



OSHA CORNERSTONES

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OSHA Issues Interim on Novel Coronavirus

The outbreak of the 2019 Novel Coronavirus (COVID-19) has created a number of questions and compliance challenges for employers. To help employers deal with the outbreak of Coronavirus, OSHA has developed a new resource page found [here](#).

While there is no specific OSHA standard covering Coronavirus at this time, OSHA highlighted the following standards for employers to consider in relation to the outbreak:

- [The General Duty Clause](#)—Requires employers to provide a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.
- [Personal Protective Equipment Standards](#)—This standard requires use of gloves, eye and face protection, and respiratory protection to prevent identified hazards.
- [Bloodborne Pathogens Standard](#)—Applies to occupational exposure to human blood and other potentially infectious materials.
- [Recordkeeping and Reporting](#)—Most employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses. Coronavirus incidents may qualify as recordable illnesses.

Employers should keep in mind that there are twenty-eight OSHA-approved State Plans, operating statewide occupational safety and health programs. State Plans are required to have standards and enforcement programs that are at least as effective as OSHA's and may have different or more-stringent requirements. Some of these state standards may create additional compliance requirements related to Coronavirus.

Finally, [Section 11\(c\)](#) of the [Occupational Safety and Health Act of 1970](#), 29 USC 660(c), prohibits employers from retaliating against workers for raising concerns about safety and health conditions. Employers should keep these requirements in mind if an employee raises concerns about Coronavirus.

OSHA Increases Civil Penalties

On Jan. 15, 2020, the Department of Labor (DOL) [released](#) its 2020 inflation-adjusted civil monetary penalties that may be assessed on employers for violations of a wide range of federal laws, including the Occupational Safety and Health Act. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires the DOL to adjust its assessed penalty levels no later than Jan. 15 of each year.

The DOL evaluated all of the civil penalties it administered and calculated the annual inflation adjustments based on the consumer price index. For 2020, the DOL's evaluation resulted in an increase of approximately 2% to all but four of the penalties it administers.

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OSHA Revises National Emphasis Program for Silica

On Feb. 5, OSHA announced a number of changes to its National Emphasis Program (NEP) on silica. The program focuses on enforcement of silica standards with an emphasis on specific industries that are expected to have the most respirable crystalline silica exposure for workers.

OSHA's two standards pertaining to silica include one for general industry and maritime, and another for construction. They originally came into effect in June of 2016 with a compliance deadline of June 23, 2017, for construction companies and June 23, 2018, for general industry and maritime employers.

Last month's NEP changes included:

- Changing the lower permissible exposure limit for respirable crystalline silica to 50 micrograms per cubic meter as an eight-hour time-weighted average for general industry, maritime and construction
- Updating the target industries from which local offices will develop a randomized list of local employers for targeted inspections
- Instructing compliance safety and health officers to refer to current enforcement guidance for respirable crystalline silica inspection procedures
- Establishing that all regional and area OSHA offices must comply with the silica NEP, but are not required to develop and implement their own regional or local emphasis programs
- Making state plan participation in the silica NEP mandatory

The administration also announced that it will provide compliance assistance to stakeholders for 90 days before programmed inspections begin.

Respirable crystalline silica consists of small silica particles that are created when cutting, sawing, grinding, drilling or crushing materials such as rock, concrete, brick and mortar. Respirable crystalline silica has been known to cause a number of life-threatening health problems for workers including:

- Silicosis
- Incurable lung disease
- Lung cancer
- Chronic obstructive pulmonary disease

Approximately 2.3 million people in the U.S. are exposed to silica at work. As an employer, you are responsible for providing a safe workplace for your workers. Click [here](#) for more information on respirable crystalline silica.

Respirable crystalline silica is at least 100 times smaller than ordinary sand found on beaches and playgrounds.

Approximately 2.3 million people in the United States are exposed to silica at work.
