



Safety Bulletin

Issue: 02 - 2020

June 2020

Regulatory Update

FedOSHA

- [OSHA Adopts Revised Enforcement Policies for COVID-19](#)

On May 19, 2020, OSHA published revised policies for enforcing requirements with respect to coronavirus. The updated Interim Enforcement Plan for COVID-19 provides instruction and guidance to OSHA compliance office for handling COVID-19 related complaints, and severe injury reports.

In geographic areas where community spread of COVID-19 has significantly decreased, OSHA will return to the inspection planning policy that OSHA relied on prior to the start of the COVID-19, except that OSHA will continue to prioritize COVID-19 cases.

The updated enforcement policy continues to bracket COVID-19 risk exposure into three categories:

High/very high exposure risk jobs center on the medical community where employees interact with people known to have or suspected of having COVID-19.

Medium exposure risk jobs include those with frequent and/or close contact with others, i.e., employees whose jobs require them to come within six feet of others.

Low exposure risk jobs include those workers that have minimal occupational contact with the public and other coworkers.

OSHA continues to remind employers to consult the [U.S. Centers for Disease Control and Prevention](#) (CDC) guidance in assessing potential workplace hazards and evaluating their protective measures.

[CDC COVID-19 Employer Information for Office Buildings](#)

[CDC Reopening Guidance for Cleaning and Disinfecting Workplaces, Businesses](#)

[CDC How to Safely Wear and Take Off a Cloth Face Covering](#)

[CDC Frequently Asked Questions](#)

- [Update to OSHA's Field Safety and Health Manual](#)

OSHA updated their Instruction Manual for OSHA governmental employees. While this manual is for internal OSHA staff only, it is a valuable resource for Employers to review to gain an understanding of safety and health topics being introduced by the Agency. This update introduces Safety and Health Management Systems into their overall safety program.

- [Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#)

OSHA has issued interim guidance instructing their compliance officers to evaluate an Employer's good faith efforts to comply with safety and health regulations during the coronavirus pandemic. As part of assessing whether an employer engaged in good faith compliance efforts, compliance officers should evaluate whether the employer thoroughly explored all options to comply with the applicable standard. OSHA should evaluate if the Employer:

- *Explored all options to comply with applicable standards (e.g., use of virtual training);*
- *Implemented interim alternative protections, such as engineering or administrative controls; and*
- *Rescheduled required annual activity as soon as possible.*

OSHA noted a specific example directly related to the maritime industry:

Maritime Crane Testing and Certification: An employer contacts an OSHA Accredited Cargo Gear Company to have the employer's cargo gear inspected and certified because its OSHA 71 certificate is about to expire. The inspection is scheduled to take place at the employer's facility, but due to travel restrictions, on-site visitor constraints, and social distancing protocols, the inspection cannot take place. OSHA will not cite the employer for not having current cargo gear accreditation certificates (OSHA 71s), provided the employer considered alternative options for compliance, implemented interim alternative protective measures, where possible, and shows a good faith effort to reschedule the cargo gear inspection as soon as possible.

- [OSHA Recordkeeping. Revised Guidance for Recording COVID-19 Cases](#)

On May 19, 2020, OSHA published updated enforcement guidance regarding an Employers requirement to record coronavirus cases on the OSHA 300 log. [Employers are advised this new guidance takes effect May 26, 2020, and will supersede OSHA's previous guidance that was published on April 10, 2020.](#)

The most important recordkeeping question remains whether a case of COVID-19 is "work-related." OSHA continues to acknowledge that it will be difficult to establish that an individual COVID-19 case is work-related "especially when an employee has experienced potential exposure both in and out of the workplace"—but the new guidance does place additional obligations on most non-healthcare employers to conduct this analysis and to make a reasonable determination. OSHA notes that COVID-19 may be a recordable illness, and now states that all employers are required to conducting a reasonable analysis of COVID-19 cases and record cases of COVID-19, when:

The case is a confirmed case of COVID-19 (as opposed to an employee exhibiting symptoms but not diagnosed with the virus), as defined by the CDC;

The case is "work-related"—i.e., an event or exposure in connection with the employee's work either caused or contributed to the COVID-19 case; and

The case involves one or more of the general recording criteria, including, among others things, death; days away from work; or restricted work or transfer to another job.

After the reasonable and good faith inquiry described above, the employer cannot determine whether it is more likely than not that exposure in the workplace played a causal role with respect to a particular case of COVID-19, the employer does not need to record that COVID-19 illness.

TSA

- [TWIC Expiration Date Extension](#)

TSA issued a notice providing for a temporary exemption from requirements in 49 CFR part 1572 regarding the expiration of certain TWIC cards. For the duration of this exemption, TSA will extend the expiration date of TWIC's that expired on or after March 1, 2020, by 180 days.

The exemption will remain in effect through 31 July.

Washington State L&I

- [Adoption of Walking & Working Surfaces Update](#)

On April 21, 2020, the department adopted final rules for Walking Working Surfaces, chapter 296-24 WAC, General safety and health standards and chapter 296-876 WAC, Ladders, portable, and fixed.

This update will reduce employee exposures to slips, trip and falls.

The effective date of this rule is October 1, 2020.

U.S. Department of Transportation

- [Notice of Enforcement Policy Regarding Hazardous Materials Training Requirements](#)

The Pipeline & Hazardous Materials Administration published relaxed enforcement action involving 49 CFR 172.704 for recurrent HMR training. This temporary enforcement action only applies to recurrent training. This does not cover the initial or new hire training requirement.

CalOSHA

- [CA T8 §5141.1 Protection from Wildfire Smoke](#)

California Employers are reminded the Emergency Rule on Wildfire Smoke remains in effect until September 22, 2020.

Emergency regulation section 5141.1, *Protection from Wildfire Smoke*, applies to workplaces and operations where the current Air Quality Index (AQI) for PM_{2.5} particulate is 151 or greater ("unhealthy") and where the employer should reasonably anticipate that employees may be exposed to wildfire smoke. Employers must:

Identify harmful exposure to airborne particulate matter from wildfire smoke before each shift and periodically thereafter by checking the Air Quality Index (AQI) for particulate matter (PM) 2.5 in regions where workers are located. This can be done via a website.

Reduce harmful exposure to wildfire smoke if feasible, for example, by relocating work to an enclosed building with filtered air or to an outdoor location where the AQI for PM 2.5 is 150 or lower.

If employers cannot reduce workers' harmful exposure to wildfire smoke so that the AQI for PM 2.5 is 150 or lower, they must provide:

Respirators such as N95 masks to all employees for voluntary use.

Training on the new regulation, the health effects of wildfire smoke, and the safe use and maintenance of respirators.

If the AQI for PM exceeds 500, mandatory respirator use is required.

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2020 Q1 ILWU Lost Time

Injury Rate Statistics

Coast	2.67
Southern California	1.63
Northern California	3.75
Oregon Area	8.49
Washington Area	5.10



Heat Illness Prevention

Employers are reminded that high heat exposure can occur during any season. Most heat illness injuries occur in the first few days of working in a hot environment because the body needs to build up a tolerance and acclimate to the hot conditions. Heat waves can impact people differently and it can take 1-2 weeks to adjust to warmer temperatures. Occupational risk factors for heat illness include heavy physical activity, warm or hot environmental conditions, lack of acclimatization, and wearing clothing that holds in body heat.

CalOSHA

Reminder to Protect Outdoor Workers from Heat Illness

The California heat illness prevention standard applies to all outdoor workers. Employers must take the following steps to prevent heat illness:

- Develop and effective written heat illness prevention plan
- Train employees on heat illness prevention
- Provide drinking water & encourage workers to drink frequently
- Provide shade when requested or when the temperate exceeds 80 deg.

CalOSHA has noted during the COVID-19 pandemic that Employers should be aware that wearing face coverings can make it more difficult to breathe and harder for a worker to cool off, so additional breaks may be needed to prevent overheating. Outdoor workers are not encouraged at this time to use surgical or respirator masks as face coverings.

Washington State L&I

Outdoor Heat Exposure Written Plan is Required

The L&I requirements for outdoor heat safety are in effect until September for outdoor employees. An Outdoor Heat Exposure Prevention Plan must be part of your required Accident Prevention Program. WAC 296-62-095 can be referenced [here](#).

FedOSHA

OSHA's [Heat Illness Prevention campaign](#) has valuable training resources for Employers to use on the dangers of working in the heat.