

OSHA-Aware

Keep your business safe from OSHA fines

By John A. McKinney Jr.

Nightmarish stories abound of hardwood flooring contractors getting hit with huge Occupational Safety and Health Administration (OSHA) fines; some contractors have even gone out of business as a result. No one wants an OSHA citation, especially given today's economy and tight profit margins. Fortunately, you can use a common sense approach to determine what hazards your employees face on the job and what safety and health standards apply to each of your job sites. Using this approach should reduce or eliminate your chances of an OSHA "enforcement action."

Understanding OSHA

OSHA was created within the Department of Labor by the Occupational Safety and Health Act of 1970. OSHA's mission is to prevent work-related injuries, illnesses and deaths, and, under the act, states are encouraged to develop and operate state job safety and health programs that are as effective, or better, than the federal program. Although this article focuses on OSHA, 22 states also operate separate OSHA-approved state plans (the approach below is applicable to both OSHA and state programs).

Under the act, OSHA adopts safety and health standards with which you must comply. It also contains

a general duty clause that requires you to provide each member of your business and crew "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." If there are no specific standards outlined by OSHA for a particular workplace situation, the general duty clause applies. Under this clause, a recognized hazard is 1) known to the employer, or 2) a hazard recognized within the industry.

Eyes Wide Open

As an employer, your first step to OSHA compliance is to carefully examine your job sites. To fully know the job site, you must:

- Understand how and where all materials will be delivered.
- Determine how those materials will be moved to the installation location.
- Determine where materials and equipment will be stored before, during and after installation.
- Understand each step your employees will take to prepare the job site for installation, including trimming and cutting.
- Determine if your employees will be working at heights or around openings.
- Analyze each step of the flooring installation, sanding, finishing, and cleanup.
- Consider every hazard that could result in an employee injury and determine if you can eliminate that

BUSINESS Q & A BY JIM BLASINGAME

Q: With which business credit agencies should I build a credit file?

A: Any small business should build a credit file with several business credit agencies. Dunn & Bradstreet, Experian and Equifax are active in compiling business credit reports. The non-profit Small Business Financial Exchange shares information about businesses' payment histories among members. In addition, numerous specialty agencies collect and prepare reports for specific industries.

It's impossible for the average small business owner to keep up with all of the agencies. So the best advice is to buy on terms when possible to help build your credit, but then pay the bills on time every time. Building business credit before you need it will make it that much easier to qualify when you do need to borrow.

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hazard. This includes dust and vapors associated with the job.

Once you have analyzed and understood the hazards to which your employees may be exposed on the job site, you must use this information to determine the OSHA safety and health standards and the general duty clause obligations applicable to your business. In most instances, pertinent regulations will be found in OSHA's Construction Standards; however, some of those standards will reference OSHA's General Industry Standards. Both sets of standards are easy to find on OSHA's Web site, www.osha.gov, using the "Law and Regulations" link.

Know Your Standards

In reviewing the Construction Standards, you will see sections that readily apply to your flooring business; however, some might be overlooked on your first pass. Reading through all subparts and subsections of the standards is important, or you could miss important information that could help keep your business out of trouble.

The first such section outlines Accident Prevention Responsibilities. To comply with it, you must:

- Conduct frequent and regular inspections. This includes job sites, materials and equipment.
- Initiate and maintain an accident prevention program. Put the program in writing, make it specific and include inspection documentation.
- Hold safety training and education. This includes providing information on how to recognize and avoid unsafe job site conditions. You also can send your crew to equipment training sessions.
- Provide personal protective equipment (PPE). This must be done for all operations where there is an exposure to hazardous conditions or where the OSHA standards indicate the need for PPE to reduce hazards to your employees. This could include such items as masks, dust containment equipment and ear protection. The standards govern the use, selection, and maintenance of PPE. The Hazard Communication requirement is also highly important. It requires you to have a written hazard communication program for your business. This should include:
 - Lists of hazardous chemicals present.
 - Labeling of all chemical containers in the workplace.
 - Employee training programs regarding chemical hazards and protective measures.To determine if products used by your employees fall

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within this program, obtain and pay close attention to the material safety data sheets (MSDS) for all materials on the job. Everyone knows that finish and adhesives have MSDS, but you should also have MSDS for other materials, like wood dust, for example.

Another overlooked area is “holes.” Each employee on walking or working surfaces must be protected from falling through holes more than 6 feet above lower levels. If your crew will be exposed to such holes, guardrails or covers or other protective devices should be provided. Do not forget holes above the employees.

Don't Stop There


Knowing and complying with applicable OSHA standards doesn't mean you are safe. You also must consider what hazards the hardwood flooring industry recognizes or you may run afoul of the general duty clause. To do this:

- Stay current about hazards by being active in the NFWA.
- Pay attention to information about safety and health issues in industry publications.
- Talk to others in your industry to know what hazards to expect; there may be some you never imagined.
- Use OSHA as a source of information; its Web site's FAQ

section describes its compliance assistance programs.

An OSHA problem is a serious problem. OSHA penalties, depending on how likely the violation is to result in serious harm to employees, range up to \$7,000 for each non-compliance item. Repeat and willful violations may range up to \$70,000. Multiple-item citations are common. If an employee is killed as a result of willful non-compliance with a standard, criminal penalties may be applicable. Some contractors believe residential jobs are less prone to OSHA inspections than commercial jobs. True or not, a single employee complaint brings OSHA to a job site. Using the analysis above, along with your understanding of your business and the safety and health hazards inherent in your jobs, should keep OSHA fines at bay. ■

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