Sprayfoam 2018 Annual Convention and Expo

Joseph R. Roesler
Area Director Mobile, AL
Occupational Safety and Health Administration
U.S. Department of Labor

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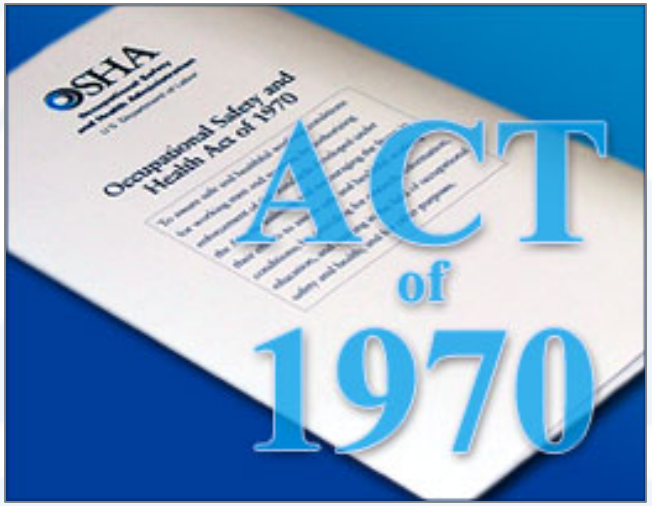
ANTITRUST POLICY STATEMENT FOR SPRAY POLYURETHANE FOAM ALLIANCE MEETINGS

- 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

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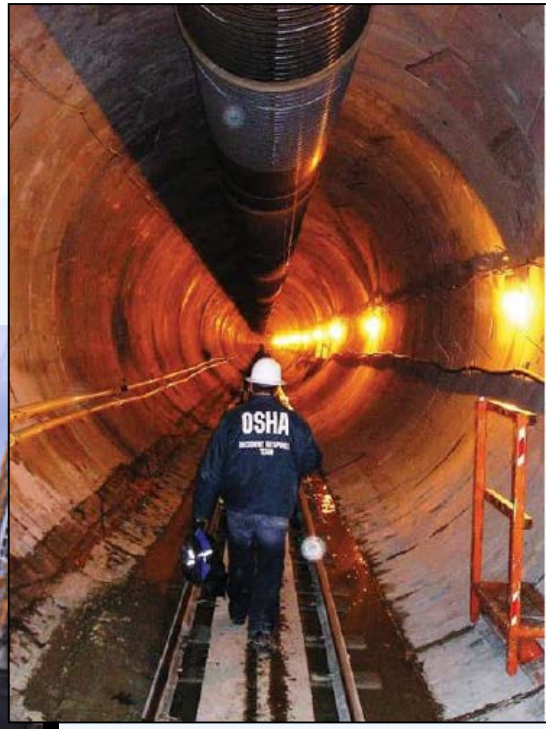
OSHA: 46 years of Progress in Workplace Safety and Health

Since 1971:

- **Workplace fatalities have decreased 60%**
- **Occupational injuries and illnesses have declined 40**



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OSHA's Continuing Mission

- Every year more than 4,000 Americans die from workplace injuries.
- Perhaps as many as 50,000 workers die from illnesses in which workplace exposures were a contributing factor.
- More than 4 Million workers suffer a serious nonfatal injury or illness annually.

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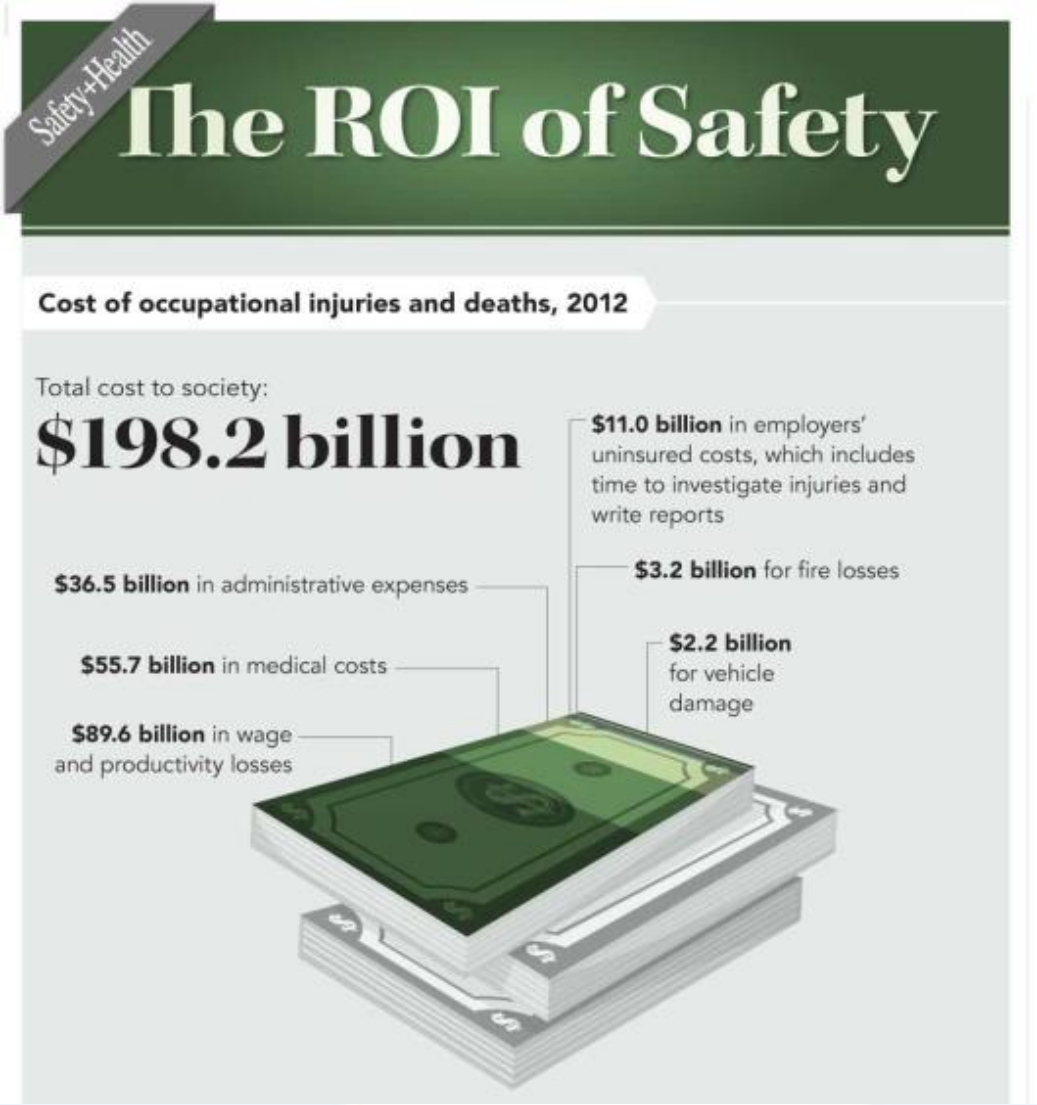
Workplace injuries and fatalities cost our economy $198.2 billion a year.

— **National Safety Council**
"Injury Facts" 2014



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Balanced Approach

- Strong, fair, and effective enforcement
- Outreach and compliance assistance
- Cooperative and voluntary programs (Alliances, partnerships, VPP, SHARP)

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Helping Responsible Employers

Responsible employers deserve a level playing field.

Why should they compete with those who cut corners and costs on worker safety?

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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

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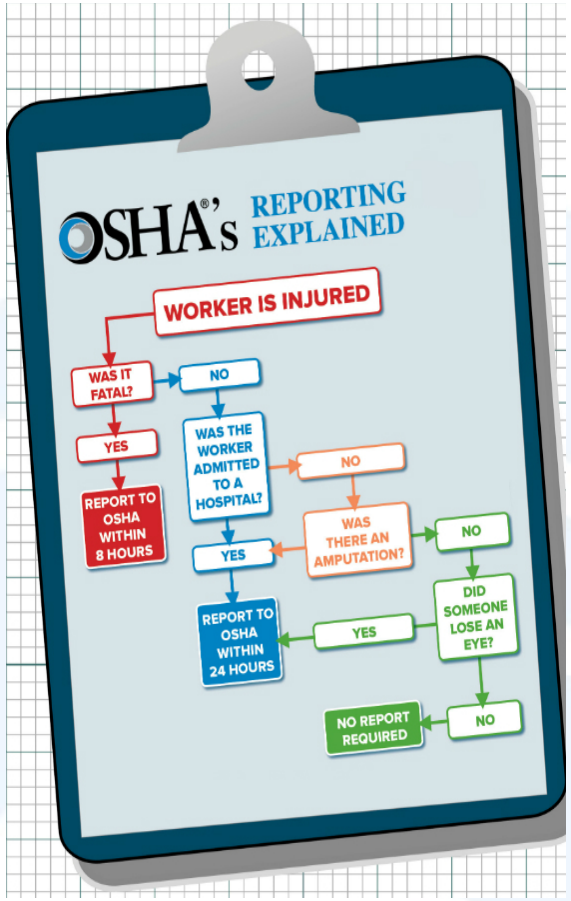
Report a fatality or severe injury

- 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**.



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Will Compliance with OSHA Regulations Make My Workplace Safe?

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

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

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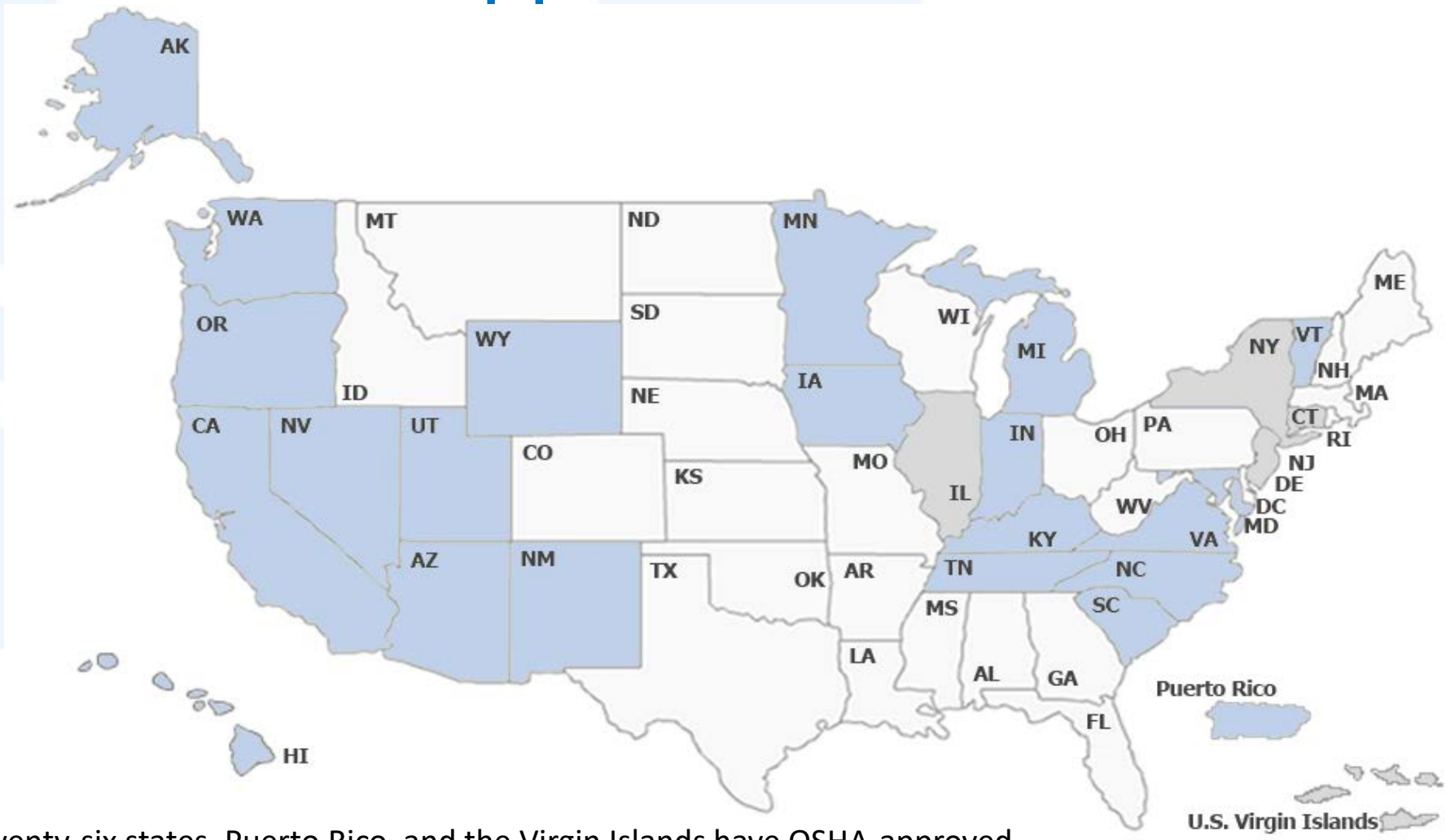
Federal and State OSHA

- 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.

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.

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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

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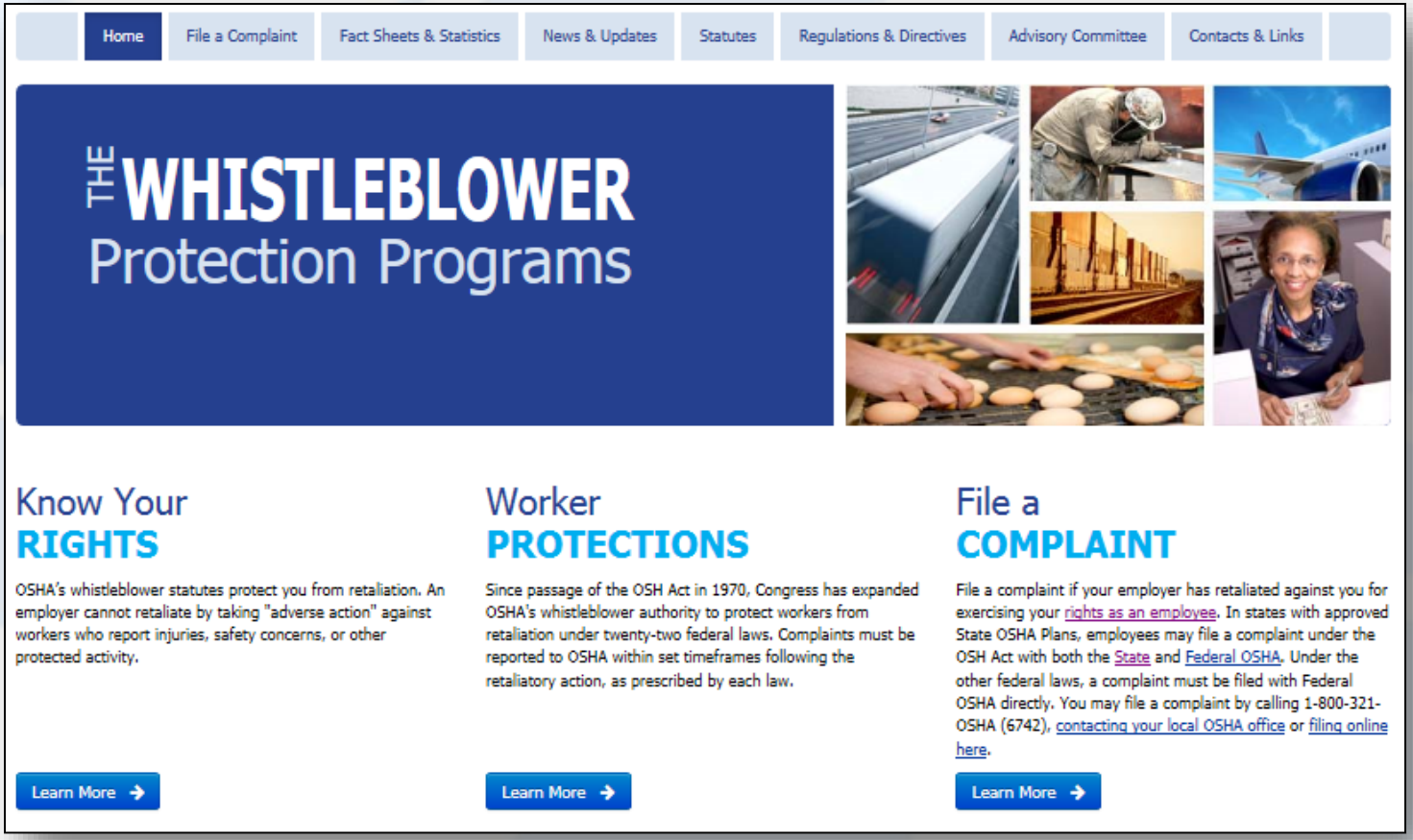
OSHA'S Whistleblower Webpage



www.whistleblowers.gov

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PARTNERSHIP
An OSHA Cooperative Program

VPP
Voluntary Protection Programs
An OSHA Cooperative Program

SHARP
Safety & Health Achievement Recognition Program
Consultation: An OSHA Cooperative Program

alliance
An OSHA Cooperative Program

OSHA®

On-site Consultation

safe state
THE UNIVERSITY OF ALABAMA

USF
UNIVERSITY OF SOUTH FLORIDA

TENNESSEE OSHA
CONSULTATION
Special Emphasis on Sharps Injuries and Fall Hazards

LLR

NCDOL
N.C. Department of Labor

MISSISSIPPI STATE UNIVERSITY
Center for Safety and Health
The OSHA Consultation Program for the State of Mississippi

LABOR CABINET
Kentucky
MCMXLII

OSHA

ACC Announces Working Alliance With OSHA

American® Chemistry Council

alliance
An OSHA Cooperative Program

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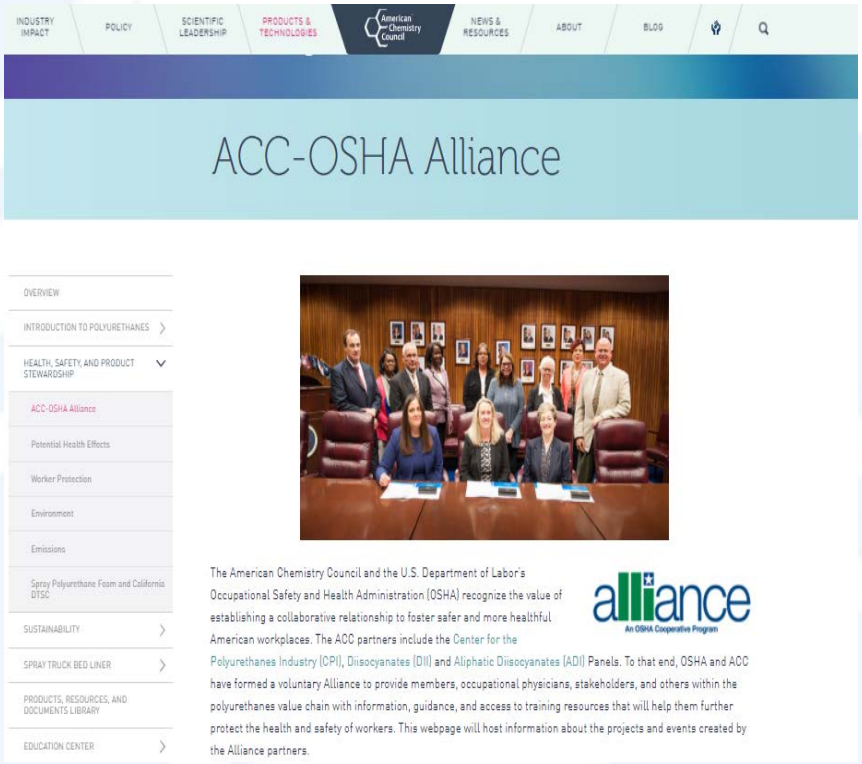
ACC and OSHA Alliance



https://polyurethane.americanchemistry.com/ACC-and-OSHA-Alliance.html

https://www.osha.gov/dcsp/alliances/acc/acc.html

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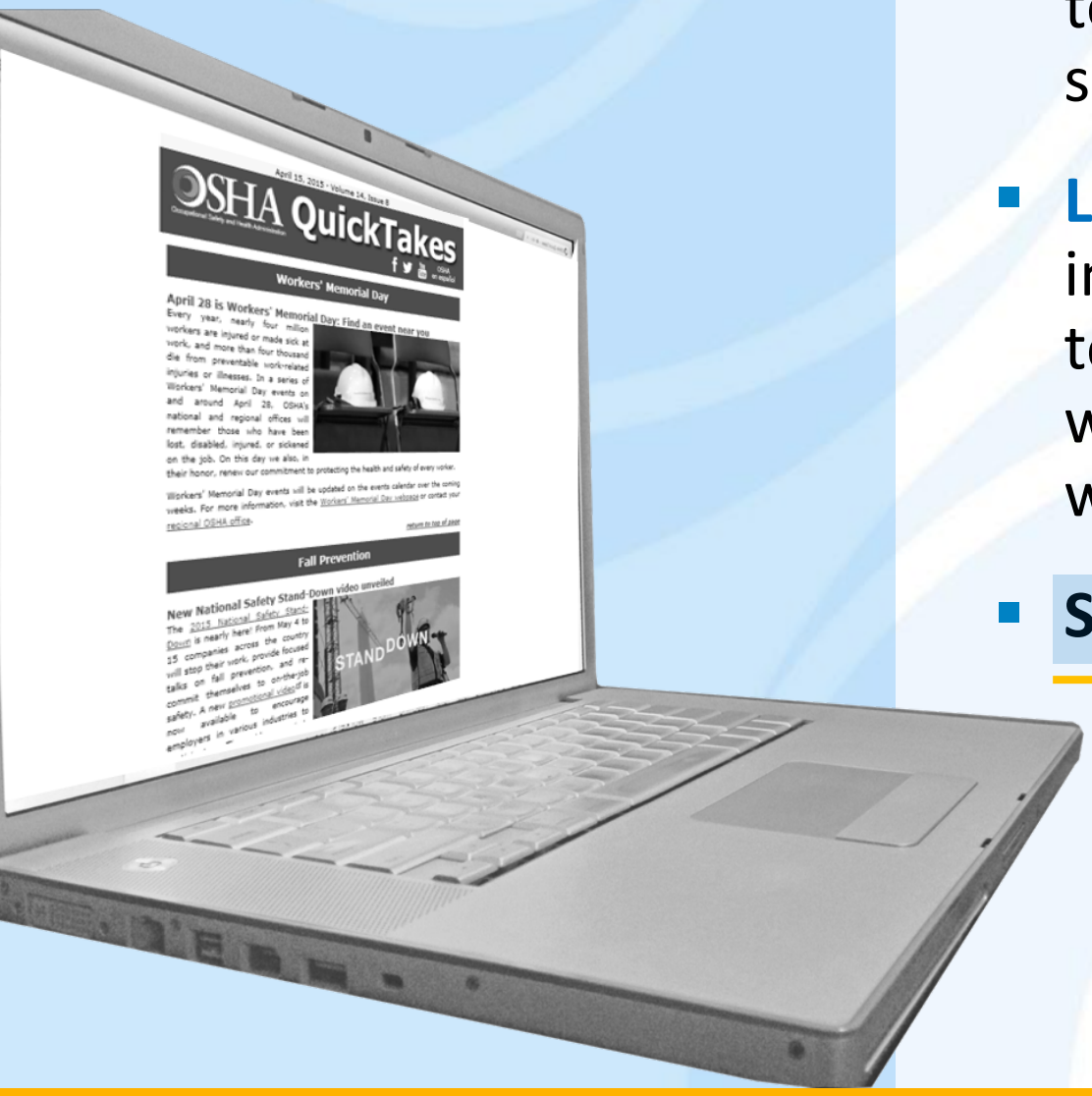
OSHA *QuickTakes*



- **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**

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Working Together, We Can Help