

- Menu
  - Pulled Pork
  - BBQ Chicken
  - Loaded Mashed Potato
  - Cole Slaw
  - Roll/Butter
  - Salad Bar
- Dessert:
  - Devils Food Halloween Cup Cake
  - Apple Pie Bar

PLEASE

SILENCE

YOUR CELL PHONE





**Bureau of Workers'  
Compensation**

# OCTOBER SAFETY COUNCIL UPDATE

Safety Council Name

**MONA WEISS BS, CHST**  
**ERGONOMIST**

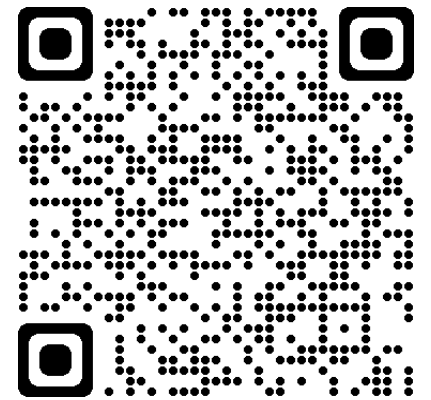
Safety Consultant Title

Toledo Regional Service Office

419 704 3487

Ramona.W.1@bwc.gov.ohio

[bwc.ohio.gov](http://bwc.ohio.gov)

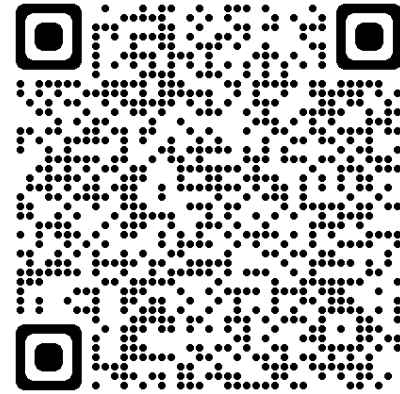


# MONTHLY LEARNING OCTOBER 2024

- **October 17** - Confined space: Identification and safe practice basics half-day workshop - **Canton**
- **October 28 - November 1** - OSHA 30: Construction safety principles – **Columbus - Ohio Fire Academy**
- **October 29** - Powered industrial trucks: Developing a training program half-day workshop - **Cambridge**
- **October 29 - 30** - OSHA10: Industry safety basics - **Canton**
- **October 30** - Noise and hearing conservation half-day workshop – **Mansfield - Mid-Ohio Conference Center**
- **October 31** - First aid in the workplace – **Toledo - BGSU**

# MONTHLY LEARNING NOVEMBER 2024

- **November 5** – First aid in the workplace – **Cincinnati/Springdale**
- **November 7** – Respirators: do we need them? – **Cincinnati/Springdale**
- **November 12** – First aid in the workplace – **Canton**
- **November 13** – Tree work essentials: Chainsaws, chippers and other safety concerns – **Knox County - Mt Vernon**
- **November 14** – Hazardous waste operations and emergency response refresher – **Columbus – Ohio Fire Academy**
- **November 19** – First aid in the workplace – **Cleveland/Independence Indiana Wesleyan University**
- **November 19-20** - OSHA 10: Construction safety basics – **Toledo/Bowling Green State University**



[bwclearningcenter.com](http://bwclearningcenter.com)

IN-PERSON CLASSES and VIRTUAL TRAINING CLASSES (VTC) qualify for Safety Council rebate external training credits.

# VIRTUAL TRAINING OCTOBER 2024

- **October 16-17** – Electrical safety in the workplace through insight and implementation of NFPA 70E
- **October 28-29** – Ergonomics and safety for extended-care facilities
- **October 30** – Bloodborne pathogens

# VIRTUAL TRAINING NOVEMBER 2024

- **November 5** – Job safety analysis
- **November 6** – Safety for the non-safety professional workshop
- **November 13-14** – Improving hazard recognition through visual literacy
- **November 14** – Developing a driver safety program
- **November 21** – Hazardous waste operations and emergency response awareness



# WEBINARS OCTOBER/NOVEMBER 2024

- **October 24** - Employer update webinar
- **November 13** - Health-care facilities: Slips, trips, and falls.

# EMPLOYER DEADLINE DATES

## **Private** employer deadlines

**November 25** – PA Group Experience Rating application deadline for 7/1/2025

## **Public** employer deadlines

**October 31** – PEC PY 2025 notice of estimated annual premium mailed

**November 15** – PEC deadline for deferred payment option for PY 2025

**November 15** – PEC last date employer can change installment plan for PY2025

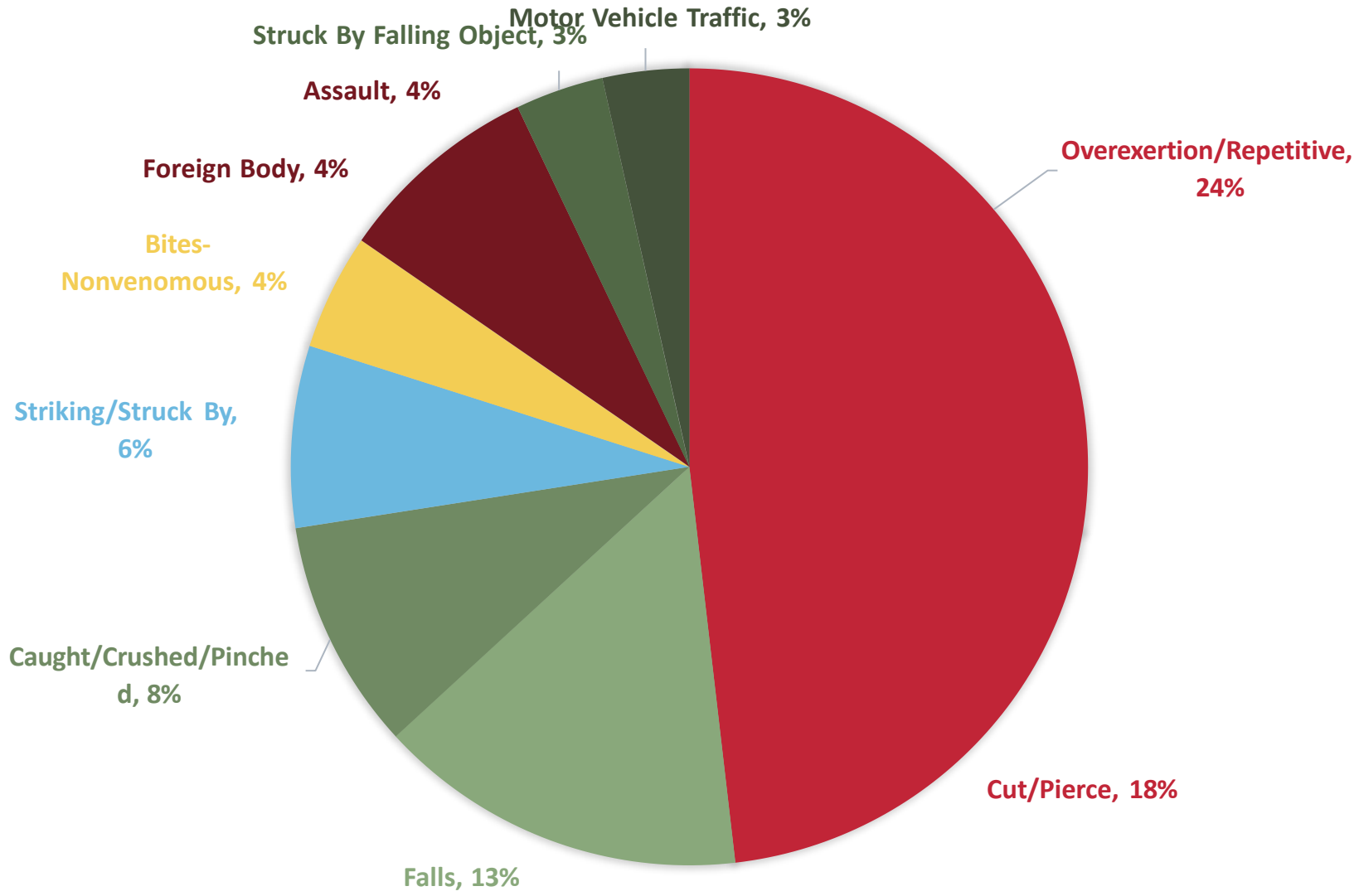
**November 29** – DFSP application deadline for 1/1/2025 start date

**November 29** – PEC Transitional Work Bonus application deadline for 1/1/2025 start date.

# ERGONOMICS: ENHANCING WORKER WELL-BEING AND PRODUCTIVITY



# INJURY CAUSATION



# BWC SAFETY SERVICES

- This October prioritize ergonomics.
- Ergonomics is a win-win.
- Contact BWC Safety Services for expert assistance.





# **Bureau of Workers' Compensation**

[BWC.Ohio.gov](http://BWC.Ohio.gov)

# Steering Committee Member

We're looking to expand our council to include new members who share our commitment to safety. Increasing our membership allows us to bring diverse perspectives and ideas to the table. Contact Black Swamp Safety Council at [bssc@northweststate.edu](mailto:bssc@northweststate.edu) or see a steering committee member for more information or to nominate potential candidates. Together, let's build a stronger safety council that reflects the commitment and dedication of our organization.



# UPCOMING TOPICS/SPEAKERS

- ✓ November 19, 2024- Marijuana in the Workplace
  - ✓ December 17, 2024-The Art of Storytelling
- ✓ January 21, 2025- Mental Bias in Growing Safety Culture
  - ✓ February, 18, 2025 – Injury Report Panel

*Dates are also located on the Black Swamp Safety Council Website*





**November 19 ,2024**

# **BLACK SWAMP SAFETY COUNCIL**

## **Marijuana in the Workplace**

Presented by Robert Solt III & Mark Barnes  
Attorneys- Bugbee & Conkle



**Northwest State Community College Voinovich Auditorium E117  
Lunch at 11:30 am**

**\$15 (CASH / CHECK AT THE DOOR or INVOICE)**

**RSVP by November 13, 2024**



**RSVP**  
[Click Here](#)

# **Rich Barcum**

Rich Barcum is the President of Cardinal Compliance Consultants, an EHS Consulting firm in Northwest Ohio. In addition to having over 30 years as an EHS professional in various positions, Rich is a Certified Industrial Hygienist and a Certified Safety Professional.

When he isn't working, he enjoys traveling and working in the yard with his wife, Heidi.



# How to Handle An OSHA Inspection

Presented by  
Rich Barcum, CIH, CSP, CHMM, CIT  
President  
rich@cardinalhs.net



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Cardinal Compliance Consultants, LLC  
5353 Secor Road | Toledo, OH 43623  
[www.cardinalhs.net](http://www.cardinalhs.net)  
Phone: (419) 882-9224 | Fax: (419) 882-9226

# OSHA Shows Up – Now What?

- Free Access vs. Warrant
- Reasonable Wait Time
- Presentation of Credentials
- Opening Conference
  - Purpose of Visit
  - Explanation of Employee and Employer Rights
  - Request for Employee and Employer Representatives
- Walkthrough
- Closing Conference

# OSHA Shows Up – Now What?

- Reasons for an OSHA Inspection
  - Imminent danger
  - Fatality or hospitalizations
  - Worker complaints/referrals
    - Media Referral
  - Targeted inspections—Local Emphasis Program (LEP), National Emphasis Program (NEP), particular hazards or industries
  - Follow-up Inspections

# OSHA Shows Up – Now What?

- Presentation of Credentials
- Free Access vs. Denial of Entry
- Reasonable Wait Time

# OSHA Shows Up – Now What?

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- Opening Conference
  - Representatives
  - Purpose of Visit
  - Explanation of Employee and Employer Rights
  - Request for Employee and Employer Representatives
  - Request for Information
    - OSHA 300 Logs

# OSHA Shows Up – Now What?

- Walkthrough Inspection
  - Participants
    - Management
    - Union
    - Employees
    - Safety Committee
    - 3<sup>rd</sup> Party Rule – 1903.8(c)
  - Data Gathering
    - Program Review
    - Air Monitoring
    - Pictures and Video
    - Employee and Management Interviews
  - Quick Fix Penalty Reduction

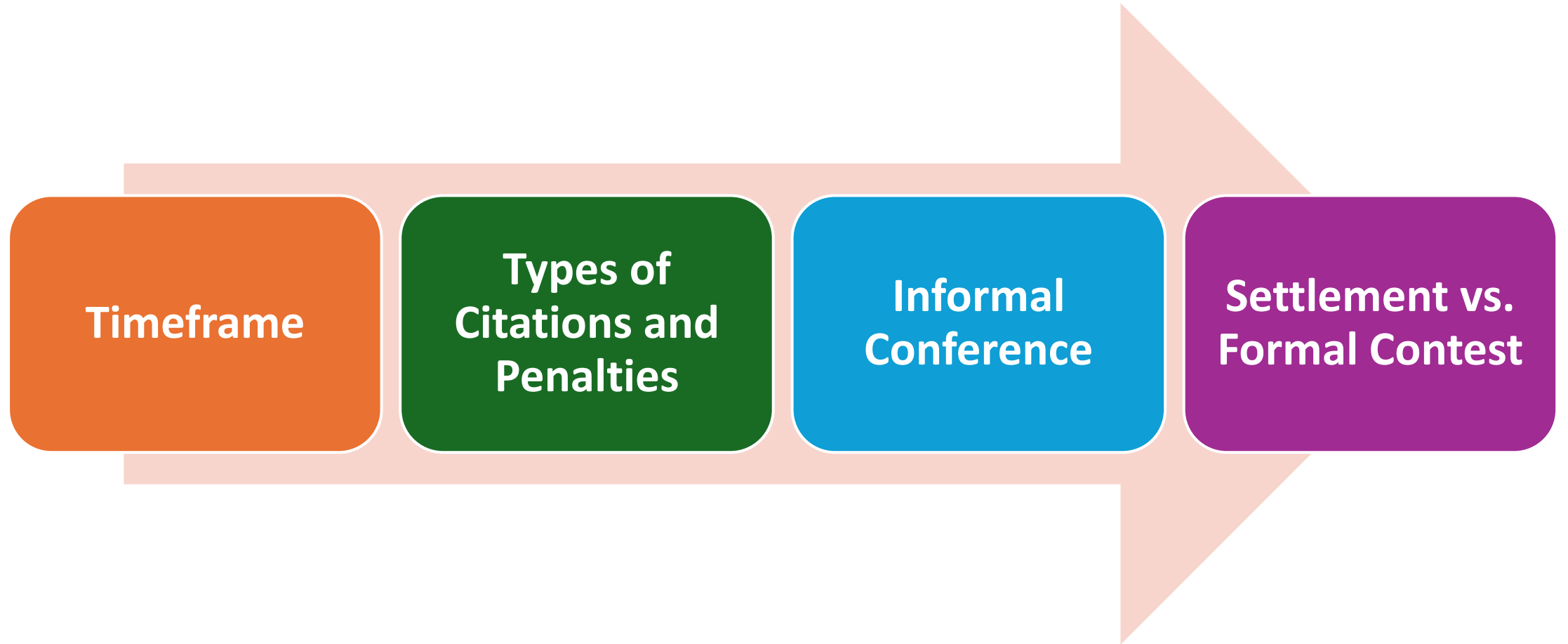


# OSHA Shows Up – Now What?

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- Closing Conference
  - Discuss apparent violations

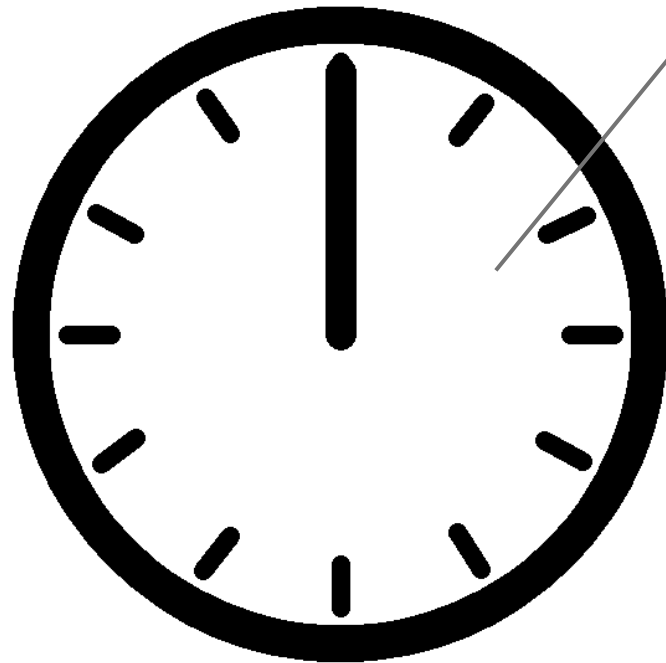
# After Citations Are Received



# After Citations Are Received

## Timeframe

- 15 working days
  - Informal Conference
  - Settlement
  - Formal Contest



# After Citations Are Received

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## **Types of Citations and Penalties**

De Minimis

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Other than Serious

---

Serious

---

Willful

---

Criminal Willful

---

Repeat

---

Failure to Abate

---

# After Citations Are Received

**De Minimis -  
\$0**

- De minimis conditions are those where an employer has implemented a measure different from one specified in a standard, that has no direct or immediate relationship to safety or health. Whenever de minimis conditions are found during an inspection, they shall be documented in the same manner as violations.
- An employer complies with the intent of the standard, yet deviates from its particular requirements in a manner that has no direct or immediate impact on employee safety or health. These deviations may involve, for example, distance specifications, construction material requirements, use of incorrect color, minor variations from recordkeeping, testing, or inspection regulations.
- An employer complies with a proposed OSHA standard or amendment or a consensus standard rather than with the standard in effect at the time of the inspection and the employer's action clearly provides equal or greater employee protection.
- An employer complies with a written interpretation issued by the OSHA National Office or an OSHA Regional Office.
- An employer's workplace protections are "state of the art" and technically more enhanced than the requirements of the applicable standard and provides equivalent or more effective employee safety or health protection.

# After Citations Are Received

**Other Than  
Serious –  
\$16,131**

- This type of violation shall be cited in situations where the accident/incident or illness that would be most likely to result from a hazardous condition would probably not cause death or serious physical harm, but would have a direct and immediate relationship to the safety and health of employees.

# After Citations Are Received

**Serious –  
\$16,131**

- This type of violation shall be cited in situations where the accident/incident or illness that would be most likely to result from a hazardous condition would probably cause death or serious physical harm.

# After Citations Are Received

**Willful –  
\$11,524 -  
132,598**

- A willful violation exists under the Act where an employer has demonstrated either an intentional disregard for the requirements of the Act or a plain indifference to employee safety and health.



# After Citations Are Received

**Willful –**  
**\$11,524 - 132,598**

- **Intentional Disregard of Violations.** An employer commits an intentional and knowing violation if:
  - An employer was aware of the requirements of the Act or of an applicable standard or regulation and was also aware of a workplace condition or practice in violation of those requirements, but did not abate the hazard; or
  - An employer was not aware of the requirements of the Act or standards, but had knowledge of a comparable legal requirement (e.g., state or local law) and was also aware of a workplace condition or practice in violation of that requirement.
- A willful citation also may be issued where an employer knows that specific steps must be taken to address a hazard, but substitutes his or her judgment for the requirements of the standard.

# After Citations Are Received

**Willful –**  
**\$11,524 - 132,598**

- **Plain Indifference Violations.** An employer commits a violation with plain indifference to employee safety and health where:
  - Management officials were aware of an OSHA requirement applicable to the employer's business but made little or no effort to communicate the requirement to lower level supervisors and employees.
  - Company officials were aware of a plainly obvious hazardous condition but made little or no effort to prevent violations from occurring.
  - An employer was not aware of any legal requirement, but knows that a workplace condition or practice is a serious hazard to the safety or health of employees and makes little or no effort to determine the extent of the problem or to take the corrective action. Knowledge of a hazard may be gained from such means as insurance company reports, safety committee or other internal reports, the occurrence of illnesses or injuries, or complaints by employees or their representatives.
  - Willfulness may also be established despite lack of knowledge of a legal requirement if circumstances show that the employer would have placed no importance on such knowledge.

# After Citations Are Received

**Willful –**  
**\$11,524 - 132,598**

- It is not necessary that the violation be committed with a bad purpose or malicious intent to be deemed “willful.” It is sufficient that the violation was deliberate, voluntary or intentional as distinguished from inadvertent, accidental or ordinarily negligent.

# After Citations Are Received

**Criminal  
Willful –  
\$0 - \$10,000  
and up to 6  
months in  
prison**

- Willful cannot be based on General Duty Clause.
- Willful violation resulted in the death of an employee.

# After Citations Are Received

**Repeat -  
\$11,524 -  
132,598**

- Identical standards
- Different but similar
  - E.g. Guardrails on w/w surfaces and scaffold
- ~~5 year limitation according to FOM~~

# After Citations Are Received

**Failure to  
Abate – up to  
\$16,131 per  
day**

- A failure to abate exists when a previously cited hazardous condition, practice or non-complying equipment has not been brought into compliance since the prior inspection (i.e., the violation is continuously present) and is discovered at a later inspection.

# After Citations Are Received

## Penalty Reductions

- Quick Fix
- Size
- History
- Good Faith
- Gravity

# After Citations Are Received

## **Informal Conference**

### **Representation**

1. Self
2. 3rd Party
  - Safety Expert
  - Attorney

### **What is negotiable?**

1. Citation Validity
2. Citation Classification
3. Fine
4. Abatement Time
5. Program Enhancements



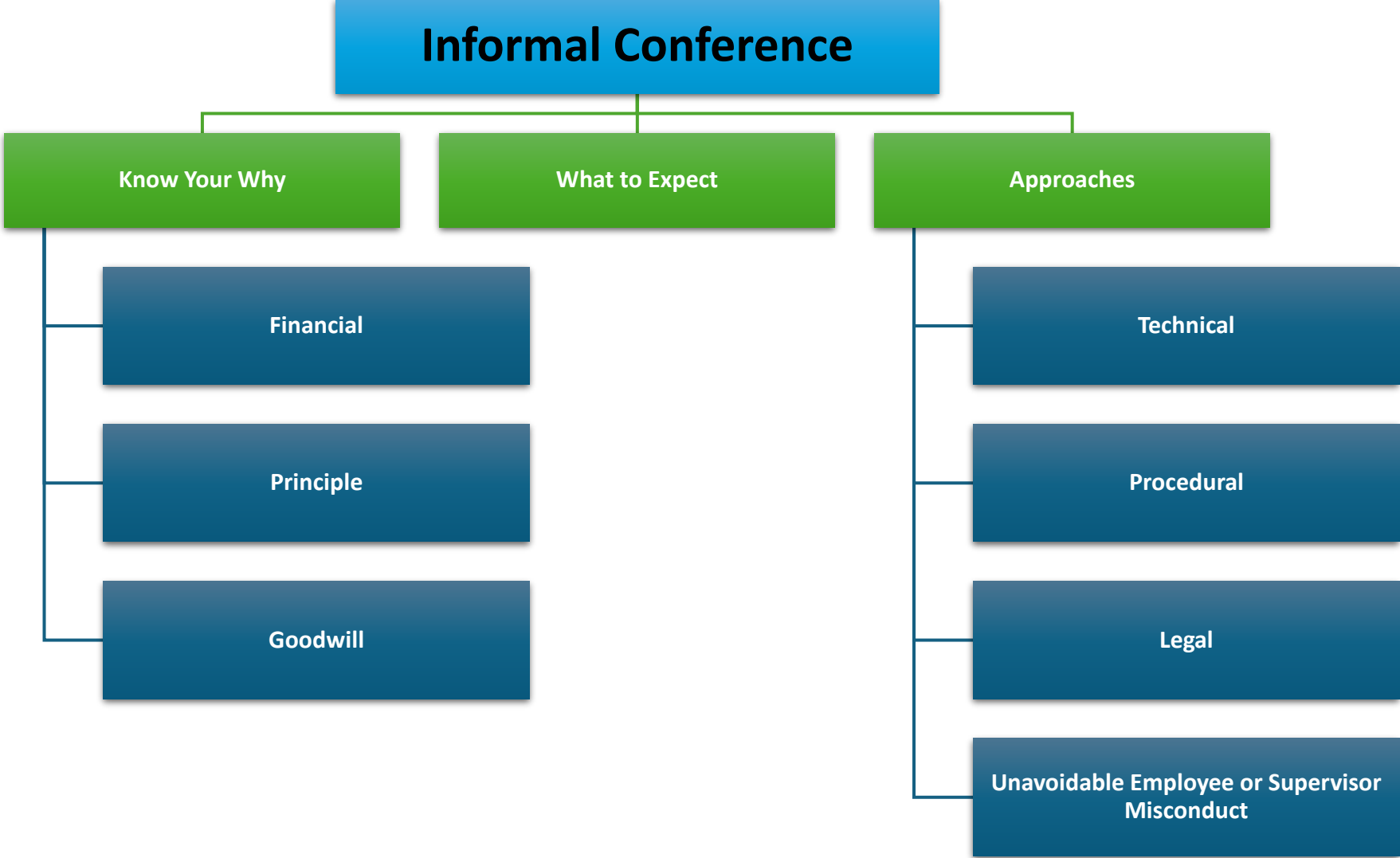
# After Citations Are Received

## **Settlement vs. Formal Contest**

Know Your Why

1. Financial
2. Principle
3. Goodwill

# After Citations Are Received



# After Citations Are Received

## **Unavoidable Employee or Supervisor Misconduct**

### **Employer Must Show:**

1. A work rule adequate to prevent the violation;
2. Effective communication of the rule to employees;
3. Methods for discovering violations of work rules; and
4. Effective enforcement of rules when violations are discovered.

# After Citations Are Received

## **Informal Conference**

Combining and Grouping Citations

Program Enhancement

# After Citations Are Received

## Formal Contest

What to Expect

Interrogatories

Depositions

\$\$\$

Cost

Representation

Attorney

3<sup>rd</sup> Party Expert

# After Citations Are Received

## **Anti Retaliation**

### Whistleblower Protection

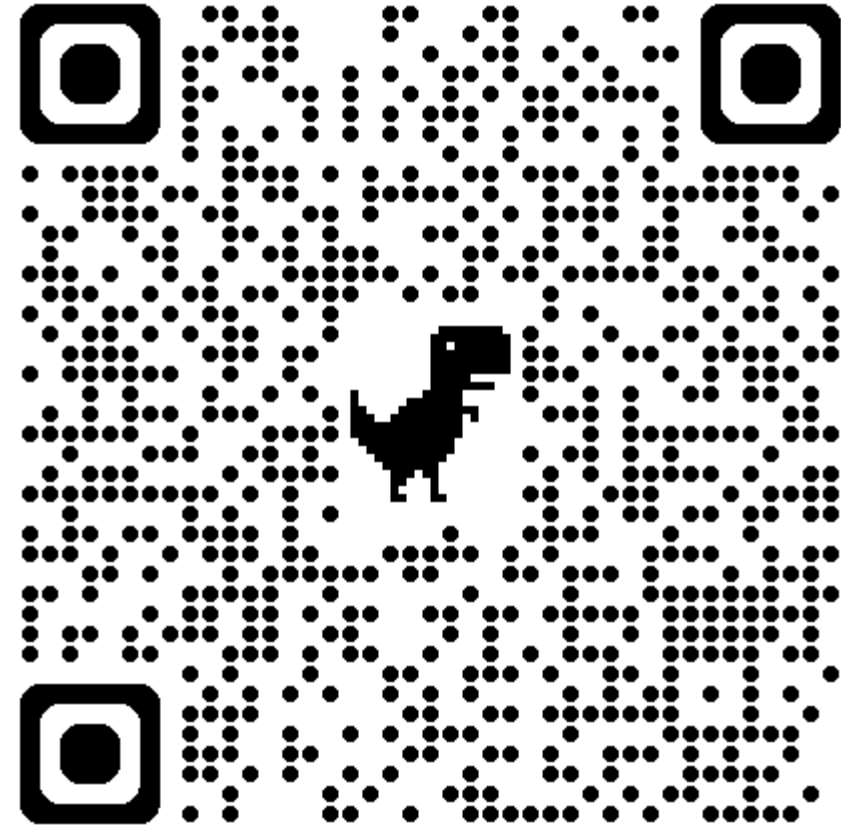


# Ohio Tech Cred

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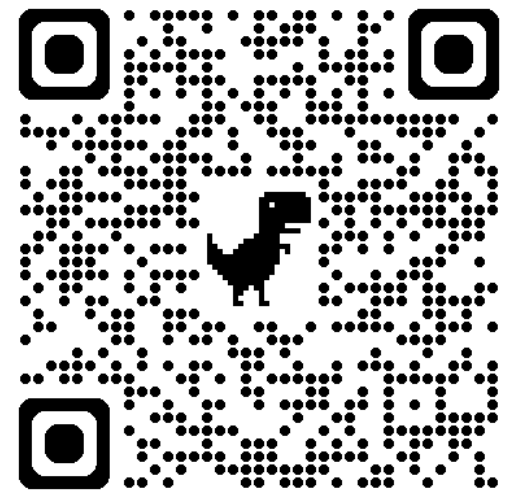
- October 30, 2024
- 12 pm – 1 pm

5353 Secor Road  
Toledo, OH 43623





*Cardinals*  
Compliance Consultants





**Questions?**

Thank you for attending!