the job with the supervisors observations.

Part of the JSA should have the supervisor performing it confirm the integrity of all working and walking surfaces his employees will be using that day. As I have discussed before, there is a section of the fall protection standards, Section 1926.501(a)(2) that requires the employer to determine that all surfaces on which employees will walk or work have the structural integrity to support the weight of employees safely. The employer shall only permit employees on those surfaces that are able to support their weight safely. This is a requirement before the start of any shift on the project and should also be done any time anything occurs that could, in any way, affect the integrity of a walking or working surface an employee will work on. I strongly recommend that a written record of thee daily (at least) determination be maintained for the duration of the project.

**We Have to Get Past Our Macho Mindset**

Within the past week something occurred to me that spurred me on to write this next section. While this ties in loosely with what I have been discussing, I must ask your indulgence for a few paragraphs to get this behind me.

Like many of you I am on linked in. A few days ago a safety professional I know forwarded a post to me to review. This was a photograph of about 50 men erecting what appeared to be a pole barn somewhere in the Midwest. I entered into a positive exchange with the safety professional discussing how, in today’s society, with what we know about safety such a thing could occur. You see, it was obvious to me that not one of these people was wearing fall protection and, as was obvious o from the photo, they were all more than ten feet above the ground. We discussed whether this was a volunteer project (no OSHA compliance required), or perhaps it was some other group erecting the structure. As we were posting our comments a gentleman, much wiser than we are, commented that he felt that we “safety hacks” do nothing but slow down progress and generate income for ourselves and the government with our “bull\_\_\_”. He went on to challenge that if we were too scared to get up there and work we should move over so “man” could take our spot. He concluded by saying that that is how “stuff” gets done.

As most of you know I defend employers for OSHA citations received by them. I use every defense available to me to be successful. But that does not mean that I am not a strong champion for safety in the workplace. Do not forget the people you hire to work for you are hired to assist you to accomplish the tasks assigned to them, NOT to risk their lives because you still champion the long outdated and Neolithic belief that a person who wants to work safely has no place in the construction industry. The narrow minded person who responded as I indicated in the preceding paragraph either has his head in the sand or, maybe has never had anyone working for him get hurt. I would say that – let him have to visit the surviving spouse of one of his employees and explain to her why her husband and the father of her children is dead because Mr. Macho man refused to require his employees to wear fall protection. Or, perhaps he has never had an on the job injury that cost so much in increased insurance premiums that he cannot compete any longer. Whatever the case, this kind of attitude has no place in the twenty-first century in construction and I can only hope that those who read this article do so because they want to do everything possible to protect the people who work for them.

A Few New Rules

First, effective January 17, 2017 OSHA has adopted a long list of new rules, which already exist in the construction industry and now are effective in general industry. These are now also found in Subpart D of the general industry standards. They cover a host of activities which include the integrity of walking and working surfaces, scaffold safety, ladder safety, fall protection, stairways, dock boards and training. All of the requirements the construction industry has been living with for many years now apply to general. All of our members who are manufacturers, distributors, fabricators, lumber yards, and those post frame contractors who have a shop area to manufacturer any of the components used in your construction take note.

On April 6, 2017 OSHA announced a delay in the enforcement of the new respirable silica standard for the construction industry. The enforcement deadline has been moved back to September 23rd, 2017, from July 23rd. At this point we still anticipate that the standard will become effective on September 23rd, but stay tuned.

Finally Congress passed a resolution and President Trump signed it into law overturning the *Volk* decision. This action now restricts OSHA to going back only six months or 182 days to issue a citation on a record keeping violation. In the case noted OSHA was given the ability to cite an employer for a record keeping violation one or more years before the date of an inspection based upon OSHA 300 logs produced at OSHA’s review of records obtained during the inspection.

As of the date I am writing this article the OSHA electronic record keeping standard and its anti-retaliation provisions are still in effect. The electronic filing requirements for the OSHA 300a forms is still on track for July 1, 2017, but also, as of the date I write this article OSHA has not yet identified a web address to be sued to file the 300A’s or a procedure for doing so. Again ----- stay tuned!