OSHA is continuing its aggressive inspection and enforcement policy. Several of the new OSHA rules and policies that are in the offing are the following:

- The Occupational Safety & Health Administration plans to issue a final rule in July 2010 to define work-related musculoskeletal disorders and to require them to be recorded in a separate column on the OSHA 300 Log. OSHA currently only requires the recordkeeping of injuries on paper. However, it is contemplating moving to an electronic system in order to provide information to employers and workers in real time.

- OSHA is on track to significantly outpace the number of inspections that it performed in fiscal 2009, in which year OSHA performed the most inspections that it had ever performed;

- finally, OSHA is revising the way penalties are calculated in its Field Operations Manual, the manual which OSHA inspectors use to guide their enforcement efforts. OSHA expects the revisions to result in average maximum penalties for a serious violation to rise from $1,000.00 to between $3,000.00 to $4,000.00. OSHA expects the rise in average penalty for a serious violation to take effect within the next several months.

NOTE: This general summary of the law should not be used to solve individual problems since slight changes in the fact situation may require a material variance in the applicable legal advice.
Dear SCSC Members:

In view of recent trench cave-ins and a subsequent fatality, I feel it is timely to review the requirements whenever a trench is necessary for any reason. Sewer pipe installation, basement excavations, and repairs to waterlines and manholes are just a few examples of trenching.

By definition in 29CFR 1926, Subpart P, a trench is defined as “a narrow excavation (in relation to its length) made below the surface of the ground”. ANY time the ground is broken, Ohio Utility Protection Service (OUPS) must be informed by calling 1-800-362-2764, or 811, at least 48 hours before you dig. OUPS will issue a ticket number for the planned excavation and they will notify all participating utilities, so that appropriate markings can be made locating underground lines. They will give you a list of “non-participating” utility owners which will need to be called directly by the excavator. The locator will spray paint on the ground, giving approximate location, but they will not specify depth. Therefore, digging “with caution” will be necessary until the actual lines are located.

Once the utilities are located and the trench is begun, some visual and manual tests are required to establish the method needed to prevent cave-ins. If the trench is five feet deep, the soil on the sides of the trench must be classified as Class A, B, or C. This classification process is critical to establish how you will proceed because you can either slope the sides back, shore up the side walls, or utilize a trench box to protect workers in the trench. This procedure is detailed in Subpart P of the OSHA regulations referred to above. If the trench is four feet deep, a means of climbing out is also required, like a ladder or a ramp built into the trench.

These are the basic rules; many more apply and they are explained in detail in the standards. The bottom line is that there is simply no excuse for injuries or fatalities due to trench failures. The law is very specific in this inherently dangerous activity. Know the rules, use caution whenever you break the ground, and hire a professional excavator for deep trenches or excavations.

Submitted by Norm Hostetler, Safety Director of Beaver Excavating, current member and past chairman of the SCSC Steering Committee.