

## OSHA's Revised Recordkeeping Rule [29 CFR 1904]

To improve worker safety and provide visibility to the public regarding work-related injuries and illnesses, OSHA revised its recordkeeping rule requiring:

**Electronic LOG Reporting.** Currently, employers track workplace injury and illness data on the OSHA log. Each year beginning in 2017, some facilities will be required to submit data for the prior calendar year to OSHA electronically. The information will be available to the public by searching OSHA's database.

- **Facilities with 250+ employees** must submit their OSHA 300A Summary Log by July 1, 2017.\* In 2018, these facilities must also submit the OSHA 300 and 301 forms.
- **Facilities with 20-249 employees in certain industries**, including manufacturing codes 31-33, are required to submit just the OSHA 300A Summary by July 1, 2017.\* For a list of applicable NAICS industry classifications, see <https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.pdf>.

\* The reporting date will change to March 2<sup>nd</sup> each year beginning in 2019.

**Anti-Retaliation Provisions.** OSHA added language to the revised rule requiring that employers have reasonable procedures for reporting injuries and notification to employees of their right to report without retaliation. The provisions prohibit blanket post-accident drug and alcohol testing and employee incentive programs that would discourage or penalize employees for reporting injuries or illnesses. Enforcement of the anti-retaliation provisions have been delayed until November 1, 2016, in order for OSHA to provide outreach to the regulated community.

Further information on the final rule can be found on OSHA's website at <https://www.osha.gov/recordkeeping/finalrule/>.

## Update to OSHA's PPE Standard [29 CFR 1910.133]

The Final Rule updating eye and face protection can be found at <https://www.federalregister.gov/documents/2016/03/25/2016-06359/updating-osha-standards-based-on-national-consensus-standards-eye-and-face-protection>

OSHA's Personal Protective Equipment (PPE) standard has been updated to make reference to the newest American National Standards Institute (ANSI) ratings for eye and face protection and remove the older ANSI references. Employers are not required to update or replace protection devices solely as a result of the rule, so there is no compliance or economic burden triggered by the revised rule.

The standard mandates that employers provide/pay for required PPE with the exception of ordinary clothing, uniforms, ordinary safety-toed footwear and prescription safety eyewear that are allowed to be worn at home and off-the-job. In most circumstances, employers are not required to pay for replacement PPE if an employee loses or intentionally damages their PPE. Therefore, it is good practice to remind employees to store their PPE in a secure location, free from damage, at the end of the workday.

## OSHA's Final Rule for Occupational Exposure to Respirable Crystalline Silica [29 CFR 1910.10534]

On March 25, 2016, OSHA published a Final Rule (<https://www.federalregister.gov/documents/2016/03/25/2016-04800/occupational-exposure-to-respirable-crystalline-silica>) on respirable crystalline silica (RCS) that established a

Permissible Exposure Limit (PEL) of 50 µg/m<sup>3</sup> 8-hr TWA and an Action Level of 25 µg/m<sup>3</sup> 8-hr TWA for workers. Applicable requirements of the standard (i.e., measuring exposures at or above the Action Level, dust control, limiting access, respiratory protection, housekeeping, written plans, medical surveillance, training, etc.) must be met by June 23, 2018.

Applicability: The rule applies to companies that have employee exposures exceeding the RCS Action Level. For the composites industry, the biggest impact is in the manufacture/finishing/installation of materials containing high levels of silica, such as sand and quartz fillers. However, composites manufacturers using non-quartz fillers like limestone (calcium carbonate) and gypsum (calcium sulfate) that only have trace amounts of quartz as an impurity, may not be subject to the standard if exposures are below the Action Level.

A recent study by the American Composites Manufacturer's Association (ACMA) found that the use of non-quartz fillers are unlikely to cause exposures above the Action Level. In addition, control measures used to comply with the current dust PEL such as ventilation, filter replacement, dust collection, wet processes, wet sweeping or HEPA vacuuming, and housekeeping may be sufficient to keep exposures under the Action Level for most foreseeable circumstances. These manufacturers may be able to use the study as objective data to help estimate employee exposures and avoid expensive onsite testing.

Additional information on OSHA's silica rule can be found at [www.osha.gov/silica](http://www.osha.gov/silica). ACMA members can find the Silica Study on ACMA's website [www.acmanet.org](http://www.acmanet.org).

## **OSHA's Final Rule on Walking-Working Surfaces and Fall Protection is Coming** <http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201604&RIN=1218-AB80>

In 1990, OSHA published a proposed rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Slips, trips, and falls are among the leading causes of work-related injuries and fatalities. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology. As a result of issues raised in comments to the 1990 NPRM, OSHA published a notice to reopen the rulemaking for comment on May 2, 2003. Based on comments received on the 2003 notice, OSHA determined that the rule proposed in 1990 was out of date and did not reflect current industry practice or technology. The Agency published a second proposed rule on May 24, 2010, which reflected current information and increased consistency with other OSHA standards. Hearings were held on January 18 through 21, 2011.

### **Ask the Compliance Expert**

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