

# KENTUCKY OSHA JOURNAL

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## Federal OSHA Issues Proposed Rule Requiring Employers to File Information from OSHA Logs

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On November 7, 2013, the federal Occupational Safety and Health Administration issued a proposed regulation that would amend the regulation on the annual OSHA injury and illness survey of ten or more employers to add three new electronic reporting requirements. The three new requirements are:

1. Establishments with 250 or more employees (including full-time, part-time, temporary, and seasonal workers) at any time during the previous calendar year must electronically submit to OSHA or OSHA's designee, on a quarterly basis, all information from the records that they keep under Part 1904.

This information includes the individual entries on the OSHA Form 300 and the information entered on each OSHA Form 301. The summary data from OSHA Form 300A will be submitted annually.

This requirement will not apply to establishments with 250 or more employees that are partially exempt from keeping injury and illness records under Section 1904.2 (Partial exemption for establishments in certain industries).

2. Establishments with 20 or more employees in designated industries must electronically submit the information from the OSHA summary form (Form 300A) to OSHA or OSHA's designee, on an annual basis. This will replace the current requirement in Section 1904.41(a) that employers that receive OSHA's annual survey form must fill it out and send it in.

3. All employers who receive a notification from OSHA must submit information from their Part 1904 injury and illness records electronically to OSHA or OSHA's designee, for the time period and at the intervals specified by the notification. Employers will not have to submit

injury and illness data to OSHA under this section unless they are notified.

OSHA will announce individual data collections through publication in the *Federal Register* and the OSHA newsletter and through announcements on its Web site. Establishments that are required to submit the data will also be notified by mail.

Each notification will be part of an individual data collection designed to obtain specified injury and illness data from a specified group of employers at a specified time interval.

Perhaps most significant is a provision of the regulation stating that OSHA intends to make the data it collects public . . .

This data would be submitted electronically to a secure website. The proposed rule states that it does not add to or change any employer's obligation to complete and retain injury and illness records under OSHA's regulations for recording and reporting occupational injuries and illnesses.

The proposed rule also does not add to or change the recording criteria or definitions for these records. The proposed rule only modifies employers' obligations to transmit information from these records to OSHA or OSHA's designee.

Perhaps most significant is a provision of the regulation stating that OSHA intends to make the data it collects public, subject to restrictions imposed by the Freedom of Information Act and the Privacy Act.

All data in the Form 300A (Summary Form) could be made available to the public. All data except the employee's name on the Form 300 (the Log) could be made available, and all fields on the right hand side of Form 301 (Incident Report)(items 10 through 18) could typically be made available.

Within six months after publication of the final OSHA rule, state-plan states such as Kentucky must

promulgate occupational injury and illness recording and reporting requirements that are substantially identical to those in 29 CFR Part 1904 "Recording and Reporting Occupational Injuries and Illnesses."

However, state-plan states will not be required to collect the data directly from employers. Rather, they will receive the data from federal OSHA.

The public will have 90 days, through February 6, 2014, to submit written comments on the proposed rule. On January 9, 2014, OSHA will hold a public meeting on the proposed rule in Washington, D.C. A *Federal Register* notice announcing the public meeting will be published shortly.

Additional information on the proposed rule can be found at [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&cp\\_id=24002](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&cp_id=24002) and [http://www.osha.gov/recordkeeping/proposed\\_data\\_form.html](http://www.osha.gov/recordkeeping/proposed_data_form.html).

## CITATIONS & FINES

### MARTINREA HEAVY STAMPING

1000 Old Brunerstown Road, Shelbyville

Inspection site: 1000 Old Brunerstown Road, Shelbyville  
8-23-13 **\$150,000**

#### Failure to Abate

- Permanent aisles and passageways used by employees to avoid forklift and other traffic were not appropriately marked. \$150,000

### MARTINREA HEAVY STAMPING

1000 Old Brunerstown Road, Shelbyville

Inspection site: 1000 Old Brunerstown Road, Shelbyville  
8-23-13 **\$50,000**

#### Serious

- Emergency eyewash/shower was not within a 10-second walk for employees changing batteries. \$5,500
- Employer allowed racks of material to be stored in and around pedestrian walkways and in aisles where forklift traffic was heavy. \$7,000
- Load rating for mezzanine storage area not posted. \$5,500
- Floor opening at least 39 inches wide and at least four feet above lower level was not properly guarded. \$5,500
- Employer did not ensure employees followed specific lockout/tagout procedures. \$7,000

- Employer did not regularly inspect energy-control procedures. \$7,000
- On robotic machines, employees locked out control circuit devices rather than energy-isolating devices. \$7,000
- Industrial pedestal fans were not properly guarded. \$5,500

#### Other

- Floors covered in excessive oil, created a fall hazard. \$0
- Oxygen and acetylene cylinders not stored separately. \$0
- Materials were stored in front of 480-volt disconnects. \$0
- Cord to radial drill did not have proper strain relief, damaging cord and exposing inner insulation. \$0

### MARTINREA HOPKINSVILLE

1500 Frank Yost Lane, Hopkinsville

Inspection site: 1500 Frank Yost Lane, Hopkinsville  
8-15-13 **\$42,000**

#### Serious

- Employer did not ensure employees used proper lockout/tagout procedures; employee was fatally injured when robotic arm struck him while servicing engine cradle robotic machine. \$7,000
- Lockout device was not identified as specific employee's lockout device. \$7,000
- Employer did not periodically inspect energy control procedures governing maintenance and service on all equipment. \$7,000
- Lockout/tagout devices were not affixed to each energy-isolating device by authorized employees; employee was fatally injured when struck by a robotic arm; three employees servicing robotic machine were not using energy-isolating devices; employer did not ensure employees used proper energy-isolating devices while servicing machines. \$7,000
- Two employees servicing robotic machine were not removed from the robotic cell when lockout device was removed to position a hydraulic clamp. \$7,000
- "Dummy" switch on engine cradle robotic machine bypassed the interlock guarding system on machine. \$7,000

#### Other

- Floor area in production department was not kept clean and dry. \$0

### CM SERVICES OF KENTUCKY

DBA PAUL DAVIS RESTORATION

945 S. Floyd St., Louisville

Inspection site: 1744 Sadie Lane, Louisville  
8-30-13 **\$37,600**

#### Repeat Serious

- Employees were working on and from trusses and build-