Sprayfoam 2018 Annual Convention and Expo

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U.S. Department of Labor
ANTITRUST POLICY STATEMENT FOR SPRAY POLYURETHANE FOAM ALLIANCE MEETINGS

• It is and shall remain the policy of the Spray Polyurethane Foam Alliance (“SPFA”), and it is the continuing responsibility of every SPFA member company, SPFA meeting or event participant, as well as SPFA staff and leadership to comply in all respects with federal and state antitrust laws. No activity or discussion at any SPFA meeting or other function may be engaged in for the purpose of bringing about any understanding or agreement among members to (1) raise, lower or stabilize prices; (2) regulate production; (3) allocate markets; (4) encourage boycotts; (5) foster unfair or deceptive trade practices; (6) assist in monopolization; or (7) in any way violate or give the appearance of violating federal or state antitrust laws.

• Any concerns or questions regarding the meaning or applicability of this policy, as well as any concerns regarding activities or discussions at SPFA meetings should be promptly brought to the attention of SPFA’s Executive Director and/or its legal counsel.
History of OSHA

- On December 29, 1970, President Nixon signed the OSH Act
- This Act created OSHA, which formally came into being on April 28, 1971

- Occupational Safety and Health Administration, an agency of the U.S. Department of Labor.
- OSHA’s responsibility is to assure safe and healthful working conditions for working men & women
OSHA: 46 years of Progress in Workplace Safety and Health

Since 1971:

- Workplace fatalities have decreased 60%
- Occupational injuries and illnesses have declined 40%
Every year more than \textbf{4,000} Americans die from workplace injuries.

Perhaps as many as \textbf{50,000} workers die from illnesses in which workplace exposures were a contributing factor.

More than \textbf{4 Million} workers suffer a serious nonfatal injury or illness annually.
Workplace injuries and fatalities cost our economy $198.2 billion a year.

— National Safety Council “Injury Facts” 2014
Balanced Approach

• Strong, fair, and effective enforcement
• Outreach and compliance assistance
• Cooperative and voluntary programs (Alliances, partnerships, VPP, SHARP)
Responsible employers deserve a level playing field. Why should they compete with those who cut corners and costs on worker safety?
Leveraging Enforcement Actions

• Severe Violator Enforcement Program (SVEP) – approx. 500 employers listed
• Corporate Wide Settlement Agreements (CSAs) – 8 since FY13
• Criminal Referrals for Prosecution (MOU w/ DOJ- Worker Endangerment Initiative)
• Penalty Increase- $12,500-S, $120,500-W
• Development of significant and egregious cases
• Section 11b
Top Ten Violations

Most frequently cited OSHA regulations during FY 2015 inspections

1. Fall Protection
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Powered Industrial Trucks
7. Ladders
8. Electrical – Wiring Methods
9. Machine Guarding
10. Electrical – General Requirements
Report a fatality or severe injury

- All employers are required to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation, or loss of an eye.

- A fatality must be reported within 8 hours.

- An in-patient hospitalization, amputation, or eye loss must be reported within 24 hours.
Safer, but not Safe!

Some fatalities and serious injuries will not be prevented by simply complying with OSHA regulations.
WHY?

- OSHA regulations don’t cover all hazards
  (In some cases, not even the big ones)
- Many OSHA standards are out of date
- Regulations can’t address every situation
The Value of PREVENTION

- saves lives
- prevents injuries
- saves you money
Safety & Health Program Management Systems

Core Elements

- Management leadership
- Worker participation
- Hazard identification and assessment
- Hazard prevention and control
- Education and training
- Program evaluation and improvement
- Communication & Coordination for Host employers, Contractors, & staffing agencies
Federal and State OSHA

- The OSH Act covers employers and employees either directly through federal OSHA or through an OSHA approved state program.

- **26 States**, Puerto Rico, and the Virgin Islands have OSHA approved State Plans.
Twenty-six states, Puerto Rico, and the Virgin Islands have OSHA-approved State Plans. Twenty-two State Plans (21 states and one U.S. territory) cover both private and state and local government workplaces. The remaining six State Plans (five states and one U.S. territory) cover state and local government workers only.
WHISTLEBLOWER DISCRIMINATION

• Any type of retaliation taken against an employee for exercising their rights under any of the 22 whistleblower statutes administer by OSHA.

  Firing or laying off
  Blacklisting
  Demoting
  Denying overtime or promotion
  Disciplining
  Denial of benefits
  Failure to hire or rehire
  Intimidation
  Making threats
  Reassignment affecting prospects for promotion
  Reducing pay or hours
OSHA’S Whistleblower Webpage

Know Your RIGHTS

OSHA’s whistleblower statutes protect you from retaliation. An employer cannot retaliate by taking “adverse action” against workers who report injuries, safety concerns, or other protected activity.

Worker PROTECTIONS

Since passage of the OSH Act in 1970, Congress has expanded OSHA’s whistleblower authority to protect workers from retaliation under twenty-two federal laws. Complaints must be reported to OSHA within set timeframes following the retaliatory action, as prescribed by each law.

File a COMPLAINT

File a complaint if your employer has retaliated against you for exercising your rights as an employee. In states with approved State OSHA Plans, employees may file a complaint under the OSH Act with both the State and Federal OSHA. Under the other federal laws, a complaint must be filed with Federal OSHA directly. You may file a complaint by calling 1-800-321-OSHA (6742), contacting your local OSHA office or filing online here.

www.whistleblowers.gov
### On-site Consultation

**OSHA by the Numbers 2016**

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<th>27,501 Consultation visits conducted nationwide</th>
<th>88% of businesses consulted had 100 or fewer employees</th>
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<td>35% were in manufacturing workplaces</td>
<td>38% were health hazard consultations</td>
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ACC Announces Working Alliance With OSHA
ACC and OSHA Alliance

The American Chemistry Council and the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) recognize the value of establishing a collaborative relationship to foster safer and more healthful American workplaces. The ACC partners include the Center for the Polyurethanes Industry (CPI), Diisocyanates (DI), and Aliphatic Diisocyanates (ADI) Panels. To that end, OSHA and ACC have formed a voluntary Alliance to provide members, occupational physicians, stakeholders, and others within the polyurethanes value chain with information, guidance, and access to training resources that will help them further protect the health and safety of workers. This webpage will keep information about the projects and events created by the Alliance partners.

https://www.osha.gov/dcsp/alliances/acc/acc.html
FREE OSHA e-newsletter delivered twice monthly to more than 170,000 subscribers

Latest news about OSHA initiatives and products to help employers and workers find and prevent workplace hazards

Sign up at www.osha.gov
Working Together, We Can Help

QUESTIONS