
LEGAL ALERT

OSHA Announces New Focus Areas

The Occupational Safety and Health Administration has recently announced three new focus areas targeting hazards in certain specified work environments. These include: winter storm months, chemical facilities, and formaldehyde exposure in the hair product/salon industry.

Employee Protection During Winter Storms

OSHA has created a webpage to help protect employees from hazards they may face during winter storm response and recovery operations. The webpage provides guidance on how employers and employees involved in cleanup and recovery operations can recognize snowstorm-related hazards and the necessary steps that you must take to keep your employees safe while working in these conditions. The page includes guidance for employees clearing heavy snow in front of workplaces and from rooftops; employees encountering downed power lines or traveling on icy roads; and utility employees restoring power after winter storms.

The guidance outlines hazards associated with working in winter storms and lists effective means of addressing those hazards directly. For example, OSHA suggests using necessary personal-protection equipment to avoid being struck by falling objects such as icicles, tree limbs, and utility poles, as well as exposure to potential carbon monoxide poisoning. Similarly, a roof collapse under heavy weight of snow should be addressed by using caution around surfaces weighed down by large amounts of snow or ice.

Driving accidents, slips or falls due to slippery roadways and walkways, and falls from snow removal on roofs or while working in aerial lifts or on ladders can be minimized by ensuring that employees use fall protection, and by providing and maintaining ladders. In addition, clearing walkways of snow and ice and using salt where appropriate, as well as urging employees to stay in the vehicle unless visible help is within 100 yards, will address these hazards.

Winter storm hazards such as electrocution from downed power lines and downed objects in contact with power lines, burns from fires caused by energized line contact or equipment failure, as well as lacerations or amputations from improperly operated chain saws and power tools can be addressed by making certain all powered equipment is properly guarded and disconnected from power sources before performing maintenance. Of course employees (and everyone else) should always assume that all power lines are energized and stay away from any downed or damaged power lines. OSHA suggests establishing and clearly marking work zones for further protection.



Health hazards, such as dehydration, hypothermia, frostbite, exhaustion from strenuous activity, and back injury or heart attack while removing snow, require the use of personal-protective equipment and safe work practices to reduce the length and severity of exposure to the cold.

The new Winter Storms Web page <http://s.dol.gov/L1> includes links to guidance from OSHA, the Federal Emergency Management Agency, the American Red Cross, the National Weather Service, the National Oceanic and Atmospheric Administration, The Centers for Disease Control and Prevention, the National Safety Council and other agencies and organizations.

National Emphasis Program For Chemical Facilities

At the end of 2011, OSHA issued a new National Emphasis Program (NEP) for chemical facilities to protect employees from catastrophic releases of highly hazardous chemicals. This new NEP replaces OSHA's pilot Chemical Facility National Emphasis Program which covered several OSHA regions around the country.

The program establishes policies and procedures for inspecting workplaces that are covered by OSHA's process safety Management (PSM) standard. The inspection process includes detailed questions designed to gather facts related to PSM requirements and verification that employers' written and implemented PSM programs are consistent. The intent of the NEP is to conduct focused inspections at the facilities randomly selected from a list of worksites likely to have highly hazardous chemicals in quantities covered by the standard.

According to the Assistant Secretary of Labor for OSHA, Dr. David Michaels, "This program will enable OSHA inspectors to cover chemical facilities nationwide to ensure that all required measures are taken to protect workers."

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OSHA implemented a multi-year pilot NEP for PSM-covered facilities in July of 2009 in an effort to reduce releases of highly hazardous chemicals. During the pilot, however, OSHA found many of the same safety-related problems that were uncovered during the NEP for the refinery industry, which is covered by the PSM standard. As a result, OSHA is expanding the enforcement program to a national level.

Prevention Of Formaldehyde Exposure

OSHA is continuing its efforts to protect employees from the dangers of formaldehyde exposure in the hair care industry. In 2011 citations were issued to 23 salon owners and beauty schools in Connecticut, Massachusetts, Pennsylvania, Florida, Illinois, New York, New Jersey, and Ohio, with fines ranging up to \$17,500 for failing to protect employees from overexposure and potential exposure to formaldehyde.

Formaldehyde can irritate the eyes and nose; it can also cause allergic reactions of the skin, eyes, and lungs, and is a cancer hazard. Salon owners who decide to use products that may contain or release formaldehyde must follow the requirements of OSHA's formaldehyde and hazard communication standards. Of concern to OSHA is the fact that some of these hair products expose employees to formaldehyde even when the label states they are "formaldehyde free."

The violations of OSHA's formaldehyde and hazard communication standards include failing to list formaldehyde as a hazardous ingredient on the material safety data sheet (MSDS); failure to include proper hazard warnings on the product labels; and failure to list the health effects of formaldehyde exposure on the MSDS. Labels must include ingredient and health hazard warning information, and the MSDS must provide users with information on the chemicals in the product, the hazards to employees and how to use the product safely.

The best way to control exposure to formaldehyde is to use products that do not contain formaldehyde. Salon owners should check the label or product information to make sure the hair product does not contain or list formaldehyde, formalin, methylene glycol or any of the other names for formaldehyde.

For more information, visit the Fisher & Phillips web site at www.laborlawyers.com. For help with ensuring that your business or company are in compliance or for advice concerning any of OSHA's safety and health standard, contact your regular Fisher & Phillips attorney or any of the lawyers in our Workplace Safety and Catastrophe Management Group.

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