

The Safety & Health Advisor

Fall 2023



New OSHA Recordkeeping Electronic Submission Requirements

In July 2023, OSHA issued a final rule (starting 1/1/24) to change the electronic submission requirements for its Injury Tracking Application (ITA). New regulation 1904.41(a). See the OSHA Fact Sheet at:

https://www.osha.gov/sites/default/files/publications/OSHA_FS-4272_ITA_07-2023.pdf

The changes affect any establishment in certain **designated industries** as listed in **Appendix B of OSHA 1904** (Recordkeeping) if that establishment **has 100 or more employees**. In addition to the electronic submission of the OSHA 300A Summary form annually by March 2, the changes require those establishments to also electronically submit some information from the OSHA **300** log form as well as certain details from each incident case report (known as the OSHA **301** form). *In some cases, the workers' compensation (WC) report acts as a Form 301 so long as it contains the same information.* Some employers choose to keep both 301 and WC reports for incidents.

Examples of industries listed in the revised Appendix B (designated high-hazard industries), include manufacturers (including food/bakeries), healthcare (such as hospitals and skilled nursing facilities, but not home health care services), retirement communities (i.e., assisted living, CCRC), warehousing, trucking, grocery/department/general merchandise stores, auto parts/tire stores, beer/wine/alcohol wholesalers, building material and supply dealers to name a few.

You can check ITA applicability for your industry code at: <https://www.osha.gov/itareportapp>

OSHA 1904 Appendix A has not changed (industries required to submit the OSHA 300A Summary form)

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To record work-related injury and illness cases, employers make use of three forms provided by OSHA, [Forms 300, 300A, and 301](#):

- **Form 300** - log of work-related, recordable injuries and illnesses.
- **Form 300A** - annual summary of recordable cases (based on the 300 log).
- **Form 301** - detailed incident report created following any recordable injury or illness.

# of employees	Required Info
20-249 (and listed in App. A)	300A
250 or more (required industries)	300A
100 or more (listed in <i>new</i> App. B)	300A, 300, 301

To preserve the privacy of employees, OSHA will not require employers to submit the following information from Forms 300 or 301 (or workers' compensation):

Not required from OSHA Form **300**:

- Employee name (column B)

Not required from OSHA Form **301** (or workers' comp report):

- Employee name (Field 1)
- Employee address (Field 2)
- Name of physician or other health care professional (Field 6)
- Facility name and address if treatment was provided away from the worksite (Field 7)

This new rule has significant implications for many businesses and challenges by employers and employer groups are expected. Atlantic Charter will continue to monitor this and report any updates or changes that could occur in our Recordkeeping Reminder Bulletin we'll be sending out later this year.

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DIA's Workplace Safety Training Grant

Are you interested in conducting safety training for your workforce but need/would like some assistance with funding this endeavor? Massachusetts-based employers can apply for a workplace safety training grant through the Department of Industrial Accidents (DIA) Office of Safety. It is designed to fund programs that reduce the risk of injury and illness to workers and promote safe and healthy conditions in the workplace through training, education, and other preventative programs.

The following represent some of the more frequently sought after training topics: OSHA 10 or 30, Aerial lift, Fall protection, Crane & Rigger Training, Forklift Training, Ergonomics, CPR/AED, Injury Prevention, Fire/Electrical, Asbestos, CTD's, Defensive Driving, Lead Hazards, Toxins Right to Know/Hazard Communication, Winter Driving, Lockout Tagout, Chain saw safety, Trenching Excavation, Confined Space- Trench Rescue.

Check out the [Safety training providers list](#) (updated 8/15/22).

Applications for the FY24 Workplace Safety Grants will be accepted Monday, October 2, 2023 through Monday, October 23, 2023.

Massachusetts-based and operating employers may request up to \$25,000 to administer workplace safety training.

Many Atlantic Charter clients have taken advantage of these grants. Additional information can be found at

<https://www.mass.gov/workplace-safety-grant-program>.

National Fire Safety Month

The National Fire Protection Association (NFPA) celebrates October as National Fire Safety Month with Oct. 8th - 14th being national fire prevention week. Not only do fires present a severe life safety hazard, they also can be detrimental to business success due to the

possible destruction of business equipment and facilities.

This campaign serves as a reminder to us all of the importance of fire safety awareness in both the workplace and our home lives. See

<https://www.nfpa.org/Events/Events/Fire-Prevention-Week> for resource materials.

NSC Work to Zero

The [National Safety Council's Work to Zero](#) (WTZ) initiative is designed to eliminate workplace fatalities by 2050 through the adoption of emerging technology. "The approach involves researching the most effective technologies and ways to integrate them into the workplace, providing educational resources to increase the adoption of technology, and fostering key partnerships with stakeholders in the field to strengthen everyone's work."

Back in May 2023, NSC released a white paper through this initiative, *Improving Workplace Safety with Robotics*. The report helped organizations assess risks, identify technology solutions and ready workplaces for implementation. For this white paper, WTZ identified the five most common robot configurations available to employers – *AMRs, Automated Guided Vehicles or AGVs, Articulated Robots, Humanoid Robots, and Cobots* – to assess their key benefits and applications.

The report identified several other examples in which employers can use robots to create safer outcomes for their workers. These included inspecting confined spaces in industrial facilities; transporting heavy or hazardous parts, goods and materials; using robotic arms; and machine tending or parts repositioning.

WTZ found adopting robotic technology can help employers mitigate the risk of workplace musculoskeletal disorders, prevent falls from heights and reduce worker muscle fatigue. There is a concern that robotics or other technology may eventually replace human workers, but the report noted that robotics-increased automation may help businesses reduce costs overall, which can lead to new jobs in fields such as robotics engineering, maintenance and programming. To learn more about creating a safer workplace, visit <https://nsc.org/worktozero>.

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City of Boston – New Construction Safety Ordinance for Contractors

In 2021, the rate of construction fatalities in Boston was 4.9 per 15,000 workers – more than 2.5 times higher than the national average of 1.8! This was the impetus for three elements of a new construction safety ordinance that is set to go into effect Dec. 2nd. These will include a site safety plan requirements, free training and education, and ramped-up enforcement efforts.

Under the new ordinance, all employers seeking construction and demolition permits with the city's Inspectional Services Department (ISD) must submit – and be prepared to implement – a site safety plan that outlines planned protections for potential hazards to workers on the site, the public and the property.

All workers, including subcontractors, will be required to receive a site safety orientation and a refresher to review the site safety plan, as well as attend pre-shift safety meetings. In addition, construction projects larger than 50,000 square feet and demolition jobs for buildings four stories or taller will be required to have a designated site safety coordinator.

During a press conference in June after the signing ceremony, Mayor Wu said “We’re excited and thankful at the progress but also here with a deep sense of mourning and regret and pain for what it has taken and the lives that were lost before this will be in place.”

The city has budgeted \$290,000 to provide [free OSHA 30-hour training](#) to city employees, said Jodi Sugerman-Brozan, Boston's deputy chief of worker empowerment. So far, about 40 staff members have taken part in two training classes in both English and Spanish, with more to come.

Sugerman-Brozan said the city is planning quarterly orientation sessions for contractors to learn about the ordinance, available resources and how to comply. The city is also preparing a website that will be “a one-stop shop” for safety and health resources on topics such as fall protection, work zone safety, heat illness prevention, how to create a health and safety plan, assessing hazards, and more.

Wu noted the ordinance “will add much-needed enforcement capacity to ISD. They’ll have the power to issue violations, stop work, revoke permits and levy fines.”

Proposed Changes to the Construction PPE Standard Underway

In July, the U.S. Department of Labor announced a notice of [proposed rulemaking to clarify the personal protective equipment standard](#) for the construction industry. This would require construction employers to provide employees with PPE that “properly fits”. The motivation for the proposed rulemaking stems from the increasing number of construction workers who don't fit into the standard PPE size typically provided. During the announcement Assistant Secretary for Occupational Safety and Health Doug Parker noted that “If personal protective equipment does not fit properly, an employee may be unprotected or dangerously exposed to hazards and face tragic consequences.”

The Occupational Safety and Health Administration (OSHA) Safety and Health Regulations for Construction, subpart 1926 (c) specifies the employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions, or where this part indicates the need for using such equipment to reduce the hazards to the employees.

The current standard does not clearly specify that PPE must fit each affected employee properly, which the OSHA's General Industry and Maritime standards do. The failure of standard-sized PPE to protect physically smaller construction workers properly, as well as problems with access to properly fitting PPE, have long been safety and health concerns in the construction industry, especially for some women.

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The proposed rule change would simply clarify the language within the [existing requirement](#) that PPE must fit each employee properly to protect them from occupational hazards. If finalized, the proposed rule would put to rest any potential misinterpretation. This may help employees who are discouraged from wearing such equipment in the workplace. OSHA does not expect the change will increase employers' costs or compliance burdens. The proposed revision would align the language in OSHA's PPE standard for construction with standards for general industry and maritime. The deadline to submit comments and hearing requests was September 18th.

OSHA National Emphasis Program on Warehouse Safety

OSHA released a three-year national emphasis program (NEP) in July 2023. The NEP is aimed at reducing and preventing workplace hazards within warehouses, distribution centers, refrigerated goods, and parcel delivery/courier services. Inspections under this program will begin on **October 13, 2023**.

There are two lists in which establishments will be chosen from for inspection. These include businesses with industry codes covered under the NEP and businesses with the highest rates of injuries and illnesses resulting in days away and restricted duty or job transfer.

What to expect:

It's likely that OSHA will conduct comprehensive safety inspections focused on common workplace hazards related to powered industrial vehicle (forklift) operations, material handling/storage, walking and working surfaces, means of egress and fire protection. Other potential hazards include those associated with robotics and musculoskeletal disorders (mainly resulting from overexertion in lifting and lowering) within storage and loading areas. OSHA may expand an inspection's scope when evidence shows that violations may exist in other areas of the establishment such as heat and/or ergonomic hazards.

How to Prepare:

With OSHA inspections likely to begin on or after October 11th, employers may look to focus their compliance efforts on industry hazards mentioned in the NEP. These would include heat and ergonomics along with [29 CFR 1904](#) and the subparts of [29 CFR 1910](#). The subparts transcend to frequent violations associated with recordkeeping of injuries, walking/working surfaces, emergency planning, PPE, fire protection, and material handling/storage.

More Information can be found below:

[National Emphasis Program on Warehousing and Distribution Center Operations \(osha.gov\)](#)

[Learn more about solutions to common industry hazards.](#)

[Warehouses and retailers: NEP Inspection Guidance | J.J. Keller Compliance Network](#)

If you need assistance in evaluating your ergonomics or safety and health program, please contact Neal Freedman, John Cotnam, Mark Hickox or Colin Trombley from Atlantic Charter's Safety and Health Department at (617) 488-6500.