Berg COMPLIANCE SOLUTIONS
EHS Compliance For Small Business

How To Build A Safety Program From Scratch

A quick-start guide to building an OSHA compliance program for small businesses like yours.

Manufacturing | Construction | Industrial

A Berg Compliance Solutions, LLC White Paper
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Company Founder & President

Berg Compliance Solutions, LLC

EHS Compliance For Small Business

Affordable outsourced EHS compliance solutions designed for small manufacturing, construction & industrial services companies.

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About The Author

Hello, my name is Russell Carr, President & Founder of Berg Compliance Solutions and author of this white paper.

During my career as a small business owner and entrepreneur, I owned and operated 3 small contracting businesses which exposed my employees to major health and safety hazards on a regular basis. One was in the wind energy sector, the other in oil and gas, and the other a hazardous waste management business.

Luckily during that time, we never experienced any serious employee injuries, but I was cited by OSHA & TCEQ, and suffered other related losses and problems including skyrocketing Workers Compensation premiums & lost business opportunities due to safety program deficiencies.

Between the 3 companies, not only did I answer to OSHA, but also EPA. TCEQ, DOT and TX Railroad Commission. It was overwhelming and I always struggled to keep up.

In addition to my own struggles, I saw some really bad things happen to clients, competitors & other small companies due to their own failures to keep up with EHS regulations. I saw one go to jail, others threatened with jail time, another lose his entire business after a single employee injury, and another face a multi-million dollar civil lawsuit after a workplace fatality.

These combined experiences later inspired me to found a new company called Berg Compliance Solutions, LLC which is dedicated to helping other small business owners and companies to manage environmental, health and safety compliance and risk.

We are committed to our mission which emphasizes an educational approach to help clients & prospects gain a better understanding of these complicated regulations & how to manage them. This includes offering free white papers & other resources such as videos, seminars, webinars, consultations and compliance assessments.

Feel free to contact me directly to learn more at rcarr@bes-corp.com or at 512-923-0374.

Before jumping into how to build your safety program, let's take a quick but critical look at why it's so important for your company to manage safety.....

Why Safety Matters: Risks & Liabilities

Many small business owners, executives and managers feel overwhelmed by complicated OSHA regulations, and complain that they and their staff are just too busy running their business, and lack the time, resources and expertise to properly understand and manage safety. Safety compliance might be challenging, but OSHA doesn't care nor does it give "passes," even to small companies. This dictum from OSHA's website says it all:

All Employers Are Required by Federal Law to
"Provide a Safe and Healthy Workplace."

As you can see, this law is extremely vague and broad and therefore puts an enormous burden on US employers. That's why it's so critical to take the time to understand OSHA's regulations, how they apply to your business, and take the necessary steps to ensure that your company complies and maintains a safe workplace.

In doing so, you'll benefit by protecting your employees from work related harm, while at the same time protecting your business from potentially catastrophic risk & liabilities including major fines and penalties, lost money, lost business and in some cases civil & criminal liability.

As you'll soon see, managing OSHA compliance is all about loss prevention and risk management.

More On Risk & Liabilities

Before getting into the meat of this white paper, let's take a quick look at the major risks & liabilities that companies can face when failing to manage OSHA compliance.

OSHA Fines & Penalties

OSHA increased civil penalties by 78% on August 1st of 2016. This means that the maximum for "Serious" citations (the most common type) will increase from the current maximum of $7,000 each to up to $13,260 each. "Repeat" and "Willful" citations will rise from current maximum of $70,000 each to up to $132,598 each. Fines will continue rising every year moving forward to account for inflation!

The average OSHA inspection will result in 5-10 Serious violations, meaning that the average inspection will end up costing a company between $35,000 - $80,000 however for many unprepared companies, fines often exceed $100,000!

Criminal & Civil Liability

Many small business owners don't understand that they can face persona criminal and civil liabilities if employees get injured or killed as a result of negligence.

Business owners can face up to 6 months in jail and up to $250,000 in fines if an employee is killed as a result of willful neglect of OSHA standards.

An injured employee or their family can team up with a personal injury lawyer to sue the employer for $multi-million dollar damages.

AFFECTED COMPANIES WITHOUT A SOLID SAFETY PROGRAM ARE OFTEN TOTALLY EXPOSED WITH NO DEFENSE.

Bad Press & PR Nightmares

Companies who get in trouble with OSHA often suffer major public embarrassment and PR disasters when OSHA issues press releases about citations and fines which are then distributed to local newspapers, trade journals and on-line for the local community, competitors, potential employees and worst of all, your customers to see.

This can be incredibly damaging to a business, and almost impossible to repair.

More On Risk & Liabilities

Lost Customers & Opportunities

Companies often learn that customers and business opportunities are lost if they don't have a solid safety program.

Not only do companies need to have all of the required written programs, employee training and records, but they must also manage key safety metrics such as EMR, TRIR and DART.

Companies who want to grow and prosper in their industry must be proactive about safety or pay the price!

Poor EMR, TRIR and DART scores often prevent companies from bidding large projects and working for big customers.

To make matters worse, once these metrics are bad, it can take years to repair them!

Lost & Wasted Money

Failure to manage OSHA compliance often leads to injuries, accidents and worse, all of which ends up costing the company significantly.

Losses come in the form of medical bills, damaged equipment, fines, increased insurance costs, legal fees and more.

US Companies on average lose $140 Billion every year to workplace accidents and injuries

Each serious injury or fatality is 48 times more expensive the the cost of prevention

Over 60% of CFOs state “for every $1 invested in injury protection returns $2.00 – $4.41, or more (>2x ROI)"

More On Risk & Liabilities

Workplace Injury & Fatality Statistics

Of course the biggest risk & liability of all is born by the employees of companies who fail to manage health and safety.

Most companies and management believe "it will never happen to us," but the statistics don't lie. Serious workplace injuries and fatalities happen every single day across America, and the majority of them happen at small companies.

Imagine the pain, stress, guilt and disruption that would follow if one of your employees was seriously injured or killed as a result of company negligence.....

Workplace Injuries:

4 million work related injuries and illnesses will occur each year in the US:

- That's 16,000 per day!
- Many will never fully recover
- An estimated 2.5 million will become disabled

Workplace Fatalities:

4,600 annual senseless deaths of American workers

- 90 fatalities per week
- 13 fatalities every day

TO LEARN MORE ABOUT THESE RISKS & HOW TO MANAGE THEM CHECKOUT OUR FREE REPORT:

THE 5 MOST DANGEROUS EHS COMPLIANCE RISKS FACING SMALL COMPANIES

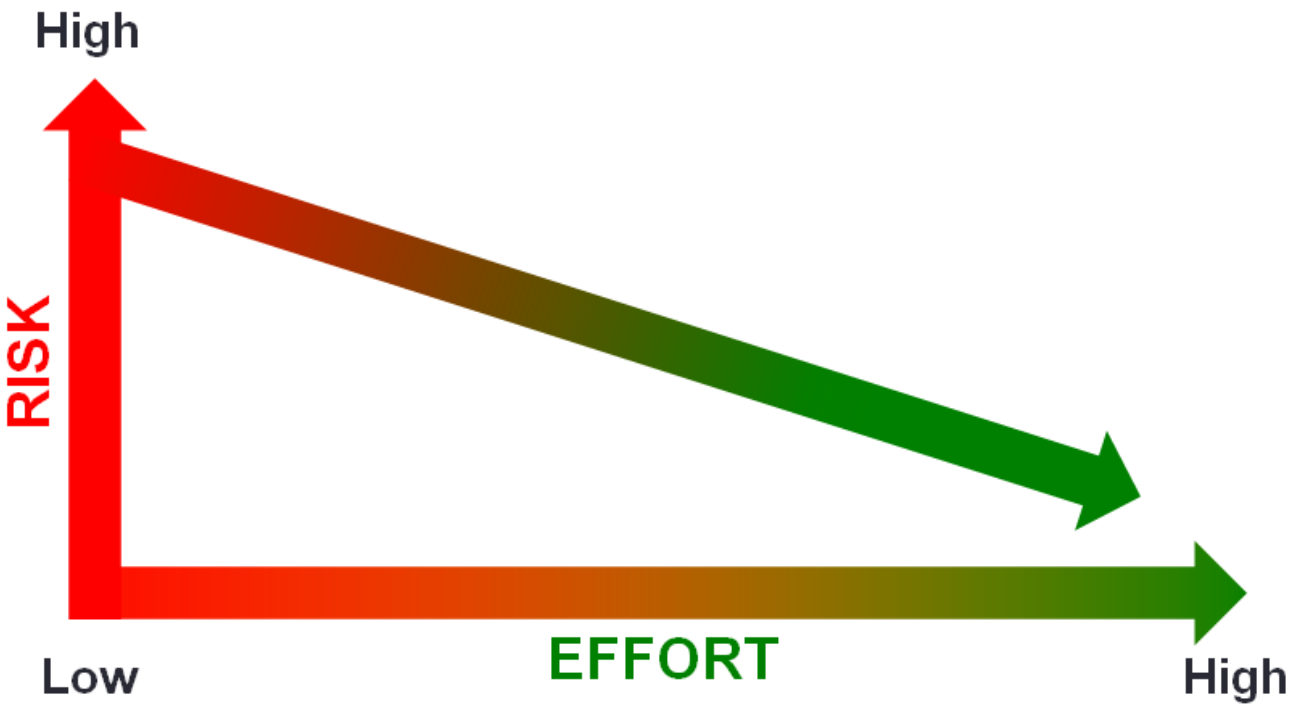
DON'T STOP NOW.....

Now that you have a better understanding of the catastrophic risks & liabilities companies face for failing to manage OSHA compliance, it's time to take action.

The remainder of this guide is designed to help you do just that by providing an overview of what OSHA requires from companies like yours and instructions on how to start building your customized safety program scratch.

Disclaimer: **This guide is only indented to provide on overview of the basic requirements of OSHA program requirements and related risks, and should not be considered a substitute for the actual regulations. Readers should visit OSHA's website to learn more.**

The Graph Below Says It All: Increased Effort = Decreased Risk
So Let's Keep Going.....



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Introduction

So you're wondering how to start a workplace safety program at your company and not sure where to begin?

Building an effective, OSHA compliant health and safety program for the first time is a major undertaking, so it's important to gain some perspective and understanding of the basic requirements, as well as common challenges you're likely to face along the way, so we've created this guide in hopes of helping you do just that!

With that said, let's get on with it...

SAFETY MATTERS

There's a good reason why the biggest and best companies in America like GE, Ford and others put SAFETY FIRST.

They understand the importance of protecting their workforce and businesses from harm and the critical role safety plays in long term sustainability.

Who Is OSHA & What Do They Do?

The Occupational Safety and Health Administration was created in 1970, and is a division of the US Department of Labor. OSHA is tasked with ensuring that US workplaces are as safe and healthy as possible for American workers.

Most states fall under the jurisdiction of Federal OSHA, but 27 states have their own state plans that must meet or exceed OSHA Federal standards.

OSHA oversees manufacturing & industrial services (General Industry), construction, maritime and even agriculture. They promote health and safety in these areas through 3 primary means: outreach, development of Standards, and enforcement. .

Standards are the basic regulatory requirements that OSHA has developed for managing specific health and safety hazards that exist in the workplace.

Prior to OSHA's creation, there were an average of 14,000 work related fatalities each year in the US, or 38 deaths every single DAY.

Today that number has decreased by 65% to approximately 4,200 deaths per year or 12-13 per day.

OSHA's impact is actually much better when you consider that the number of US jobs has more than doubled since that time.

Does Your Company Need A Safety Program?

Let’s begin by making sure that your company needs a workplace safety program, because not every company does.

To make a long story short, any company who’s operations expose their employees to workplace health or safety hazards must take steps to mitigate those hazards by developing and managing a workplace safety program.

Here’s a brief list of common industries that just about always have workplace health and safety hazards: manufacturing, construction, industrial services, warehousing/distribution, healthcare and even certain retail businesses.

If your company is in one of these industries, then there’s a very high probability that you’ll need to develop and manage an OSHA compliance program and the rest of this guide describes the fundamentals of what that means..

There's a common misconception that only "dangerous" industries require safety programs, but that's not true. Retail stores, vet clinics and even offices trigger OSHA compliance rquirements.

What Are Health & Safety Hazards?

So what exactly are workplace health and safety hazards? Unfortunately, there's a wide range of health and safety hazards that if not properly managed, can result in serious employee injuries, illnesses and in extreme cases can even lead to death.

Safety Hazards:

Some of the more common examples of safety hazards include falls from heights, struck-by and caught-between, accidental release of hazardous energy (electrical and mechanical), unguarded machinery, chemical burns, fires, and even workplace violence.

Health Hazards:

There's a long list of health hazards that must be managed too. These include exposures to toxic chemicals & metals and/or other contaminants such as dust or bodily fluids that can lead to serious health problems.

Then there's potential exposure to excessive noise levels which can result in hearing loss over time.

OSHA mandates that impacted companies identify all health and safety hazards in their workplace and take steps to correct and control them.

Companies who fail to do this put their employees at serious risk for injuries and long term health problems.

Who wants to work for a company who doesn't care about safety?

So there you have it, we're off to a good start: if your company is in a high hazard industry which exposes your employees to potentially harmful health and safety hazards, then you'll need to develop a workplace heath and safety program to help protect your employees from those hazards.

Ok, but what exactly does that mean and how do you do that?

How To "Control" Safety Hazards?

Ok, so let's try to simplify things a little. Think of a workplace safety program as nothing more than a set of "controls" which are put into place to help protect employees from the potential harm posed by workplace health and safety hazards.

Actually, there's a recommended hierarchy of health and safety controls as follows:

- Elimination: The best option is to eliminate the hazard if at all possible. For example, a company could scrap an old and damaged forklift that is no longer safe to operate.
- Substitution: Substitute the hazard with something less hazardous. For example, a company could replace a hazardous chemical with a non-hazardous chemical.
- Engineering controls: Examples include machine guards to protect from pinch points, rotating parts, etc., or ventilation to control exposure to hazardous fumes.
- Administrative controls: Examples include written safety policies and procedures, delivery of employee safety training, rotating employees to reduce excessive exposure to loud noises etc.
- Personal protective equipment: Safety glasses, hard hats, steel toed boots.

Notice that PPE (Personal Protective Equipment) is at the bottom of the list. PPE should be considered the last line of defense only after all other control options have been considered.

There's much more to learn about this subject, but this should give you a good idea of what health and safety controls consist of. Again, each of these controls are intended to help mitigate the risks associated with workplace health and safety hazards.

Pro Tip: Your safety program must be customized to your company's specific workplace hazards. Generic templates don't suffice!

What Are OSHA Standards?

In order to help employers manage health and safety issues, the Occupational Safety & Health Administration, or OSHA, has developed a series of Standards, each of which is designed to address most of the major hazards that exist in the workplace.

For example, there's a standard for fall hazards (Fall Protection), chemical hazards (Hazard Communication), noise hazards (Hearing Conservation), respiratory hazards (Respiratory Protection), forklifts (Powered Industrial Trucks) and even standards to address toxic metals like lead. Each of these standards contain and specify various controls which are intended to help mitigate specific health or safety hazards.

Think of OSHA compliance as a "prevention program" which is based on the use of these standards, and their associated controls, to help prevent workplace injuries and illnesses.

OSHA Health & Safety Standards Provide the Backbone of Compliance & Prevention

A Deep Dive Into OSHA's Hazard Communication Standard

Let me give an example of an actual OSHA standard to help illustrate the point. OSHA's chemical safety standard is called Hazard Communication (don't ask me where they got this name, because I have no idea!). The standard addresses all of the various hazards posed by chemicals, including burns, fires, health impacts, etc.

The primary controls included in this standard are as follows:

- Safety Data Sheets, aka SDS's (formerly known as MSDSs) which spell out all of the hazards associated with workplace chemicals.
- Labeling: Manufacturers and employers must properly label chemical containers in order to communicate the hazards associated with the chemical (fire, burns, toxicity, etc.).
- Employee Training: The primary purpose of training is to educate workers on how to read and understand SDSs, safely handle chemicals, properly label chemical containers and how to dawn and doff Personal Protective Equipment.
- Personal Protective Equipment ("PPE") needed to protect workers from chemical hazards such burns, inhalation, etc. PPE includes things like gloves, safety glasses, respirators, etc.

The idea being that if an employer implements and manages all elements and controls included in the Hazard Communication standard, then their employees should be protected from the various hazards presented by the chemicals they use.

Of course no standard is perfect, nor are people, so there's obviously no guarantee that all future chemical injuries will be prevented, but at least the basic hazards and risks have been addressed.

Hazard Communication is consistently one of the top citations issued annually due to its complexity. Common element citations include training, SDS & chemical inventories, and labeling.

Which Standards Apply To Your Company?

At this point, you might be wondering how to determine which OSHA standards apply to your operations?

This question leads us to revealing the first major step that any company needs to take in order to begin the process of implementing an OSHA health and safety compliance program and that first step is to conduct a health and safety assessment to: 1) determine which workplace hazards are present in your operations, which will then 2) determine which OSHA Standards apply to your business.

Ideally, the end result of a solid health and safety compliance assessment will provide a “roadmap to compliance” which spells out exactly what your company needs to do in order to achieve and manage their OSHA compliance requirements.

A good, comprehensive OSHA compliance audit not only identifies all relevant hazards, but also itemizes all deficiencies and recommended corrective actions for each. These corrective actions will include reference to relevant OSHA standards and the specific controls and elements that are required to control the hazard such as engineering controls, written procedures, training, testing, PPE, etc..

The audit would also address other “administrative” deficiencies and requirements such as written programs, training, record keeping (ie: OSHA 300 logs) and reporting requirements.

Typically, the first step after completing a health and safety audit is correcting physical hazards identified in the workplace, since these often pose the greatest injury risk to employees and fine liability for the company .

These hazards include things like machine guarding, faulty extension cords, defective ladders, unlabeled chemical containers, lack of fall protection, etc.

Building Your Health & Safety Manual

While correcting these physical hazards, it's a good idea to begin working on the next major project which is developing your customized health and safety manual.

This document will contain all of the specific OSHA standards which apply to the company as well as assigning key roles to your staff members, etc.

This document essentially becomes the company's "safety bible" and spells out exactly what the company needs to do in order to implement and manage their workplace safety program.

To give you a better idea of what a safety manual might contain, let's take a typical manufacturing company as an example.

This manual would probably contain the following standards: Hazard Communication, Ladders, Personal Protective Equipment, Lockout/Tagout, Respiratory Protection, Emergency Action Plan, Fall Protection, Cranes and Hoists, Hearing Conservation, Powered Industrial Trucks and maybe more.

Many companies make the mistake of downloading a generic safety manual which will normally contain information and standards that don't apply to that company.

Again, the manual must be customized to your company's specific operations and hazards!

Deep Dive Into Employee Training Requirements

This guide wouldn’t be complete without taking a closer look at OSHA health and safety training requirements because this is one of the toughest requirements to comply with, especially for small businesses.

Again, just about all OSHA standards contain employee training requirements designed to help make employees aware of workplace health and safety hazards and how to avoid and manage them.

Conducting effective and comprehensive training is essential to the success of any workplace safety program, yet it’s one of the toughest controls to manage and therefore one of the most commonly cited violations.

Pro Tip: Generic online & video training doesn't meet OSHA standards because:

1) It's not customized to your company's specific hazards &

2) Doesn't allow employees the opportunity for Q&A to better understand the topic.

Deep Dive Into Employee Training Requirements

Why is health and safety training so tough to manage?

· Training must be customized to your operations: Many companies make the mistake of using generic videos or on-line resources. Technically this is a violation of OSHA standards, because training must be customized to address the specific hazards present in a company's operations.

· Trainer must be competent: Companies who are serious about managing OSHA compliance will conduct live training sessions using competent trainers who understand the technical aspects of each standard, can engage their employees, and can answer employee questions. Many companies make the mistake of tasking managers and supervisors who lack the qualifications and experience to adequately train employees, which often ends up being a waste of time.

· Training is time consuming: most training topics take between 30-60 minutes to properly train, and some topics take much longer. Many companies make the mistake of believing that 10-15 minute "tailgate topics" are sufficient to meet OSHA standards, but they're not.

· Frequency requirements: OSHA requirements that some topics only be trained once, but many have annual training requirements. Even though not all topics are required to be trained annually, OSHA recommends that all topics be trained annually.

· Employee turnover: Since most companies have employee turnover issues, and since OSHA requires that all impacted employees get trained, training becomes a never ending process for most companies.

Add it all up, and it's clear that OSHA training is an expensive and inconvenient undertaking. And if all of these challenges aren't tough enough to deal with, employers must also commit to pulling employees off the production line to get trained. This results in added payroll costs, production delays and other related disruptions.

Pro Tip: Employee safety training is a never ending process.

More On Why "Tailgate Training" Doesn't Meet OSHA Standards

As I stated, many employers make the mistake of believing that occasional (daily, weekly or monthly) 15 minute “tailgate” training sessions meet all OSHA safety training requirements.

These short sessions are typically designed to address a single hazard, or aspect of a particular hazard, and their overall purpose is to help “keep safety top of mind” and maintain or build the culture of safety in a company.

These short training sessions are a great management tool for these purposes, but they don’t meet the formal OSHA standard training requirements and therefore should not be considered a substitute for those requirements.

Many companies make this mistake and pay the price with serious injuries and major OSHA fines.

Health Hazard Exposure Testing

Employers must not expose their employees to excessive levels of noise or OSHA listed chemicals and contaminants. OSHA publishes PELs (permissible exposure limits) for noise and a wide array of chemicals and contaminants which employees must assess and test against to determine if over-exposures occur.

Employers must conduct exposure testing whenever a new suspect process, or suspect piece of equipment is installed. No new testing is required unless something changes in your process which might impact/change the original testing results.

Noise Exposures:

· If your company has suspect noise levels in a particular area, or multiple areas, then you must conduct noise testing to determine whether or not the noise exceeds their PEL.

· If noise levels exceed PEL of 85 decibals over a weighted 8 hour period, then your company must either institute engineering changes, administrative changes (rotating shifts for example), or as a last resort, implement a Hearing Conservation Program which includes selection and use of adequate hearing protection, and baseline and annual hearing testing for impacted employees.

Chemicals/Contaminants Exposures:

· If your company has suspect chemicals or contaminants in a particular area, or multiple areas, then you must conduct exposure testing to determine whether or not the levels exceed their respective PELs.

· If levels exceed PEL(s), then your company must either institute engineering changes, administrative changes (rotating shifts for example), or as a last resort, implement a Respiratory Protection Program which has many management elements including proper selection of respirators, respirator fit testing, cartridge change schedules, annual medical evaluation, etc.

Pro Tip: Over exposures can trigger "Hearing Conservation" and "Respiratory Protection" programs which are very difficult to manage over time.

Internal Company Enforcement & Accountability

Now that you have a better understanding of your OSHA compliance requirements, it's time to discuss how to ensure that your employees "follow the rules" outlined in your company policies.

This is one of the most critical elements of your compliance program, because failure to do so seriously undermines and compromises your other compliance efforts. This may sound like a stretch, but it's true.

Refer back to OSHA's dictum noted at the beginning of this document, which states that every employer is required by law to "Provide a Safe & Health Workplace." You can literally have "all of the compliance boxes checked," but if your company fails to manage discipline & accountability for violating safety rules, you're missing a major requirement.

So, how can you enforce your policies to meet this requirement? Here are some basic guidelines:

- Train your employees, document all training and retain those records.
- Provide all necessary personal protective equipment (PPE) and demand its use by your employees.
- When employees fail to follow policy, such as not wearing safety glasses or failing to follow LOTO procedures, then implement graduated accountability:

1. Verbal warning for first or second time offenses
2. Written warnings for additional offenses
3. Penalties/Punishment for continued offenses such as docked hours, or even termination of employment.

Be CONSISTENT with these procedures so that your employees get the clear message.

We understand how difficult and challenging it can be to enforce these rules, and how damaging it can be to lose valuable employees, but following these guidelines is your company's only plausible defense to potential OSHA citations, and even civil or criminal liability if an employee is seriously injured or killed. Employers have the right to claim employee "misconduct" in these cases, but only if consistent accountability & training records can be documented.

Managing Safety Is A Never-Ending Process

Never forget that each of OSHA's standards contain an extensive list of elements that employers must implement and manage on an ongoing basis. These elements include ongoing employee training, conducting evacuation drills, developing equipment specific LOTO procedures, conducting and documenting hazard assessments, health testing and the list goes on.

Many companies make the mistake of drafting their health and safety manual only to put it on the shelf to collect dust, falsely believing that this somehow constitutes compliance.

Remember, this is your company's "safety bible" and spells out exactly what now needs to be managed on an ongoing basis in order to maintain OSHA compliance.

In addition to the requirements we've already discussed, the company must manage additional "administrative requirements" including creating their annual OSHA 300 logs (injury and illness records), injury reporting requirements, as well as conducting routine inspections to identify and correct physical hazards which have a nasty way of popping up over and over again.

Pro Tip: If you want to succeed, build safety into your company's daily routine. Examples include implementing a safety committee, near miss reporting and building safety procedures into work instructions

What Now?

If you're feeling a bit overwhelmed and confused at this point, don't feel bad because you're definitely not alone especially if you own or work for a small business.

Small companies are at greatest risk because they almost always lack the time, money, resources and internal expertise needed to manage all of the complicated aspects of OSHA compliance.

Like any major project, it's best to map out your plan, assign key roles and then take it one step at a time through to completion.

As we stated earlier, the first step is to conduct a health and safety assessment of your workplace to determine which health and safety hazards exist and therefore which OSHA standards will apply to your company and safety program.

This isn't necessarily as easy as it sounds, and requires an experienced and qualified professional to get it done correctly.

One of the biggest mistakes that small companies make is dual tasking a staff manager with safety compliance.

This almost never works because this person almost always lacks:

1) The technical knowledge and experience needed to manage safety

2) Required time because their primary role contributes to the company's bottom line.

Our Free, No-Obligation Offer

For those companies who are serious about implementing and managing a compliant OSHA health and safety program, we are offering to conduct a complimentary summary OSHA compliance assessment.

Our free, no obligation assessment includes a walk-through of your facility or job sites, review of your safety manual and records (if you have them) and a brief discussion of which OSHA standards apply to your company & estimated OSHA fine liability estimate.

Our assessment will give you a much better idea of where your company is deficient and what you'll need to do in order to achieve compliance.

Interested companies should call 512-457-0374 or click below:

Schedule Your Free, No Obligation, 100% confidential summary OSHA compliance assessment today!

Berg COMPLIANCE SOLUTIONS
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Affordable, Turn-Key Outsourced EHS Compliance For Small Business

Conclusion

Thanks for taking the time to read this white paper, and I hope that it succeeded in educating you and your staff on the fundamentals of OSHA compliance and related risk & liabilities.

Any questions, concerns, or comments may be forwarded to me at rcarr@bes-corp.com, or by calling 512-457-0374.

Feel free to visit our websites for more EHS compliance resources and to learn more about our affordable, turn-key outsourced EHS compliance services designed for small business.

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Thanks Again,
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