

Stark County Safety Council Newsletter

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STARK COUNTY

SAFETY COUNCIL
A committee of the Canton Regional Chamber of Commerce

OSHA RECORDKEEPING EMPHASIS PROGRAM ENDS

BY JACQUELINE BOLLAS CALDWELL, ESQ.

OSHA's Emphasis Program on recordkeeping ended February 19, 2012. The 731 violations cited by OSHA were categorized as follows:

Category	Number	Percent
Willful	7	less than .01%
Repeat	3	less than .01%
Serious	0	
Other than serious	721	99%

The top OSHA 300 Log recording areas were failure to record a case, followed by incorrectly listing a case as not qualifying as a "DART" case, a "days away from work, restricted work, or job transfer" case. At the time that the inspections were conducted, OSHA cited employers for recordkeeping violations over a five-year time period. However, after the Recordkeeping Emphasis Program, the United States Court of Appeals for the District of Columbia ruled that while failure to retain records could be cited over a five-year period, recordkeeping violations had a six-month statute of limitations. *AKM, LLC v. Secretary of Labor*, 2012 WL 1142273 (D.C. Cir).

While Recordkeeping violations will rarely constitute "serious" violations (likely to lead to death or serious bodily injury), OSHA reviews OSHA 300 Logs closely to determine whether there is a pattern of accidents or injuries that should be addressed.

If you have any questions regarding this article, please contact Jacqueline Bollas Caldwell at 330-244-2864 or jcaldwell@kwgd.com.

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.

Save the Date!

June 7th: Special 2 Hr. Group Rating Training Session at Canton Regional Chamber of Commerce from 8-10 a.m. Fee is \$15.00 for members/\$20.00 non-members. Contact Connie Cerny for more registration.

Today's Program May 10, 2012

Topic: "Drilling Deep On Environmental, Health and Safety Issues in the Oilfield"

Speakers from Chesapeake Energy Corp.:

Mark Deering, PG/CPG, Environmental Health and Safety Specialist/Regulatory Compliance and Ryan Dean, Sr. Manager-Corporate Development

Spotlight
Company:



About the May Spotlight Company AultComp MCO- Massillon, OH

Here for you since 1997, AultComp MCO is a state certified, full-service Managed Care Organization specializing in medically managing your company's workers' compensation claims. We are local and our team is accessible by phone or in person. Acting as your partner, AultComp MCO ensures claims are filed quickly, treatment for injured workers begins promptly and recovery programs are implemented. We are committed to effectively and efficiently managing your claims to get employees back to work as safely and quickly as possible. This means improved productivity and reduced costs for your company. We're one of the top three MCOs in Ohio according to the 2012 MCO Report card. Hundreds of area employers place their trust in us. We want to gain yours! MCO Open Enrollment runs now through May 25th. Sign up with AultComp MCO today. Call Account Coordinator, Deb Schlabach at 888-738-5800 or dschlabach@aultcompmco.com. Remember, as an existing AultComp MCO client your job is done. Do not sign a thing and remain with us.

Safety Council Officers & Contributing Members

Chairman: Colleen Maurer (maurerc@paarlo.com)

Vice Chair: Deb Schlabach (dschlabach@aultcompmco.com)

Newsletter Editor: Jacqueline Bollas Caldwell (jcaldwell@kwgd.com)

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Ohio BWC Representatives: Robin Watson (robin.w.1@bwc.state.oh.us) and
Steve Hanna (Stephen.h.1@bwc.state.oh.us)

Safety Council Mission Statement: To provide a forum for safety and health information, education and networking in Stark County, through leadership, innovation, facilitation, program, and support, in partnership with other public and private organizations.

Important BWC Destination Excellence Program Changes

By: Bob Nicoll, Program Manager
CareWorks Consultants Inc.

The Ohio Bureau of Workers' Compensation (BWC) has just announced that they have extended the application deadline to May 25, 2012 for employers wishing to participate in two of the Destination Excellence programs – Transitional Work Grant and Bonus Program, and the Industry-Specific Safety Discount Program. The deadline was extended in order to give interested employers more time to evaluate program options in consideration of the late rollout of the program. These recently implemented BWC programs are new initiatives created to improve loss control and employer behavior. Specific areas of focus are injury prevention, loss control and return-to-work efforts.

Group rated and non- group rated employers are eligible for these discount programs although there are compatibility requirements between some BWC programs. The Destination Excellence programs reward employers for paying their premiums on time and on line as well as incentives through participation in the Transitional Work Grant Program and Bonus and the Industry Safety Discount. These program discounts combined with the Drug Free Safety Program and Safety Council Discount Program can help employers significantly reduce their premiums.

The Transitional Work Grant and Bonus Program and the Industry Safety Discount require applications that are due by May 25, 2012. The applications and further details can be obtained by visiting the BWC website at www.ohiobwc.com and I recommend that employers contact their Third Party Administrator for details, eligibility and an analysis of potential saving.



Thank you to all the members of the Stark County Safety Council for your participation in April's "Hunger for Harvest Campaign" Your generosity and compassion for community members in need is deeply appreciated. A sincere "Thank You" from the SCSC Steering Committee.

Upcoming Program

June 14, 2012

Topic: "Keep Your Eyes Open, Someone May be Watching You!"
Special Investigations Department Overview

Speaker: Phillip J. Brickman, Special Agent in Charge,
State of Ohio - Bureau of Workers' Compensation, North
East Regional Field Office

Spotlight
Company:



ROBIN'S CORNER

Q. What are the major changes to the Hazard Communication Standard?

A. The three major areas of change related to GHS are in hazard classification, labels, and safety data sheets.

1. Hazard classification: The definitions of hazard have been changed to provide specific criteria for classification of health and physical hazards, as well as classification of mixtures. These specific criteria will help to ensure that evaluations of hazardous effects are consistent across manufacturers, and that labels and safety data sheets are more accurate as a result.
2. Labels: Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
3. Safety Data Sheets: Will now have a specified 16-section format.

The GHS does not include harmonized training provisions, but recognizes that training is essential to an effective hazard communication approach. The revised Hazard Communication Standard (HCS) requires that workers be re-trained within two years of the publication of the final rule to facilitate recognition and understanding of the new labels and safety data sheets. For a side-by-side comparison of the current HCS and the final revised HCS please see OSHA's hazard communication safety and health topics webpage at: www.osha.gov/dsg/hazcom/index.html. The table below summarizes the phase-in dates required under the revised Hazard Communication Standard (HCS):

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015* December 1, 2015	Compliance with all modified provisions of this final rule, except: The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	Chemical manufacturers, importers, distributors and employers
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition Period to the effective completion dates noted above	May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both	Chemical manufacturers, importers, distributors, and employers

*This date coincides with the EU implementation date for classification of mixtures. During the phase-in period, employers would be required to be in compliance with either the existing HCS or the revised HCS, or both. OSHA recognizes that hazard communication programs will go through a period of time where labels and SDSs under both standards will be present in the workplace. This will be considered acceptable, and employers are not required to maintain two sets of labels and SDSs for compliance purposes.

1. **Don't forget to sign-in.** If you do not sign the "sign-in sheet" your company will not receive credit for attending. This could hurt your company's chances of receiving the BWC's discount.