

# SAFETY ASSOCIATIONS OF UTAH

## Quarterly Safety Newsletter

2nd Quarter, 2022

### In this issue:

- **Top Ten Documents OSHA Expects to See**



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### Top Ten Documents OSHA Expects to See

Top ten lists can be funny, but when it comes to OSHA, most contractors aren't in a humorous mood. When state or federal safety inspectors arrive on your site, it's up to you to prove that your company and your employees take safety seriously. And, because you won't have time to develop a good presentation, you will want to make sure you're always ready for that surprise visit.

One particularly effective way to do that is to make sure that you have easy access to the ten documents and reports OSHA inspectors normally ask to see when they are on a construction site. Being able to produce them instantly tells the inspector that you share his or her concern about safety, which may mean a less-intense and less-adversarial inspection.

- **Injury/Illness Records**—your OSHA 300 log and OSHA 300A or 300 Summary should be up to date and available (or at least accessible quickly from your home office). The 300 Summary must be posted February 1st through April 30th, so depending on the time of the inspection, the compliance officer may inquire where the 300A is posted.
- **Written Programs**—depending on the tasks being performed by your company of the jobsite, various written programs are required. Hazard communication is a program that is required by all employers who use chemicals/hazardous materials. Fall Protection, Confined Space, Lockout/Tagout and Excavation/Trenching are all examples of tasks that need written programs. These programs should contain the specific steps or procedures to complete the task(s) safely.
- **Material Safety Data Sheets**—your company should have a MSDA for every chemical/material onsite (or be able to access them quickly). The compliance officer may ask about employee accessibility and the method of maintaining these sheets, and that information should be already included in your hazard communication policy.
- **Training/Certificate Records**—depending on the jobsite and the tasks being performed, the compliance officer may request proof of training for various types of work. This may cover hazard communications, lockout/tagout, excavation, or fork-lifting training.
- **Competent/Qualified Person Inspections**—the inspections by competent/qualified persons required by some regulations should be accessible if requested. Tasks that may require competent/qualified include scaffolding, excavation/trenching, confined space entry, forklifts, and elevated work platforms.

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- **Chemical Inventory**—A list containing the names of all the chemicals/hazardous material used by the employer is required. This requirement is part of the hazard communication program and may be contained with the Material Safety Data Sheets or in the hazard communication policy.
- **Hazard Assessment**—a written hazard assessment identifying hazards/tasks that require the use of personal protective equipment may be requested. This may be covered in the Job Safety Analysis or similar documents.
- **Emergency Action Plan**—written plans are required for each worksite to address what actions jobsite personnel should take in case of an emergency such as severe weather, earthquake, fire, or chemical release. Your employees should know the procedures for each type of emergency and be able to follow these.
- **Required Postings**—the Department of Labor required postings should be located in an area that is accessible to employees and is easily visible.
- **Jobsite Safety Documents**—These documents may include required work or confined space permits. Other documents, such as a Daily Safety Plan or a daily Job Safety Analysis, may be requested for review.

Finally, while it's important to have the right information on hand, and to be responsive when the OSHA inspector asks for more detail or clarification, never feel compelled to volunteer information that the inspector hasn't requested.

### Did you know?

The UT Senate Bill 45 passed in the 2013 legislative session, which amends the Workers' Compensation Act, to allow corporations which have no employees except for directors and/or officers, to file a notice with the Labor Commission to exclude themselves from workers' compensation benefits. This exclusion is limited to no more than five directors/officers.

It should be noted that the corporations that contract out their work, for example construction contractors, are not eligible for this exclusion filing.

### Penalties

The industrial Accidents Division monitors all employers in the state to ensure that they are complying with the state requirement to provide workers' compensation insurance for their employees. Employers suspected to be noncompliant will be investigated.

If an employer fails to maintain workers' compensation coverage, the consequence can be severe. They include:

- Penalties of at least \$1,000
- Injunctions prohibiting continued business operations and loss of the "exclusive remedy," which means that the employer and its employees can be sued in court for damages by an injured worker.

[www.laborcommission.utah.gov/divisions/industrial-accidents/employers](http://www.laborcommission.utah.gov/divisions/industrial-accidents/employers)

