

OSHA

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OSHA in line for funding boost after congressional committee agrees on appropriations ‘minibus’

At press time, OSHA was set to receive a \$5 million budget increase, after the House and Senate resolved their differences in a Sept. 13 congressional conference committee meeting on a “minibus” appropriations bill. The spending package includes funding for the Department of Defense and a continuing resolution to keep the government open until Dec. 7.

The minibus, which includes the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act of 2019 and the Continuing Appropriations Act of 2019, was passed by the Senate on Sept. 18. It still needs approval from the House – which likely will come before the federal fiscal year 2018 ends Sept. 30 – as well as President Donald Trump’s signature.

The appropriations bill provides about \$557.8 million for OSHA in FY 2019, a \$1 million increase from the Senate’s initial minibus – which passed Aug. 23 – and \$12.5 million more than the House’s proposed budget. The agency received \$552.8 million in FY 2018; the Trump administration allocated \$549 million.



The conference committee also chose to allocate no more than \$102.4 million to OSHA State Plans, an increase of \$1.5 million. It would be the first hike since FY 2014, according to a post from the agency’s former Deputy Assistant Secretary Jordan Barab on his “Confined Spaces” website.

The Susan Harwood Training Grants Program is slated to remain viable for another fiscal year, receiving around \$10.5 million. The administration’s previous attempts to cut that program have

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DOL announces creation of Office of Compliance Initiatives

Secretary of Labor R. Alexander Acosta on Aug. 28 announced the creation of the Office of Compliance Initiatives, a cross-agency effort that the Department of Labor claims will complement DOL enforcement activities “by strengthening and innovating compliance assistance outreach.”

A major part of the new education effort, which will be coordinated by the Office of the Assistant Secretary for Policy, is the launch of the websites *worker.gov* and *employer.gov*.

According to a DOL press release, OCI will provide leadership and support to DOL’s enforcement agencies, advancing the

expansion and development of innovative approaches to compliance assistance and enforcement. OCI’s mission will include:

- Facilitating and encouraging a culture that promotes compliance assistance within DOL.
- Providing employers and workers with access to high-quality, up-to-date information about their obligations and rights under federal labor laws and regulations.
- Assisting enforcement agencies in developing new strategies to use data for more impactful compliance and enforcement strategies.
- Enhancing outreach to stakeholders.

“OCI will promote greater understanding of federal labor laws and regulations, allowing job creators to prevent violations and protect Americans’ wages, workplace safety and health, retirement security, and other rights and benefits. As part of its work, OCI will work with the enforcement agencies to refine their metrics to ensure the efficacy of [DOL’s] compliance assistance activities,” DOL states in the release.

Acosta made the announcement during a national safety symposium hosted by the Voluntary Protection Programs Participants’ Association.

OSHA ALLIANCES

The OSHA Alliance Program fosters collaborative relationships with groups committed to worker safety and health. Alliance partners help OSHA reach targeted audiences and give them better access to workplace safety and health tools and information. For more on OSHA alliances, go to www.osha.gov/dcsp/alliances/index.html.

The National Youth Safety Initiative (CareerSafe)

Date of alliance: Feb. 14, 2018

Through the alliance, OSHA and CareerSafe will work together to provide youth (ages 16 to 24), educators, and administrators with information and access to resources on the most common hazards encountered by new workers to reduce and prevent workplace injuries, illnesses and fatalities, and improve youth workers’ understanding of the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act.

The alliance aims to raise awareness of the foundational occupational safety and health competencies and training needs of youth workers among educators and employers to help forge innovative solutions for enhancing OSH training in career education, and to engage these workers in conversations about the safety and health issues most impacting them.



Alliance participants will collaborate to develop resources, tools and outreach messaging for OSHA staff, CareerSafe and its network, career and technical student organizations, career and technical education administrators and instructors, youth workers, and employers on foundational OSH competencies that can be integrated into their efforts to provide skills training to youth workers who are in or will be entering the workforce.

The goals of the alliance include:

Raise awareness: outreach and communication

- Share information on OSHA’s initiatives and opportunities to participate in them and the rulemaking process.
- Share information on OSH laws and standards, including the rights and

responsibilities of workers and employers, and protections from retaliation for workers exercising their rights.

- Share information with OSHA personnel, industry safety and health professionals, and career educators and administrators through webinars, workshops, seminars, and lectures on effective OSH messaging for youth and entry-level workers.
- Collaborate with other alliance participants on youth and entry-level worker safety and health. Build relationships with OSHA’s national, regional and area offices to address health and safety issues, particularly those most impacting youth workers.
- Review and contribute to OSHA publications and resources intended for youth workers, and employers in industries that rely heavily on these workers.

Excerpted from osha.gov/dcsp/alliances/careersafe/careersafe.html.

In Other News...

OSHA revamps webpage on bird flu

OSHA recently announced an update of its webpage on avian influenza.

The agency provides recommendations for protecting workers in the egg and poultry production industry, veterinary facilities, pet shops, zoos, and food service who “may be exposed to infectious birds or poultry products.” Business travelers, research laboratory workers and employees in health care also have a higher risk of exposure to the virus during outbreaks, OSHA states.

The webpage offers tips on hand hygiene, housekeeping and personal protective equipment options for higher-risk occupations. Access the website at osha.gov/SLTC/avianflu/index.html.

OSHA spotlights resources on emergency preparedness

Spurred by destructive hurricanes and wildfires in parts of the country in recent months, OSHA is calling attention to its Emergency Preparedness and Response webpage, reminding employers to “plan ahead,” “know the hazards” and “keep safe.”

The site (located at www.osha.gov/SLTC/emergencypreparedness) includes resources to help keep workers, including first responders, safe during and after emergency events such as:

- Natural disasters and extreme weather (earthquakes, floods, tornadoes, etc.).
- Biological, bomb/explosion, and chemical incidents or radiation emergencies.
- The spread of disease agents and toxins (anthrax, botulism, Zika, Ebola, pandemic influenza, etc.).

The resources have information on how to prepare and train for the emergencies and any hazards that may arise. OSHA also provides eTools, guidance documents and fact sheets.

OSHA STANDARD INTERPRETATIONS

OSHA requirements are set by statute, standards and regulations. Interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. Enforcement guidance may be affected by changes to OSHA rules.

Clarification of work practice controls when using needleless connectors

Standard: 1910.1030(d)(2)(i)

Date of response: March 22, 2016

Question 1: Does OSHA have an absolute requirement that needleless connectors be used on vascular access lines?

Response: Yes. Needleless connectors are engineering controls developed to eliminate needlestick injuries to health care workers. The standard defines “engineering controls” as “... controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.” 29 CFR 1910.1030(b) (emphasis added). The term “needleless systems” is defined as “...a device that does not use needles for: (1) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established; (2) the administration of medication or fluids; or (3) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.” 29 CFR 1910.1030(b). The inclusion of needleless systems in the definition of engineering controls and the definition of “needleless systems” were mandated by Congress in the Needlestick Safety and Prevention Act, Pub. L. No. 106-430, 3, 114 Stat. 1901 (2000). OSHA’s BBP standard requires that employers use engineering and work practice controls to eliminate or minimize occupational exposure to bloodborne hazards to the lowest feasible extent in the workplace. [29 CFR 1910.1030(d)(2)(i) and Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens, CPL 02-02-069, par. XIII.D.2 (2001)]. The most effective way of removing the hazard is to eliminate the needle completely by using needleless systems. 56 FR 64004, 64060 (Dec. 6, 1991).

Your letter states that needleless connectors may be sources of patient infection. However, there is evidence in the literature and guidance from the Centers for Disease Control and Prevention that control of patient infections related to needleless connectors may be addressed by the following measures, among others:

- Selection and use of appropriately designed needleless connectors.
- Education and training of health care workers in hospital and manufacturer protocols for using the devices.
- Proper work practices, including the use of disinfectants and regular maintenance of the needleless connectors.

Question 2: Is it acceptable to use a safety-engineered needle syringe to access a non-needleless (“traditional” or full septum) connector?

Response: As previously stated, a device that eliminates the needle completely is most effective in reducing the hazard to the lowest feasible extent. Unnecessarily reintroducing a needle defeats the intended purpose of the needleless connector.

Thomas Galassi, Director
Directorate of Enforcement Programs

Excerpted from osha.gov/laws-regs/standardinterpretations/2016-03-22.

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Publisher

Suzanne Powills, suzanne.powills@nsc.org

Assistant Publisher

Deborah Meyer, deborah.meyer@nsc.org

Editor

Melissa J. Ruminski, melissa.ruminski@nsc.org

Managing Editor

Jennifer Yario, jennifer.yario@nsc.org

Copy Editor

Paul Wleklinski, paul.wleklinski@nsc.org

Assistant Editor

Tracy Haas Depa, tracy.haas@nsc.org

Associate Editors

Kevin Druley, kevin.druley@nsc.org
Alan Ferguson, alan.ferguson@nsc.org

Senior Graphic Designer

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Subscriptions/Circulation

subscriptions@nsc.org

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failed so far, and the House slated it for elimination in its budget proposal.

OSHA's federal compliance assistance efforts are scheduled for a \$2.5 million increase to \$73.5 million, and at least \$3.5 million is going to the Voluntary Protection Programs. OSHA's enforcement budget is slated for a \$1 million boost to \$209 million.

The Mine Safety and Health Administration would receive level funding at \$373.8 million, with up to \$2 million going to mine rescue and recovery and at least \$10.5 million to state assistance grants. The House initially proposed \$367.6 million for the agency, and the Trump administration allocated \$375.9 million.

The bill includes a provision that some of the state assistance grants "may be used for the purchase and maintenance of new equipment" as required by the agency's coal dust rule for mine operators who "demonstrate financial need." That rule lowered the exposure limit at underground and surface mines to 1.5 milligrams per cubic meter of air from 2.0 milligrams. Other changes include sampling requirements with continuous personal dust monitors.

NIOSH would receive \$336.3 million – a \$1.1 million increase from FY 2018 – and would remain under the Centers for Disease Control and Prevention. The Trump administration proposed to give the agency \$200 million and move it to the National Institutes of Health. The House budgeted \$339.2 million for NIOSH.

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