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## Kentucky Labor Cabinet offers free online OSH training

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In a press release (posted at <http://www.labor.ky.gov/labornews/Pages/PressReleases.aspx>), the Kentucky Labor Cabinet announced an online training system for Kentucky employers.

The Web address of an electronic library of training materials related to occupational safety and health is <http://laborcabinetetrain.ky.gov/>. According to the Labor Cabinet, all materials on the site will be based on the Labor Cabinet's regulations as well as industry best practices.

Labor Cabinet Secretary Mark Brown was quoted as saying: "All content is being developed in-house. We are not using outside contractors for any content development. Employees of the Division of Education and Training are entirely responsible for all aspects of this new program."

The online system will also include live webinars and pre-recorded training modules. Subjects covered by material currently available include hazard communications, electrical safety, fire protection, excavation, emergency eye wash and showers, and lead awareness.

In the future the Cabinet will offer specific training curriculums that will allow users to earn a certificate of completion once they have successfully finished all the courses in that curriculum. There is no charge for taking these courses. ▲

### eLearning: KY DOL's new training program

The free eLearning courses now available online through the Kentucky Department of Labor, described by Mr. Miller above, are quality presentations. All in all, well done, and we highly recommend it, especially as an overview of this complex federal (state-run in Kentucky) program. The courses are designed for the employer and employee.

The classes are in 20 to 30-minute segments and there are four segments:

1. *Introduction to OSHA* (Part I, the federal program)
2. *Introduction to OSHA* (Part II, the state plan)
3. *Safety* (A series of seven courses on safety in the workplace).
4. *Health* (A series of eight courses on health in the workplace).

Provided below are key points made in *Introduction to OSHA* (Part 1). While much of the presentations are basic information on the complex federal law, it is a well-done refresher course for the professional safety and health manager, and it is a worth-while introduction for newcomers, small business owners and employees.

### Excerpts from Introduction to OSHA (Part I)

*The Kentucky Department of Labor says that due to variations in workplace conditions and criteria, the eLearning courses do not cover every aspect of what employers need to know, but they cover part of it.*

**Workplace history:** Prior to the federal law that created the Occupational Safety and Health Agency known as OSHA, there were various safety and health regulations throughout government, but they were inconsistent and did not cover all occupations. Nevertheless, the year that President Richard Nixon signed the new OSHA law, and that was in 1970, there were 14,000 deaths at American worksites annually, and nearly 2.5 million workers were disabled.

The new law, known as Public Law 91-596, covers all private-sector employers — and their employees — in all 50 states, and other jurisdictions under federal authority. The law allowed for the creation of a number of agencies. The Occupational Safety and Health Administration, known as OSHA, came into

*Continued on page two*

existence on April 28, 1971, and agencies created as components or extensions of it include

- A Division of Enforcement
- A research division known as the National Institute of Occupational Safety and Health (NIOSH)
- An advisory committee
- A review commission
- A training and education services division.

The law has 34 sections. A key part is Section 5(a)(1), the *general duty* clause. This clause says that each employer shall furnish to each employee a workplace that is free from recognized hazards that cause, or likely to cause, death or serious physical harm. That is a kernel statement of the Act.

**Standards** Employers must comply with the standards promulgated by OSHA. And, although it's not commonly known, under Section 5(b), each employee also must comply with the standards — and follow the rules and regulations. In fact, both the employer and the employee can be held responsible for their own actions and conduct, at least in theory. A compliance officer could issue a citation to an employee for non-compliance, but to this date “that has never happened.”

The OSH Act covers most employees, but there are exceptions:

- Miners are exempt, because they are covered under the Mine Safety and Health Act (MSHA)
- Truckers in some instances are exempt, because they are covered under the Department of Transportation (DOT)
- Self-employed workers are exempt
- Farm families (immediate members only) are exempt if they are not employing outside workers
- Public employees in state and local governments are exempt, but they may be covered by other agencies.

**Four basic industries.** OSHA is directed by law to oversee four basic industries:

- Manufacturing
- Long Shoring
- Construction
- Agriculture

**Two categories of standards.** OSHA standards generally fall into two broad categories: *horizontal* and *vertical*. A horizontal standard applies to everyone or all industries: for example, the hazard communication standard applies to both general industry and construction. A vertical standard applies to only certain work groups: for example, the subpart Y standard in construction applies only to diving.

**Permission granted to break the rule.** There are situations where employers should not follow the OSHA standards, because doing so would put workers at greater risk. In those cases, the employer can apply for a variance.

*Continued, see Introduction, page seven*

## CITATIONS & FINES

Below is a listing of the citations and fines issued by the Kentucky Occupational Safety and Health agency during the month of January 2012. Provided here are summaries of the citations and the total amount of the fines. A company has 15 working days from receipt of the citations and proposed penalties to either elect to comply with them, to request and participate in an informal conference with the KYOSH area director, or to contest them before the independent Occupational Safety and Health Review Commission.

### BRIAN YOUNG DBA CENTRAL KY ROOFING

159 Royalty Dr., Lancaster

Inspection site: 3821 Georgetown Road, Frankfort

1-25-12

\$42,000

#### Willful Serious

- Four employees were working on roof at least 11 feet above ground with no fall protection. \$42,000

### KONSEI USA

401 Commerce Parkway, Hodgenville

Inspection site: 401 Commerce Parkway, Hodgenville

1-6-12

\$40,200

#### Serious

- Employee was standing on top of a ladder that was not fully locked, exposing employee to nine-foot fall. \$4,000
- Employer did not verify that a workplace hazard assessment had been conducted. \$5,600
- Employees handling chemicals were not using proper eye and face protection. \$5,600
- Employer did not have energy control or lockout/tagout program in place. \$5,600
- Line cutting machines were not properly guarded. \$4,000
- Safety guard on pedestal grinder was not within 1/4 inch of the wheel. \$4,000
- Employees reset conveyor overload in energized control panel without using proper PPE, with disregard for electrical safety-related work practices, and without using proper lockout/tagout procedures. \$5,600

#### Other

- Employer had not properly completed or maintained OSHA 300 log for 2011. \$800
- Employer could not produce OSHA 300 logs for 2006-2009, and the log for 2010 was not filled out completely; OSHA 300A annual summaries for 2006-2010 were not properly completed and certified. \$5,000
- Housing line did not have markings in English indicating the voltage, current or wattage. \$0

### MATHIS ROOFING

431 Turner Road, Murray

Inspection site: 1333 Boggess Dr., Almo

1-9-12

\$34,800

#### Repeat Serious