

National OSHA placing emphasis on reporting

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On October 1, 2009, the U.S. Department of Labor's Occupational Safety and Health Administration announced that it is initiating a National Emphasis Program (NEP) on record keeping to assess the accuracy of injury and illness data recorded by employers.

The NEP is the result of a study issued by the Government Accountability Office (GAO), which indicated that, to varying degrees, workplace injuries and illnesses are under-reported on the OSHA Form 300.

The NEP will test OSHA's ability to effectively target establishments to identify under-reporting of occupational injuries and illnesses. OSHA believes that the most likely places where under-reported injuries and illnesses may exist are low rate establishments operating in historically high rate industries. OSHA did not identify these industries.

It is unclear at this time whether Kentucky will follow federal OSHA's lead. However, the NEP serves as a reminder to employers that they must record on the OSHA Form 300 every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid.

Significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional must also be recorded. Further information about reporting requirements is in the Code of Federal Regulations at 29 CFR Part 1904.8-.12. (<http://www.gpoaccess.gov/cfr/retrieve.html>).

In addition, the Kentucky OSHA regulation at 803 KAR 2:180 requires employers to orally report to the Kentucky Labor Cabinet the death of any employee, the hospitalization of three or more employees, amputations, and the hospitalization of fewer than three employees if they are hospitalized within 72

hours following the incident. Oral reports of deaths or the hospitalization of three or more employees must be made within eight hours from when the incident is reported to the employer, the employer's agent, or another employee.

The other information must be orally reported within 72 hours. Oral reports must be made by calling the Kentucky Labor Cabinet's Division of Occupational Safety and Health Compliance at (502) 564-3070.

In cases of death or the hospitalization of three or more employees, if the employer cannot reach the Kentucky Labor Cabinet within the eight hour time limit, the employer is required to report the incident using the OSH toll-free central telephone number, 1-800-321-6742. ▲

OSHA published intent to promulgate new standards for "combustible dust"

As the initial step in developing new standards for combustible dust, OSHA has published in the Oct. 21, 2009, issue of the *Federal Register* its intent to promulgate the new standards and to invite comment from the public for a period of 90 days. The comment period is open until Jan. 19, 2010, and comments may be submitted electronically at <http://www.regulations.gov>. A copy of the notice is also available at that website. In the key word box, simply type in the words: combustible dust.

OSHA describes combustible dusts as solids ground into fine particles, fibers, chips, chunks or flakes that can cause a fire or explosion when suspended in air under certain conditions. Types of dust likely to combust include metal (aluminum and magnesium), wood, plastic or rubber, coal, flour, sugar and paper.

In the *Federal Register* notice, the term "combustible dust" includes all combustible particulate solids of any size, shape, or chemical composition that could present a fire or deflagration hazard when suspended in air or other oxidizing medium.

Study finds that to varying degrees, workplace injuries and illnesses are under-reported on the OSHA Form 300.