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OSHA has begun a process to obtain public input into a new rule that would require employers to have in place an Injury and Illness Prevention Program.

Public input sought on proposed new safety program

By: Edwin S. Hopson
Wyatt, Tarrant & Combs, LLP

During the Clinton Administration in the 1990s, the Occupational Safety and Health Administration started a process to formulate a regulation that would require employers to have in place a proactive program for the prevention of workplace injuries and illnesses. That initiative never resulted in the issuance of a regulation and was shelved in 2002.

Now, OSHA has dusted off the initiative and has begun having stakeholder meetings around the country to obtain input regarding such a rule so as to lead to the development of an Injury and Illness Prevention Programs rule (also referred to as "I2P2").

According to a June 22, 2010, press release and May 4, 2010, Federal Register announcement, OSHA officials believe that such a rule would include requirements that:

- Employers establish "a policy, setting goals, planning and allocating resources, and assigning and communicating roles and responsibilities";
- Employees participate "in establishing, maintaining and evaluating the program, employee access to safety and health information, and employee role in incident investigations";
- Hazards be identified and assessed "including items such as what hazards must be identified, information gathering, workplace inspections, incident investigations, hazards associated with changes in the workplace, emergency hazards, hazard assessment and prioritization, and hazard identification tools";
- Hazards be prevented and controlled "including items such as what hazards must be controlled, hazard control priorities, and the effectiveness of the controls";

- Employees be educated and trained, "including items such as content of training, relationship to other OSHA training requirements, and periodic training"; and

- Such programs be evaluated and improved, "including items such as monitoring performance, correcting program deficiencies, and improving program performance."

OSHA leaves open questions including as to whether the foregoing elements are appropriate should they be added, whether small businesses will be able to implement and maintain such a program should I2P2 apply to all businesses in all industries, or should coverage be based upon employer size, industry, incident rates, etc.

OSHA also asks to what extent should it rely upon existing consensus standards and state plan experience in developing an I2P2 rule.

Finally, OSHA is looking for guidance in determining "[w]hat mechanisms have been found to be effective for enabling employees to participate in safety and health in the workplace?"

It can be anticipated that this proposed rule, once fully developed and issued, will be controversial. ▲

Subscriber alert: Amendments to OSHA piggybacked onto coal mine safety bill

In the previous issue of the Kentucky OSHA Journal, we reported on a bill gaining momentum in Congress, H.R. 2067, that would, if enacted in its present form, dramatically increase OSHA fines and subject corporate officers to prison time.

That bill is still pending in the U.S. House of Representatives, but its main provisions have been inserted also into another bill, the "Miner Safety and Health Act of 2010" (H.R. 5663), which may be on