

State of Safety 2024-2025



Recycled Materials
Association

Sustainable. Resilient. Essential.

Presenter

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- KPA EHS Regulatory Compliance Manager
- Bachelor's Degree: Public Health – Environmental Sciences
 - Indiana University of Indianapolis
- 18 Years of EHS Experience
- 2022 AHMP Hazmat Professional of the Year
- 2022 Inducted into the NSC class of Rising EHS Stars



Agenda

- Reflecting on 2024
- Regulation Review From 2024
- What Can We Expect in 2025
- Best Management Practices to Start and Sustain EHS Programs



The Trusted Compliance Partner

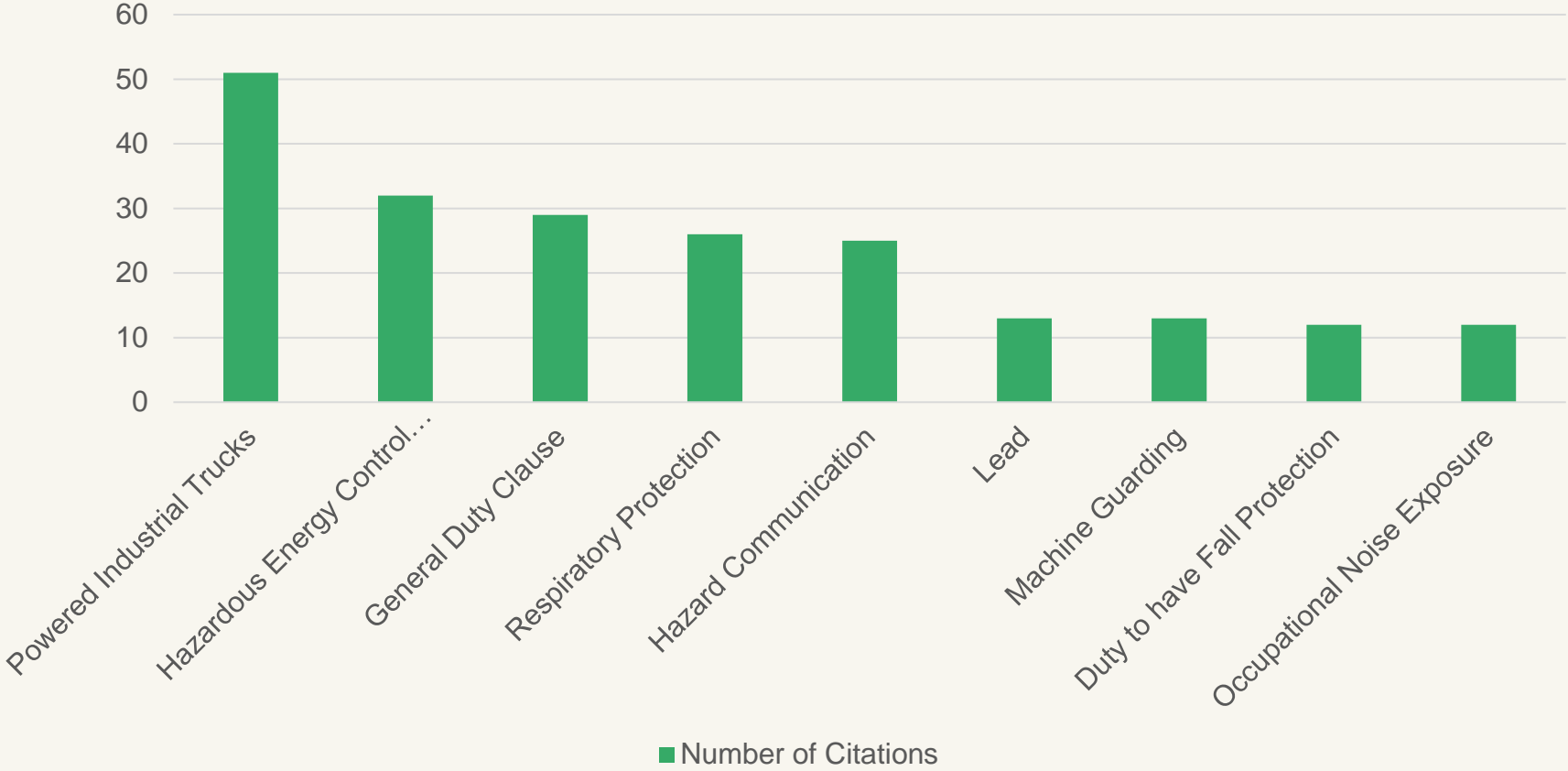
- ✓ 38+ Years of Experience
- ✓ 14,000+ Trusted Clients
- ✓ #1 Rated Software
- ✓ 100+ Field Consulting Experts



Reflecting on 2024

OSHA's Most Frequently Cited Standards: NAICS 562111: Solid Waste Collection & 423930 Recyclable Material Merchant Wholesalers

Number of Citations Issued Oct 2023 – Sept 2024



Source: <https://www.osha.gov/ords/imis/citedstandard.html>

OSHA's Highest Citation Amounts: NAICS 562111: Solid Waste Collection & 423930 Recyclable Material Merchant Wholesalers

Monetary Amounts of Citations Issued Oct 2023 – Sept 2024



Source: <https://www.osha.gov/ords/imis/citedstandard.html>

OSHA Penalties

Civil Penalty Amount Adjusted in 2024

- Maximum penalties for serious and other than serious violations = \$16,323 per violation
 - Can be levied per day for every day the issue goes unaddressed
- Maximum willful or repeated violation = \$161,131 per violation
 - Same corporation inspections can trigger repeat violations
- **New Instance By Instance Citation Protocol**
 - Introduced in 2023
 - Egregious violators can be penalized for each instance of a perceived violation





OSHA Onsite Visit

These situations are what can lead to an OSHA onsite investigation

- Imminent danger situations
 - Drive by or noticing during a targeted inspection
- Reported severe injuries and illnesses
 - All work-related fatalities within 8 hours
 - All work-related inpatient hospitalizations, amputations, or losses of an eye within 24 hours
- Worker Complaints
- Referrals of hazards from other sources
- Targeted inspections
 - High hazard industries
 - Emphasis programs
- Follow-up inspections

Types of Citations

The following are the different types of citations that can be issued by OSHA

Posting Requirements

- Not posting required department of labor posters or the annual OSHA 300 logs

Other-Than-Serious

- May not lead to a serious injury or death, but it could still potentially put an employee's health or safety at risk

Serious

- Identified workplace hazard could cause an accident or illness, resulting in a severe injury or death

Willful or Repeated

- Knowingly or intentionally exposing a worker to a hazard which the standards protect them from
- A previously identified violation/citation was observed during and investigation

Failure to Abate

- Not submitting an abatement notice within 15 days of the issued citation can trigger a follow up inspection
- Issued when the violation was not corrected
- Citations can be handed out for each day the issue is not resolved

Powered Industrial Trucks

1910.187

- Requirements
 - Classroom Operator Training
 - Practical Operator Training
 - Inspected Daily or After Each Shift
 - Informational Plate
 - Manufacturer Approved Attachments
 - Safe Operation



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- Why Violations Happen
 - Lack of Training
 - Unsafe Operation
 - Speed
 - Missing Seat Belt
 - Double Riders
 - Lifting People
 - Unsafely Parked
 - No Following Traffic Regulations
 - Defective Equipment
 - Horn
 - Seatbelt
 - Lighting
 - Wheels
 - Fire Suppression

Lockout/Tagout

29 CFR 1910.147

- Requirements
 - Written energy control procedures
 - Employee training
 - Authorized Users
 - Affected Users
 - Protective material hardware (Suitable locks and tags)
 - Verification of isolation
 - Proper PPE



- Why Violations Happen
 - Poor documentation
 - Poor or inconsistent training
 - Failure to identify all sources of hazardous energy
 - Wrong LOTO device
 - Poor auditing
 - Insufficient validation
 - Not following correct order of LOTO steps:
 - Notify employees
 - Shut down equipment
 - Isolate the source of energy
 - Attach the lockout device
 - Release or restrain any energy stored within the machine
 - Verify the lockout

General Duty Clause

OSHA Act of 1970 Section 5

- “Each employer shall furnish to each of his employee’s employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees
 - *The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed*
 - *The hazard was recognized*
 - *The hazard was causing or was likely to cause death or serious physical harm; and*
 - *There was a feasible and useful method to correct the hazard*
- *OSHA has the ability to reference consensus standards outside the CFR*
 - *American National Standard Institute*
 - *Automotive Lift Institute*
 - *National Fire Protection Association*

Citation 1 Item 1 Type of Violation: **Serious**

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to: industrial storage rack collapse and struck by hazards:

On or about 9/11/2019 in the warehouse area workers on foot and or operating powered industrial equipment were exposed to struck by and crushing hazards where the loaded industrial storage racks were visibly damaged by powered industrial trucks at locations including but not limited to:

Respiratory Protection

29 CFR 1910.134

- Respirator Requirements
 - Written program
 - Training on selection, donning, doffing, care, maintenance
 - Medical evaluation
 - Annual qualitative or quantitative fit test
- Why Violations Happen
 - Failure to determine the need for respiratory protection
 - No respiratory protection program
 - Fail to perform required fit testing
 - Inadequate medical evaluations
 - Poor or inconsistent training
 - Voluntary use of N95



Hazard Communication

29 CFR 1910.1200

- Requirements
 - Safety Data Sheets (SDS) for every chemical on premise retained for 30 years
 - Inventory or list of all chemicals stored onsite
 - Written HCS plan
 - Comprehensive HazCom training for all chemical handling employees
 - Proper labeling of all storage containers
- Why Violations Happen
 - Improper or lack of compliant (GHS) chemical labeling
 - Lack of HCS plan
 - Poor or inconsistent training



Regulation Review from 2024

IBI (Instance-By-Instance) Citations - 2023

OSHA issues updated guidance on IBI citations for high-gravity serious violations

PREVIOUS IBI GUIDANCE

- Specific to trenching, machine guarding, respiratory protection, permit-required confined spaces, LOTO, and other-than-serious violation of OSHA standards specific to recordkeeping

IBI FACTORS

- Employer has received a willful, repeat, or failure to abate violation in the past 5 years
- Employer has failed to report a fatality, inpatient hospitalization, amputation, or loss of an eye
- Citations are related to fatality/catastrophe
- Citations are related to injury or illnesses that occurred as a result of a serious hazard
- Violations and citations can be leveled for each instance of a violation – container labeling example

Worker Walkaround Designated Representative

“Under Section 8(e) of the OSH Act, employees and employers have the right to have a representative accompany OSHA Compliance Officers (CSHOs) during physical inspections of worksites for the purpose of aiding such inspections.”



Employers have had this right, now OSHA is including the employees to this right.



Employees could have a representative but it had to be an employee of the employer or granted permission by the CSHO.

the representative authorized by employees may be an employee of the employer or a non-employee third party

employees' options for third-party representation during OSHA inspections are not limited to persons with formal credentials

a third-party representative authorized by employees may be reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace by virtue of their knowledge, skills, or experience such as knowledge or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills.”

Source: <https://www.osha.gov/worker-walkaround/final-rule/faq>

Worker Walkaround Designated Representative

Role of the walkaround representative



to accompany the CSHO for the purposes of aiding OSHA's physical inspection of the workplace.



The representative may aid the inspection in various ways, such as by explaining equipment processes or operations and policies and procedures. The employee representative may also aid the inspection by providing interpretation during an informal interview.



Representatives can accompany in all aspects of the onsite process except for any private formal employee interviews. (Unless the employee requests the rep be present)

Worker Walk Around Designated Representative

Additional Information

No set number of employees are required to authorize a representative

Employers can object to a representative by raising any concerns about the identified representative with the CSHO.

1 employee and 1 employer representative shall accompany the CSHO on the inspection

Final rule revision becomes effective May 31st, 2024.

- The CSHO has the authority to resolve all disputes.

- CSHO may permit additional employer & employee representatives if the additional representatives will further aid the inspection.

Final Rulemaking: Improve Tracking of Workplace Injuries and Illnesses

OSHA published a final rule June 2023 – Implemented in 2024

Establishment	Required OSHA Forms
High risk industries with 20-249 employees at a single establishment	300A
Establishments with 100+ employees in the highest-hazard industries	Form 301 & 300 Log & 300A
Facilities with 250+ employees at a single establishment	300A

- NAICS: 423930 & 562111 – Must submit 300A if more than 20 employees
- NAICS: 423930 & 562111 – Must submit 301 & 300 information electronically if more than 100 employees

Update to the Hazard Communication Standard

Revision of Hazcom to adopt GHS version 7

- 2024 Final Rule for Hazard Communication – Main impact on chemical manufacturers
 - Hazard Classification: Revised criteria for health and physical hazards, including updates for flammable gases and aerosols, and a new classification for desensitized explosives.
 - Labels: Enhanced label elements for small containers (as little as 3 mL), greater coordination with DOT labeling, and updates to precautionary statements for handling, storage, and disposal.
 - Safety Data Sheets (SDSs): Expanded sections to include concentration ranges for trade secrets, chemical reaction products, and particle characteristics..
 - Implementation Timeline: Tiered compliance period extending to 2028 for certain updates.



Construction PPE

In final stage of review and should become final rule very soon

- Currently, General Industry regulations require PPE to fit the affected worker (1910.132). However, the Construction regulations do not have the same requirement for PPE.
- The new regulation would hold construction industry employers responsible for ensuring that all PPE fits their workers properly. OSHA defines “proper fit” as providing adequate protection without introducing additional hazards due to improper sizing.
- Ensures workers of all shapes and sizes are provided and equipped with PPE to protect them from hazards.
- Remember, employees performing construction activities are subject to those sets of standards for employee protection.



National Emphasis Program – Fall Protection

OSHA has released a new national emphasis program related to the employer's duty to provide fall protection.

- The NEP is effective for all industries May 1, 2023
- Construction and certain industries may receive programmed inspections
- Officers can conduct immediate inspections based on observances



- *Fall Protection is Required:*
 - *General Industry 4 feet*
 - *Construction Industry 6 feet*
- *All companies need to assess fall hazards*
- *Use the hierarchy of the controls*
- *If PPE is necessary, put a program together*

California Workplace Violence Prevention Plan

Senate Bill 553: Applies to California employers with more than 10 employees

Workplace violence prevention plan must include:

- Written Workplace Violence Prevention Program
- Assessment of the worksite and working conditions for potential hazards
- Annually train all employees on workplace violence prevention and the specifics of the written program
- Maintaining a workplace violence incident log
- Retain the workplace violence incident log for 5 years

Effective date is 7/1/2024

Applicable to all California employers

- Exemptions
 - <10 employees at a site that is not accessible by the public

Other states will most likely adopt similar standards



Break for Q&A

What Can We Expect in 2025

2024 Election

New People Affecting EHS in Government



- Donald Trump – President of the United States of America
 - 45th & 47th President of United States
 - Recognized for policies that reduce regulations on businesses



- Lee Zeldin – EPA Administrator
 - New York Representative
 - Expect a pull back on regulation
 - Main agenda will be “Energy Dominance”



- Lori Chavez-DeRemer – Department of Labor Secretary
 - Oregon Representative
 - Pro Union Representative
 - President still selects the Director of OSHA
 - Federal Heat Illness Bill may still be challenged
 - Walkaround rule is past the stage of a viable challenge



- Elon Musk – Dept of Government Efficiency
 - Co-Leader with Vivek Ramaswamy
 - Streamline government operations
 - Reduce bureaucracy
 - Cut federal spending

2025 Predictions

What will we see from this administration...

- Tabled Regulations
- Rolled Back Regulations
- Changes in Dept of Labor Funding
- Judicial Interpretations
 - Loper Bright Enterprises vs Raimondo
 - Chevron Deference used as a means to for agencies to protect regulations and rules
 - Judges no longer defer to an agency's SME when interpreting a rule or regulation
 - Heat Example
 - Based on their own personal knowledge, 80° is not an acceptable heat trigger.



Heat Illness Prevention

Federal Proposed Rule Highlights – Comments accepted until January 15th, 2025

- Standard would be 29 CFR 1910 Subpart J – General Environmental Controls
- Exemptions
 - Work activities for which there is no reasonable expectation of exposure at or above the initial heat trigger;
 - Short duration employee exposures at or above the initial heat trigger of 15 minutes or less in any 60-minute period
 - Organizations whose primary function is the performance of EMS
 - Telework
 - Sedentary work activities at indoor work areas that only involve some combination of the following: sitting, occasional standing and walking for brief periods of time, and occasional lifting of objects weighing less than 10 pounds.



Heat Illness Prevention

The Heat Injury Illness Prevention Plan

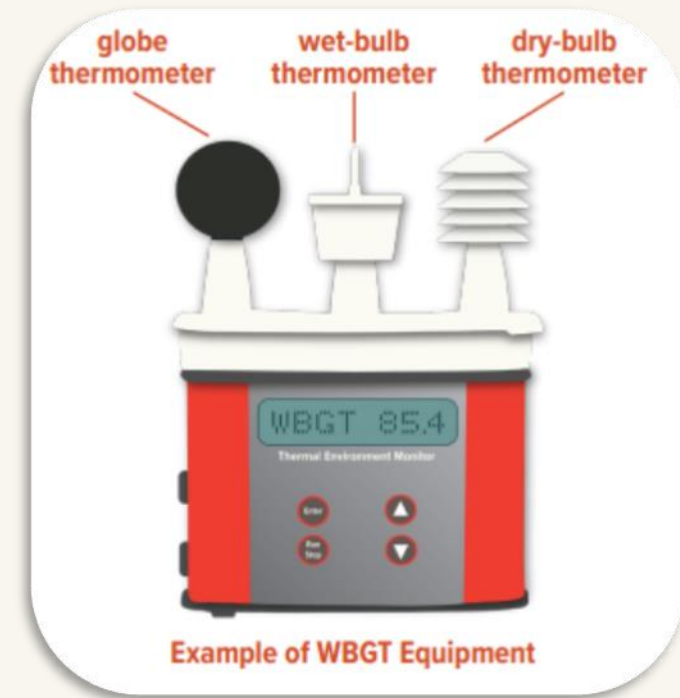
- HIIPP
 - Written for places with more than 10 employees
 - Document a HIIPP heat safety coordinator
 - Work activities covered by the plan
 - Seek input from all
 - Policies and procedures to comply with standard
 - Heat metric used
 - Heat Index
 - Wet Bulb Globe Temperature Meter
 - Include emergency response procedures
 - Revise upon incident or annually



Heat Illness Prevention

Heat Monitoring

- The employer can assume that the temperature at a work area is at or above both the initial heat and high heat triggers instead of conducting on-site measurements or tracking local forecasts
- Heat above these temps triggers policy implementation for that day
 - **Initial Heat Trigger – 80°F**
 - **High Heat Trigger – 90°F**
- Way to Measure/Monitor Heat
 - Heat Index
 - Temperature in combination with the Relative Humidity
 - Monitor weather applications
 - Wet Bulb Globe Temperature
 - Retain temp monitoring records for 6 months



- Dry-bulb thermometer: Thermometer that measures temperature without impact from other factors.
- Natural (static) wet-bulb thermometer: Wetted thermometer used to measure sweat's effectiveness in cooling the body. It represents increased sweat evaporation potential when wind speed increases, and decreased sweat evaporation potential when there is more moisture in the air.
- Black globe thermometer: Thermometer with hollow copper sphere painted on the outside with a matte black finish to measure the radiant energy from direct sunlight or other sources (e.g., machinery and hot structures near the workplace).
- Calibrate annually

Heat Illness Prevention

Exceeding Heat Triggers Means the Following:

- **Initial Heat Trigger**
 - Provide access to potable drinking water
 - Access to 1 quart of water per employee per hour
 - Access to break areas
 - Outdoor – Artificial or natural shade or air Conditioning
 - Indoor – Air conditioned or increased air movement & dehumidification
 - Indoor work area controls
 - Increased air movement
 - If temp is greater than 102° then humidity must be evaluated
 - Air conditioned area
 - Reduction in exposure to radiant heat
 - Acclimatization process
 - Paid rest breaks
 - Effective communication
 - PPE
- **High Heat Trigger**
 - All controls of initial heat trigger
 - Rest breaks
 - 15 min every 2 hours minimum
 - Observation for signs and symptoms
 - Communicate a “High Hazard Alert”
 - Importance of water
 - Right to rest breaks/location
 - How to seek help
 - Places signs at doors where temp is above 120°F

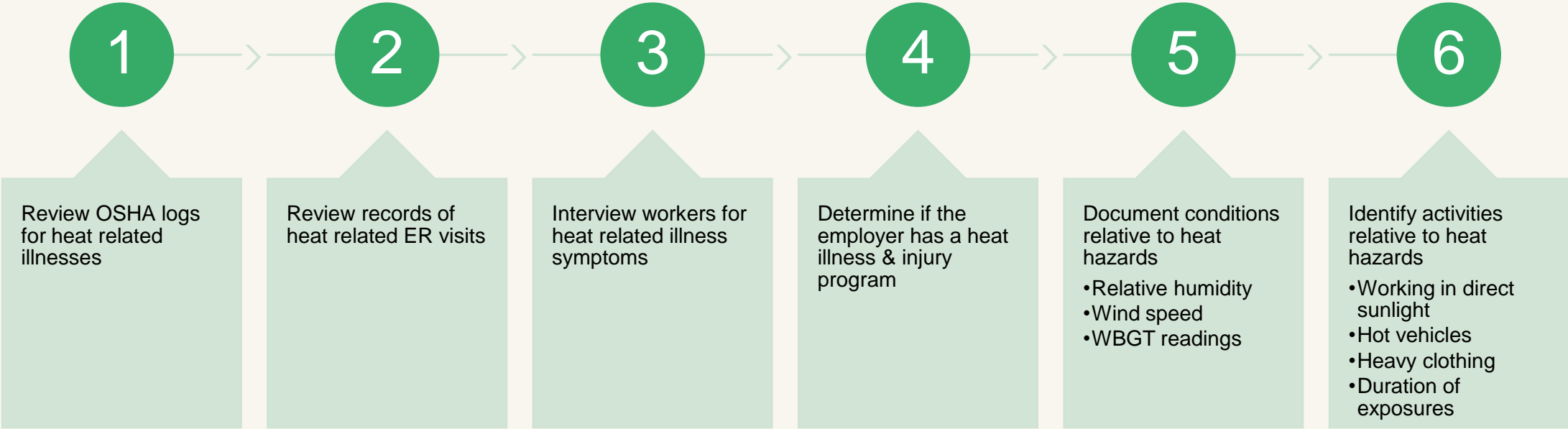
Heat Illness Prevention

Training

- Train employees initially & annually
 - Heat hazards
 - Types of injuries & illnesses
 - Risk factors
 - Signs & symptoms
 - Removing PPE during rest breaks
 - Taking rest breaks
 - Drinking water
 - Location of break areas
 - Location of provided water
 - How to report signs & symptoms
 - Policies and procedures related to heat
 - Identity of heat coordinator
 - How to access HIIPP
 - Requirements of the standard
 - What warning signs mean
- Supervisor Training
 - All of the above
 - Procedures to follow when an employee experiences symptoms or signs
- Acclimatization
 - First week on the job
 - Provide all of the provisions of the high heat trigger or
 - Gradual acclimatization
 - Day 1 – 20% normal work shift exposure
 - Day 2 – 40% normal work shift exposure
 - Day 3 – 60% normal work shift exposure
 - Day 4 - 80% normal work shift exposure.
 - Returning to work (14 days away from duties)
 - Provide all of the provisions of the high heat trigger or
 - Gradual acclimatization
 - Day 1 – 50% of normal work shift exposure
 - Day 2 – 60% of normal work shift exposure
 - Day 3 - 80% of normal work shift exposure

OSHA Inspection Procedures for Emphasis Program Investigations

During heat related inspections the CSHO shall:



Officers will use and reference the NIOSH Heat Safety Tool Application for conditions

Chlorinated Solvents Ban - Final

The EPA has proposed a ban on Methylene Chloride, Perchloroethylene, & Trichloroethylene

- President Biden’s “Cancer Moonshot” – Whole government approach to end cancer
- April 30th, 2024 – EPA announced under TSCA that it is finalizing a ban on most uses of MeCl
- June 8th, 2023 – EPA proposed ban on C₂CH₄
- Both substances were widely used in dry cleaning operations and parts degreasing
 - Chemical cleans but evaporates quickly which doesn’t leave items in a wet condition
 - For parts cleaning, make sure to switch to a non-chlorinated brake cleaner (just keep the matches away)

2. Hazard(s) identification

Physical hazards	Flammable aerosols	Classification not possible
Health hazards	Skin corrosion/irritation	Category 2
	Serious eye damage/eye irritation	Category 2B
	Sensitization, skin	Category 1B
	Carcinogenicity	Category 1B
	Specific target organ toxicity, single exposure	Category 3 narcotic effects
	Specific target organ toxicity, repeated exposure	Category 2

Respiratory protection	Chemical respirator with organic vapor cartridge and full facepiece. Chemical respirator with organic vapor cartridge and full facepiece if threshold limits are exceeded.	

Best Management Practices to Start and Sustain EHS Programs

How Quickly a Regulatory Visit can Escalate

All of the below was from one investigation

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.

Employees were exposed to struck by hazards. Service technicians working in the automotive service department were exposed to struck by hazards, in that rotary lifts (automobile lifts) that failed inspection were not taken out of service. The lifts were inspected on or about [REDACTED] by a 3rd party contractor and at the time of the OSHA inspection, employee(s) were required to continue using the failed lifts. The automotive lifts failed inspection as follows:

[REDACTED]

Among other methods, feasible and acceptable methods to correct this hazard would be:

1. Ensure that defective automotive lifts are locked out of service until required repairs are completed and lifts are deemed to be in safe working condition.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: [REDACTED]
Proposed Penalty:

\$7,813.00

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.134(e)(1):The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

In the paint booth, employee(s) engaged in painting activities were exposed to health hazards in that the employer had not determined, through a medical evaluation, the employees' ability to use a respirator before the employee(s) are fit tested or required to use a respirator.

29 CFR 1903.19(c)(2) abatement of the above violation was verified at time of inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,813.00

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s)

In the body shop and car maintenance and repair area, employees performing mechanic and painting activities were exposed to hazardous chemicals including but not limited to Gasoline, brake cleaner, and basecoat which are skin irritants, may cause cancer, and are suspected of damaging fertility. Employees were exposed to these hazards because the employer did not make safety data sheets for each hazardous chemical readily accessible during each work shift.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

[REDACTED]
\$4,687.00

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1200(h)(1):Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

In the paint booth area and service department, employees had not been provided effective information and training to recognize, evaluate, and control exposure to hazardous chemicals including but not limited to acetone, which is an eye irritant; Xylene, which is a respiratory, skin, and eye irritant. Xylene may also cause damage to organs through prolonged or repeated exposure.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

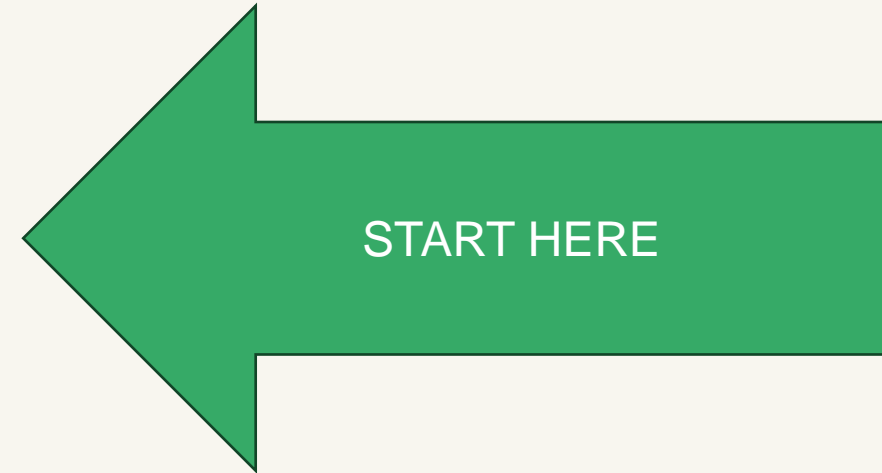
Date By Which Violation Must be Abated:
Proposed Penalty:

[REDACTED]
\$6,250.00

Appoint an EHS Champion

Starting Point for Tacking EHS

- Tasks of Champion
 - Emergency Action Plan/Hazcom/PPE
 - Determine Regulatory Applicability
 - Conduct a Gap Analysis
 - Establish a Training System
 - Perform Department Assessments
- This Doesn't Relieve the C-Suite
 - Compliance Must Start from the Top
 - Establish a Budget
 - Hold Staff Accountable



Establish a Safety and Environmental Committee

Safety Committee's Encourage Participation & Engagement

- Champion will serve as chair
- Add Members from all departments and shifts
- Draft/Plan/Implement/Review required programs
- Establish Coordinators
 - Hazcom
 - Emergency Response
 - PPE
 - Forklift
- Review your lagging indicators
 - Injury & illnesses
 - Worker's compensation
 - Reporting times
- Prioritize your leading indicator approach
 - Proactive Audits
 - Training
 - Management participation
 - Communication schedule
- Setup a system to record all progress
 - Spreadsheets vs Software

Training

Toughest Hurdle but Most Important

- Training stops when you receive your retirement pat on the back
 - New hire orientation
 - Online vs Classroom vs Shop Floor
 - Site Specific
 - Test for Understanding
 - Drills
 - Table-top exercises
 - Random walkthrough assessments
 - Document all Training
 - If its not documented, did it actually happen?
 - Stay Organized with a LMS



Make use of Technology

Work with a software that is easy to manage and can be customized to your operations



Mobile Phones are Here to Stay

QR Codes
On the spot data capture
Mass Communication

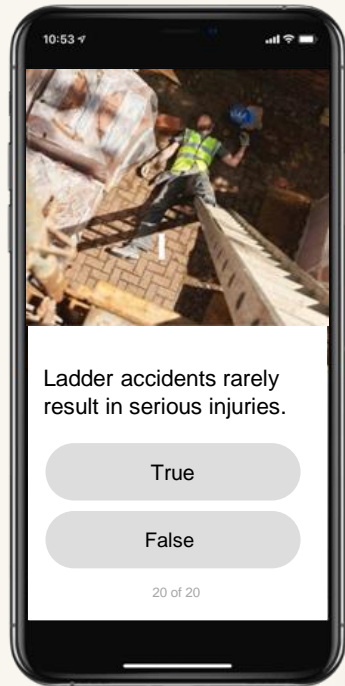


Keep the information at your employees finger tips

Regulations
Training
Suggestions
SDS Support
Emergency Contact Info

Mobile First to Drive Engagement

Built to maximize usability and reach. Engage your people where they are.



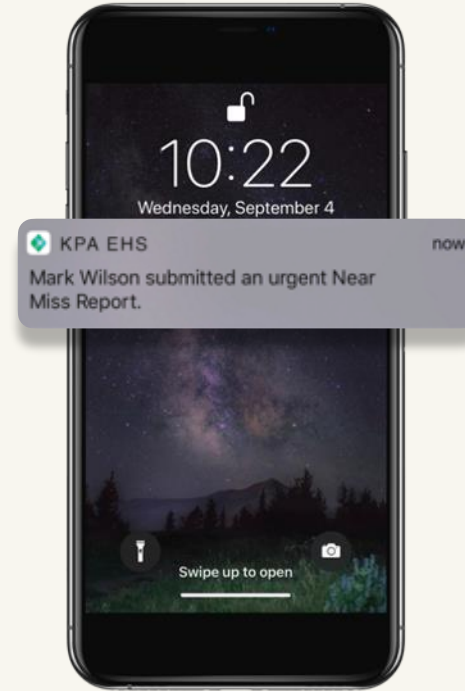
Flexible LMS

Access 700+ courses from mobile including Fall Prevention, How Work Permit, OSHA 10/30 and more.



QR Code Reader

Manage equipment like heavy lifting and power tools; link to forms, employee profiles with your camera.



Communications

Push notifications, alerts, GPS locator, and email features to make sure the job gets done.



User Interface

Translatable to 127 languages, so that everybody can stay aligned across all projects

Mobile App

Cloud-Based

Configurable
Forms



Open API

Reporting &
Analytics

All-In-One Platform for Compliance
#1 in Ease of Use & Configurability

Workflows &
Notifications



EHS

- Audits & Inspections
- Incident Management
- Corrective Actions
- Asset Management
- OSHA Case Management



Training

- 1,500+ Courses
- EHS & HR topics
- Industry-specific packages
- Micro-Learning
- Configurable training



ESG

- Scope 1-2-3 CO₂ Accounting
- ESG Management & Reporting
- Supply Chain Sustainability



SDS

- 70 Million SDSs
- Customized Library
- Online / Offline Compatible
- Secondary Container Labels



Contractor Management

- Pre-qualification
- Training
- Insurance Tracking
- Contractor Network
- Risk Rating



KPA

Questions?

**Thank you for your
attendance and attention!**

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