

Executive Safety Update

The Monthly News Bulletin of the Construction Safety Center

Vol. 17, Issue 11 – June 2010

OSHA publishes CPL 02-00-149 – Severe Violator Enforcement Program (SVEP)

Effective June 18, 2010 policies and procedures will be put into effect for OSHA's Severe Violator Enforcement Program (SVEP). This new Compliance Directive (CPL) will concentrate OSHA's resources on inspecting employers who have demonstrated indifference to their OSH Act obligations; meaning a willful, repeated, or failure-to-abate violation has been issued. The SVEP is intended to focus enforcement efforts on significant construction hazards such as trenching and excavation, crystalline silica, lead, electrical hazards and of course falls.

Contractors who have repeated violations in these high hazardous areas will be subject to a SVEP investigation; meaning that these contractors will be labeled as one who demonstrates a blatant disregard for OSHA compliance and will undergo scrutiny above that which is normally given to those contractors who make a good faith effort. SVEP investigations will result in more frequent visits to job-sites, corporate structure and management inquiries, and if the company operates nationally, expect visits wherever the contractor performs work. What the SVEP means to the contractor is that if a company is cited for several high hazardous violations, such as for fall protection or trenching, then OSHA might consider issuing repeat violations. Repeat violations will qualify a company to be placed into the Severe Violator Enforcement Program (SVEP).

CPL 02-00-149 is the strongest language offered by OSHA to go after contractors with a history of multiple serious violations for the same hazard, so contractors must be diligent to ensure that these types of exposures do not result in multiple citations or face an extensive federal investigation.

Directives are written policies that direct the affairs of the Occupational Safety and Health Administration (OSHA). Some OSHA Directives describe policy on how a Compliance Safety and Health Officer (CSHO) perform an inspection; called CPL's. The purpose of these Directives is to ensure uniform enforcement of the standard. To read and obtain a copy of CPL 02-00-149 – Severe Violator Enforcement Program (SVEP) or to see a complete list of all Directives, go to www.osha.gov

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New OSHA training emphasizes workers' rights

"Introduction to OSHA," a new training [component](#) emphasizing workers' rights, is required content in every OSHA 10- and 30-hour Outreach Training Program class. OSHA developed the information in support of the Secretary of Labor's goal of strengthening the voice of workers.

This information affects hundreds of thousands of workers who complete Outreach Training Program classes each year, and more than 50,000 authorized OSHA Outreach Trainers. It focuses on the importance of workers' rights and advises them of their right to

- safe and healthful workplaces
- know about the presence and effects of hazardous chemicals
- review information about injuries and illnesses in their workplaces
- receive training
- request/file for an OSHA inspection and participate in the inspection
- be free from retaliation for exercising their safety and health rights

"For too long workers have avoided making claims of unsafe work conditions out of fear of losing their jobs," said Assistant Secretary of Labor for OSHA David Michaels. "We are confident that this new training will embolden workers to speak up when they find work practices that endanger their lives and the lives of their co-workers."

During the 10- and 30-hour outreach training program classes, OSHA trainers will cover topics on whistleblower rights and filing a complaint, and will provide samples of a weekly fatality and catastrophe report, material data safety sheet and the OSHA Log of Work-Related Injuries and Illnesses. Trainers can obtain test and answer sheets from their authorizing training organization.

The OSHA Outreach Training Program is a voluntary program that seeks to teach workers about their rights and how to identify, reduce, avoid and prevent job-related hazards. The program includes 10- and 30-hour courses in construction, general or maritime industry safety and health hazard recognition and prevention that is taught through a network of OSHA-authorized trainers. Over the past three years, nearly two million students have received training through this program.

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OSHA virtual stakeholder meeting seeks input on combustible dust worker hazards

WASHINGTON - OSHA has scheduled a first-ever virtual stakeholder meeting June 28, 2010, to seek input about combustible dust workplace hazards. This virtual meeting format provides quick and easy access to a broader audience such as small businesses who would otherwise not be able to participate. Comments from the meeting will be used to help the agency develop a proposed standard on combustible dust. Further details are available in the [Federal Register notice](#).

Since 1980, more than 130 workers have been killed and more than 780 injured in combustible dust explosions. This virtual stakeholder meeting is the fourth in a series of stakeholder meetings addressing combustible dust hazards.

"OSHA is committed to expanding the opportunity for the public to engage in its rulemaking activities, and this virtual stakeholder meeting will afford a wide range of stakeholders the opportunity to participate," said Assistant Secretary of Labor for OSHA David Michaels. "This is an important rulemaking, and we want to ensure that all interested stakeholders have an opportunity to send us their comments and suggestions."

Combustible dusts comprise fine particles, fibers, chips, chunks or flakes that, under certain conditions, can cause a fire or explosion when suspended in air. Types of dusts include metal (aluminum and magnesium), wood, plastic, rubber, coal, flour, sugar and paper, among others.

Individuals can register to participate in the Web chat by accessing www.dol.gov/dol/chat.htm. The live chat will be held for one hour, beginning at 1 p.m. EDT. After that, individuals will have continuous access to this site through July 7, 2010, to provide feedback and receive additional information. For general and technical information, contact Mat Chibbaro, OSHA Office of Safety Systems, at 202-693-2255. Press inquiries should be directed to Jennifer Ashley, OSHA Office of Communications, at 202-693-1999.