

# OSHA Task Force

## Update

8/3/11

Yesterday the OSHA task force met with Senators Johanns office to again discuss our strategy related to the OSHA issue.

Nancy Johner of the Senators office has aggressively been working with the state and regional OSHA offices in an attempt to determine the best path for the Task Force to follow.

After much discussion, it was decided that the next step would be to go directly to the top, that being Dr. David Michaels (Assistant Secretary of Labor) in Washington DC and his policy makers.

In order to best present our case, it was decided that, in addition to emphasizing our state wide good faith efforts to create job site safety awareness, to educate and train our workers, to establish state wide uniform safety programs and policies via SMI, etc., it would be best to continue along the path of writing variances that work for Nebraska contractors. This would be to directly address the grays areas in the fall protection standards (primarily framing and poured basement issues). The work on these variances will continue this week.

Once the variances are finalized we feel that we will have with complete program to present to Dr. Michaels and his staff when they come to our state.

At the meeting the tone and content of the legislative letter that will be sent to David Michaels was discussed as agreed upon. Senator Johann's office will complete the letter soon and present it to OSHA. The letter will be signed by most, if not all, of our Nebraska elected representatives and hopefully some representative from our surrounding states.

Nancy Johner attended an OSHA "informal conference" with a Lincoln roofer yesterday in an effort to better understand the OSHA fine process. OSHA's "informal conference" is the meeting at which fines are discussed and hopefully negotiated lower. The roofer had been fined about \$7,000 because this employee's ladder was only 2' above the fascia line of a roof instead of the required 3'. The roofer had a written safety plan, and a documented education and training history in place at the time of the fine. His employee was not following ladder safety standards. Because of the employers safety efforts the fine was reduced to \$1,500. Being prepared and trying to comply with OSHA's standards did reduce the actual fine that was levied. The training and implementation of OSHA's safety standards as related to our workers will be a big job.

The Nebraska OSHA office has said that there would be an "inspection saturation blitz" of residential contractors in our state between now and the end of the year. Be prepared!

We are moving forward as fast as we can in an effort to address the issues of excessive fines and unclear fall protection standards.

Mike Benker of Lincoln's HBAL has been added as an additional Task Force member.

The OSHA Task Force