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Tennessee OSHA will implement new employer reporting requirements for fatalities, in-patient hospitalizations, amputations, and loss of eye in early 2015. The projected effective date is February 24th, 2015. The new requirements will replace the current employer reporting guidelines. Full details can be found in this newsletter on pages three through six. TOSHA will co-sponsor several training events in the beginning of the New Year on the new requirements. [Click here](#) for the TOSHA Spring Seminar Schedule.

OSHA extended the deadline for crane operator certification in the *Cranes and Derricks in Construction* final rule published in 2010, by three years to November 10th, 2017. The U.S. Department of Labor

Trade Release can be found in this newsletter on page seven.

The Center for Construction Research and Training analysis of OSHA's National Falls Campaign Stand Down results were published documenting approximately 770,193 American workers were reached during the outreach program. The purpose of the National Fall Prevention Stand-Down was to raise awareness of fall hazards and prevention methods in construction. In Tennessee, more than 15,000 employees participated in the stand-down. Special thanks to all of the employers, employees, and trade associations that participated.

The Bureau of Labor Statistics (BLS) has issued the 2013 injury and illness rates for Tennessee. The Days Away Restricted and/or Transfer rate (DART) fell to 1.7 and is slightly below the national average of 1.8. The Total Case Incident Rate (TCIR) fell to 3.4 and is also slightly below the national average of 3.5. Thank you to all employers, employees, and safety and health professionals who worked to improve workplace safety & health and drive these rates lower. Falling rates are always good news and yet in 2013, 93 workers lost their lives earning a living. As we enter the holiday season let's all remember those families that lost a loved one in a workplace incident and strive to make 2015 the safest and most healthful year ever!

- Steve Hawkins, TOSHA Administrator

INSIDE THIS EDITION

VPP UPDATE



During the week of October 6th, an on-site Volunteer STAR evaluation was conducted at **DENSO Manufacturing** in Athens. Team members on the evaluation included David Blessman, Gene Murray, and Bart Morgan.

During the week of November 3rd, an on-site Volunteer STAR evaluation was conducted at **Flash Technology-SPX** in Franklin. Team members on the evaluation included David Blessman, Keesa Scales, and Dick Cary.

During the week of December 1st, an on-site Volunteer STAR evaluation was conducted at **Evergreen Packaging-Royal Blue Chip Mill** in Pioneer. Team members on the evaluation included David Blessman and Calvin Wyatt.

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SHARP UPDATE



Consultation recently conducted recertification visits at: Gate Precast, Ashland City; Jiffy Steamer, Union City; and ARJ, Jackson.

In October, Tennessee OSHA hosted the Region IV Consultation Manager's meeting in Chattanooga. Al Frillman of Mueller Refrigeration in Hartsville, represented our SHARP program for a discussion on SHARP and customer service provided by the TOSHA consultation program. Frillman went over Mueller's employee health screening and preventative health program, as well as employee involvement and how to work toward an incentive that recognizes preventative measures vs. not having accidents. Several of the TOSHA state managers and Federal OSHA staff had positive comments about the presentation.

<http://blog.dol.gov/2014/11/17/safety-equals-big-savings-for-small-businesses/>

OSHA[®] FactSheet

Updates to OSHA's Reporting and Recordkeeping Rule: An Overview

The Occupational Safety and Health Administration's updated recordkeeping rule includes two key changes. First, the rule updates the list of industries that are exempt from the requirement to routinely keep OSHA injury and illness records due to relatively low occupational injury and illness rates. The previous list of industries was based on the old Standard Industrial Classification (SIC) system and injury and illness data from the Bureau of Labor Statistics (BLS) from 1996-1998.

The new list of industries that are exempt from routinely keeping OSHA injury and illness records is based on the North American Industry Classification System (NAICS) and injury and illness data from the Bureau of Labor Statistics (BLS) from 2007-2009. Note: The new rule retains the exemption for any establishment with ten or fewer employees, regardless of their industry classification, from the requirement to routinely keep records.

Second, the rule expands the list of severe work-related injuries and illnesses that all covered employers **must report** to OSHA. The revised rule retains the current requirement to report all fatalities within 8 hours and adds the requirement to report all inpatient hospitalizations, amputations and loss of an eye within 24 hours to OSHA.

The new requirements will take effect on January 1, 2015. Establishments located in states under Federal OSHA jurisdiction must begin to comply with the new requirements on January 1, 2015. Establishments located in states that operate their own safety and health programs should check with their state plan for the implementation date of the new requirements.

The final rule will allow OSHA to focus its efforts more effectively to prevent fatalities and severe work-related injuries and illnesses. The final rule will also improve access by employers, employees, researchers and the public to information about workplace safety and health and increase their ability to identify and abate serious hazards.



Changes to reporting requirements: What needs to be reported to OSHA?

OSHA's updated recordkeeping rule expands the list of severe injuries and illnesses that employers must report to OSHA.

As of January 1, 2015, all employers must report:

- All work-related fatalities within 8 hours.
- All work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours.
- You can report to OSHA by:
 - Calling OSHA's free and confidential number at 1-800-321-OSHA (6742)
 - Calling your closest OSHA Area Office during normal business hours
 - Using the new online form that will soon be available.

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA. Further, for an inpatient hospitalization, amputation or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident.

Changes to recording requirements: Who is required to keep records?

OSHA regulations require certain employers to routinely keep records of serious employee injuries and illnesses. However, there are two classes of employers that are partially

exempt from routinely keeping records. First, employers with ten or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records. **OSHA’s revised recordkeeping regulation maintains this exemption.**

Second, establishments in certain low-hazard industries are also exempt from routinely keeping OSHA injury and illness records. Since 1982, this list has included establishments in the divisions of retail trade; finance, insurance and real estate; and the service industry if the three-year average lost workday case rate for their major industry group was 75 percent less than the overall three-year average of the lost workday case rate for private industry. **OSHA’s revised recordkeeping regulation provides an updated list of low-hazard**

industries that are exempt from routinely keeping OSHA injury and illness records. The new list of exempt industries is now classified by the North American Industry Classification System (NAICS), which is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. The injury and illness rate threshold for an exemption is based on more recent BLS data.

Where can I find more information?

For more information about the new reporting requirements and updated industry lists, visit OSHA’s webpage on the updated recordkeeping rule at www.osha.gov/recordkeeping2014.

Table 1: New List of Partially Exempt Industries

| NAICS Code and Industry Description | | | | | | | |
|-------------------------------------|--|------|---|------|--|------|---|
| 4412 | Other Motor Vehicle Dealers | 5151 | Radio and Television Broadcasting | 5412 | Accounting, Tax Preparation, Bookkeeping, and Payroll Services | 6213 | Offices of Other Health Practitioners |
| 4431 | Electronics and Appliance Stores | 5172 | Wireless Telecommunications Carriers (except Satellite) | 5413 | Architectural, Engineering, and Related Services | 6214 | Outpatient Care Centers |
| 4461 | Health and Personal Care Stores | 5173 | Telecommunications Resellers | 5414 | Specialized Design Services | 6215 | Medical and Diagnostic Laboratories |
| 4471 | Gasoline Stations | 5179 | Other Telecommunications | 5415 | Computer Systems Design and Related Services | 6244 | Child Day Care Services |
| 4481 | Clothing Stores | 5181 | Internet Service Providers and Web Search Portals | 5416 | Management, Scientific, and Technical Consulting Services | 7114 | Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures |
| 4482 | Shoe Stores | 5182 | Data Processing, Hosting, and Related Services | 5417 | Scientific Research and Development Services | 7115 | Independent Artists, Writers, and Performers |
| 4483 | Jewelry, Luggage, and Leather Goods Stores | 5191 | Other Information Services | 5418 | Advertising and Related Services | 7213 | Rooming and Boarding Houses |
| 4511 | Sporting Goods, Hobby, and Musical Instrument Stores | 5211 | Monetary Authorities - Central Bank | 5511 | Management of Companies and Enterprises | 7221 | Full-Service Restaurants |

NAICS Code and Industry Description

| | | | | | | | |
|------|---|------|--|------|---|------|---|
| 4512 | Book, Periodical, and Music Stores | 5221 | Depository Credit Intermediation | 5611 | Office Administrative Services | 7222 | Limited-Service Eating Places |
| 4531 | Florists | 5222 | Nondepository Credit Intermediation | 5614 | Business Support Services | 7224 | Drinking Places (Alcoholic Beverages) |
| 4532 | Office Supplies, Stationery, and Gift Stores | 5223 | Activities Related to Credit Intermediation | 5615 | Travel Arrangement and Reservation Services | 8112 | Electronic and Precision Equipment Repair and Maintenance |
| 4812 | Nonscheduled Air Transportation | 5231 | Securities and Commodity Contracts Intermediation and Brokerage | 5616 | Investigation and Security Services | 8114 | Personal and Household Goods Repair and Maintenance |
| 4861 | Pipeline Transportation of Crude Oil | 5232 | Securities and Commodity Exchanges | 6111 | Elementary and Secondary Schools | 8121 | Personal Care Services |
| 4862 | Pipeline Transportation of Natural Gas | 5239 | Other Financial Investment Activities | 6112 | Junior Colleges | 8122 | Death Care Services |
| 4869 | Other Pipeline Transportation | 5241 | Insurance Carriers | 6113 | Colleges, Universities, and Professional Schools | 8131 | Religious Organizations |
| 4879 | Scenic and Sightseeing Transportation, Other | 5242 | Agencies, Brokerages, and Other Insurance Related Activities | 6114 | Business Schools and Computer and Management Training | 8132 | Grantmaking and Giving Services |
| 4885 | Freight Transportation Arrangement | 5251 | Insurance and Employee Benefit Funds | 6115 | Technical and Trade Schools | 8133 | Social Advocacy Organizations |
| 5111 | Newspaper, Periodical, Book, and Directory Publishers | 5259 | Other Investment Pools and Funds | 6116 | Other Schools and Instruction | 8134 | Civic and Social Organizations |
| 5112 | Software Publishers | 5312 | Offices of Real Estate Agents and Brokers | 6117 | Educational Support Services | 8139 | Business, Professional, Labor, Political, and Similar Organizations |
| 5121 | Motion Picture and Video Industries | 5331 | Lessors of Nonfinancial Intangible Assets (except Copyrighted Works) | 6211 | Offices of Physicians | | |
| 5122 | Sound Recording Industries | 5411 | Legal Services | 6212 | Offices of Dentists | | |

Table 2: Industries That Include Establishments Newly Required to Keep Records

| NAICS Code | Title of NAICS Code |
|------------|--|
| 3118 | Bakeries and tortilla manufacturing |
| 4411 | Automobile dealers |
| 4413 | Automotive parts, accessories, and tire stores |
| 4441 | Building material and supplies dealers |
| 4452 | Specialty food stores |
| 4453 | Beer, wine, and liquor stores |
| 4539 | Other miscellaneous store retailers |
| 4543 | Direct selling establishments |
| 5311 | Lessors of real estate |
| 5313 | Activities related to real estate |
| 5322 | Consumer goods rental |
| 5324 | Commercial and industrial machinery and equipment rental and leasing |
| 5419 | Other professional, scientific, and technical services |
| 5612 | Facilities support services |
| 5617 | Services to buildings and dwellings |
| 5619 | Other support services |
| 6219 | Other ambulatory health care services |
| 6241 | Individual and family services |
| 6242 | Community food and housing, and emergency and other relief services |
| 7111 | Performing arts companies |
| 7113 | Promoters of performing arts, sports, and similar events |
| 7121 | Museums, historical sites, and similar institutions |
| 7139 | Other amusement and recreation industries |
| 7223 | Special food services |
| 8129 | Other personal services |

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor

DEA FS-3744 09/2014

CRANE OPERATOR CERTIFICATION

OSHA extends compliance date for crane operator certification requirements

The Occupational Safety and Health Administration today issued a [final rule](#) extending the deadline for crane operator certification requirements in the [Cranes and Derricks in Construction final rule](#)* published Aug. 9, 2010 by three years to Nov. 10, 2017. The rule also extends by three years the employer's responsibility to ensure that crane operators are competent to operate a crane safely. The final rule becomes effective Nov. 9, 2014.

During the three-year period, OSHA will address operator qualification requirements for the cranes standards including the role of operator certification. The final cranes and derricks rule required crane operators on construction sites to meet one of four qualification/certification options by Nov. 10, 2014. After publishing the final rule, a number of parties raised concerns about the Standard's requirement to certify operators by type and capacity of crane and questioned whether crane operator certification was sufficient for determining whether an operator could operate their equipment safely on a construction site.

The agency published a Notice of Proposed Rulemaking on Feb. 12, 2014, proposing to extend both the deadline for operator certification and the employer duty to ensure competent crane operation for three years. After publishing the proposed rule, a hearing was requested and held in Washington, D.C. Comments from the hearing are available at <http://www.regulations.gov/#!docketDetail;D=OSHA-2007-0066>. OSHA analyzed the comments to the NPRM and the hearing testimony and decided to extend both the crane operator certification deadline and the existing employer duty for three years. OSHA has already begun the process of developing a standard to ensure crane operator qualifications.



Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

BULLETIN BOARD

For a look at
upcoming
TOSHA training
seminars:

http://www.tn.gov/labor-wfd/tosha/tosha_training.pdf



*TENNESSEE SAFETY &
HEALTH CONGRESS*

Mark your calendar! The 38th Annual Tennessee Safety and Health Congress will be held at Gaylord Opryland July 26-29, 2015.

<https://www.tnsafetycongress.org/>

Tennessee OSHA will implement new employer reporting requirements on February 24th, 2015.

For more
information
please visit:



<https://www.osha.gov/recordkeeping2014/index.html>



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please visit:

[http://www.state.tn.us/labor-
wfd/tosha/TOSHANEWS.shtml](http://www.state.tn.us/labor-wfd/tosha/TOSHANEWS.shtml)

Helpful Links

[Tennessee's Official Government Website](#)

[Tennessee Department of Labor & Workforce Development](#)

[Tennessee Occupational Safety & Health Administration](#)

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