Top 10 Serious MIOSHA Violations 2017

Presented By:
Consultation Education and Training (CET) Division
Michigan Occupational Safety and Health Administration
Michigan Department of Licensing and Regulatory Affairs
www.michigan.gov/miosha
517-284-7720
Top 10 Serious

MIOSHA General Industry Safety Violations
FY 2017

629 Citations
$1,852,410
$2,945 average per citation

Presented By:
Chris Johnson
General Industry Safety Consultant
MIOSHA - Consultation Education and Training Division (CET)
Rule 34 (3) A point of operation guard or device shall be as prescribed in a specific standard, or, in the absence of a specific standard, shall be designed and constructed, when required, to prevent the machine operator exposed to the hazard from having any part of his/her body in the hazardous area during the operating cycle.

Serious violations: 39
Penalties: $146,100
#9— Personal Protective Equipment

Part 33

408.13312 Use of eye and face protection.

- **Rule 3312.** (1) An employer shall ensure that each affected employee uses appropriate eye or face protection, when exposed to eye or face hazards from any of the following:
  - (a) Flying objects or particles.
  - (b) Harmful contacts.
  - (c) Exposures.
  - (d) Molten metal.
  - (e) Liquid chemicals.
  - (f) Acids or caustic liquids.
  - (g) Chemical fumes, gases or vapors.
  - (h) Glare.
  - (i) Injurious radiation.
  - (j) Electrical flash.
  - (k) A combination of these hazards

**Serious violations:** 45

**Penalties:** $77,450
• **Rule 2154.** (1) An employer shall provide the employee with a permit to operate a powered industrial truck only after meeting the requirements prescribed in R 408.12151, R 408.12152, and R 408.12153. A permit is optional for operators of motorized hand low lift trucks.

**Serious violations:** 48  
**Penalties:** $58,920
#7– Guards for Power Transmission
Part 7

408.10731. Gears, sprockets, and chain drives.

• **Rule 731.** (1) Gears, sprockets, and chain drives exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754. This does not apply to hand-operated gear sprockets and chain drives used to adjust machine parts which do not move after hand power is removed.

Serious violations: 49
Penalties: $88,000
#6 – Hazard Communication
Part 92 (29 CFR 1910.1200)

1910.1200(e) Written hazard communication program.

- **Rule 1910.1200(e)(1)** Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met.

Serious violations: 49
Penalties: $65,140
#5– General Provisions
Part 1
408.10034. Machine guards and devices.

**Rule 34 (9)** When an employee is exposed to a hazard created by a pinch point other than point of operation, the hazard shall be guarded or the employee otherwise protected.

![DANGER]

**KEEP FINGERS CLEAR OF PINCH POINT**

Serious violations: 51
Penalties: $215,950
#4 – FLOOR AND WALL OPENINGS, STAIRWAYS, AND SKYLIGHTS – Part 3
R 408.10213 Guards for open-sided floors, platforms and runways

- **Rule 213 (2).** An open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard barrier as specified in rule 231 on all open sides, except where there is entrance to a ramp, stairway or fixed ladder.

* The new Part 2 – Walking working surfaces standard has a similarly worded rule 1910.28(b)(1)

Serious violations: 67
Penalties: $115,500
Rule 1910.147(c)(7)(i)(A) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

Serious violations: 82
Penalties: $115,600
#2– Guards for Power Transmission – Part 7
408.10727 Belts

- **Rule 727.** (1) A belt and pulley that is 7 feet or less above the floor or platform and that is exposed to contact shall be guarded pursuant to R 408.10751 to R 408.10754.

Serious violations: 88
Penalties: $119,500
#1 – The Control Of Hazardous Energy Sources - Part 85

1910.147(c) Training and Communication

Rule 1910.147(c)(4)(i) Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

Serious violations: 111
Penalties: $850,250
Top 10 Serious
MIOSHA Occupational Health
General Industry Violations
FY 2017

566 Citations
$524,175
$926 average per citation

Presented By:
Jenelle Thelen
Senior Industrial Hygienist
MIOSHA - Consultation Education and Training (CET)
#10 – Part 554 Bloodborne Infectious Diseases

325.70004(a) – Written exposure control plan

If an employee is determined to be in “category A,” then an employer shall establish a written exposure control plan to minimize or eliminate employee exposure.

New Michigan Occupational Safety and Health Administration

Serious violations: 17
Penalties: $10,500
#9 – Part 554 Bloodborne Infectious Diseases

325.7003(1) – Exposure determination
An employer shall evaluate routine and reasonably anticipated tasks and procedures to determine whether there is actual or reasonably anticipated employee exposure to blood or other potentially infectious material.

Category A - With exposure or reasonably anticipated exposure

Category B – NO exposure as described above.

Maintain a list of all job classifications that are determined to be “Category A.”

Serious violations: 18
Penalties: $30,125
#8 – Part 451 Respiratory Protection

1910.134(c)(2) Where respirator use is not required:

• Determine that respirator use will not create a hazard.
• Provide the respirator users with the information contained in Appendix D
• Establish and implement written respiratory protection program elements*:
  • Medical Evaluation
  • Respirator cleaned, stored and maintained so that its use does not present a health hazard to the user.

*Exception: No written respiratory protection program required if only voluntary use of filtering face pieces (dust masks).

Serious violations: 22
Penalties: $16,000
#7 – Part 380 Occupational Noise Exposure

R 325.60107(1) - Hearing conservation program

The employer shall administer a continuing, effective hearing conservation program...when employee noise exposures equal or exceed the action level.

**KEY ELEMENTS:**
- Noise monitoring
- Audiometric (hearing) testing
- Standard threshold shift (STS) determination
- Hearing protectors (plugs, muffs)
- Training – initial and annual
- Recordkeeping & Posting  Part 380

Serious violations: 22
Penalties: $77,600
#6 – Part 433 Personal Protective Equipment

325.60005 Hazard Assessment

(4) An employer shall verify, that the required workplace hazard assessment has been performed through a written certification which identifies all of the following information:
(a) The workplace evaluated.
(b) The person certifying that the evaluation has been performed.
(c) The date or dates of the personal protective hazard assessment.
(d) The document is a certification of hazard assessment.

Serious violations: 23
Penalties: $3,100
#5– Part 433 Personal Protective Equipment

325.60008(1) – Use of eye and face protection

An employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from any of the following:

- Flying particles
- Molten metal
- Liquid chemicals
- Corrosive materials
- Air contaminants
- Radiation

Serious violations: 32
Penalties: $21,600
#4 – Part 451 Respiratory Protection
(29 CFR 1910.134)

1910.134(c)(1) – Written respiratory protection program

Where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program.

Serious violations: 36
Penalties: $31,300
#3 – Part 430 Hazard Communication
(29 CFR 1910.1200)

1910.1200(h)(1) Employee information and training

Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area.

Serious violations: 51
Penalties: $81,600
R 325.47201(3) Emergency Eye/Body flush stations

An employer shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body of any person may be exposed to injurious or corrosive materials.

Serious violations: 80
Penalties: $128,300
#1 – Part 430 Hazard Communication
(29 CFR 1910.1200)

1910.1200(e)(1) Written hazard communication program

Employers shall develop, implement, and maintain at each workplace, a written hazard communication program...

Must at least include:

• Labels and other forms of warning
• Safety data sheets (SDSs)
• Employee information and training
• A list of the hazardous chemicals
• Methods to inform employees of the hazards of non-routine tasks, pipes

Serious violations: 117
Penalties: $124,050
## Construction – Top 10 Serious Health Violations

**Part 602 Asbestos Standards for Construction**

<table>
<thead>
<tr>
<th>Standard Rules</th>
<th>Description</th>
<th># Serious</th>
<th>Proposed Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1926.1101(f)(1)(i)</td>
<td>Exposure assessments &amp; air monitoring</td>
<td>42</td>
<td>$48,400</td>
</tr>
<tr>
<td>1926.1101(e)(1)</td>
<td>Establish regulated areas</td>
<td>40</td>
<td>$50,000</td>
</tr>
<tr>
<td>1926.1101(g)(1)</td>
<td>Vacuum (with HEPA filters)</td>
<td>40</td>
<td>$29,500</td>
</tr>
<tr>
<td>1926.1101(k)(9)(i)</td>
<td>Employee Information and training</td>
<td>37</td>
<td>$29,200</td>
</tr>
<tr>
<td>1926.1101(e)(6)</td>
<td>Competent person</td>
<td>35</td>
<td>$27,600</td>
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<tr>
<td>1926.1101(i)(1)</td>
<td>Provide protective clothing</td>
<td>35</td>
<td>$18,000</td>
</tr>
<tr>
<td>1926.1101(j)(2)(i)</td>
<td>Decontamination area (Class 1)</td>
<td>33</td>
<td>$25,500</td>
</tr>
<tr>
<td>1926.1101(h)(1)</td>
<td>Providing respirators (Class 1)</td>
<td>31</td>
<td>$21,600</td>
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<tr>
<td>1926.1101(k)(3)(i)</td>
<td>Building survey before work</td>
<td>26</td>
<td>$29,600</td>
</tr>
<tr>
<td></td>
<td>(presence, location, quantity)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926.1101(k)(3)(ii)</td>
<td>Inform prior to performing work</td>
<td>25</td>
<td>$29,600</td>
</tr>
</tbody>
</table>
Construction – Other Serious Health Violations

Part 603 Lead Exposure in Construction

1926.62(d)(1)(i) – initial exposure assessment

Each employer who has a workplace or operation covered by this standard shall initially determine if any employee may be exposed to lead at or above the (airborne) action level.

Serious violations: 23
Penalties: $44,400
Construction – Other Serious Health Violations

Part 603 Lead Exposure in Construction (continued)

1926.62(d)(2)(v) Until the employer performs an employee exposure assessment...employer shall provide...interim protection:

- Respiratory protection
- Personal protective clothing and equipment
- Change areas
- Hand washing facilities
- Biological monitoring
- Training

Serious violations: 22
Penalties: $41,100
Top 10 Serious

MIOSHA Construction Safety Violations
FY 2017

595 Citations
$840,600
$1,413 average per citation

Presented By:
Jim Getting, PhD, CSP
Senior Construction Safety Consultant
MIOSHA - Consultation Education and Training Division (CET)
#10 – Part 45 Fall Protection

Rule 1926.501(b)(10) Roofing work on Low-slope roofs

Each employee engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by:

1. guardrail systems
2. safety net systems
3. personal fall arrest systems

OR a combination of warning line system and:

1. guardrail system
2. safety net system
3. personal fall arrest system
4. safety monitoring system

Serious violations: 40
Penalties: $68,700
#10 – Part 45 Fall Protection

Rule 1926.501(b)(10) Roofing work on Low-slope roofs

Serious violations: 40
Penalties: $68,700
#10 – Part 45 Fall Protection

Rule 1926.501(b)(10) Roofing work on Low-slope roofs

Serious violations: 40
Penalties: $68,700
Rule 1723(2) Unguarded Electrical Equipment

The employer shall insure that all live parts of electrical equipment operating at 50 volts or more are properly guarded against accidental contact.

Serious violations: 41
Penalties: $34,200
#8 - Part 45 Fall Protection

Rule 1926.501(b)(11) Steep roofs

Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by:

1. guardrail systems with toeboards
2. safety net systems
3. personal fall arrest systems.

Serious violations: 42
Penalties: $51,400
#7 - Part 45  Fall Protection

**Rule 1926.503(a)(1) Training Program**

The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

**Serious violations:** 42  
**Penalties:** $34,700
#6 - Part 12 Scaffolds and Scaffold Platforms

Rule 408.41213(1) Guardrails; Fall Arrest Devices

A guardrail shall be installed on any open side or end of a scaffold work platform that is 10 feet or more above the floor or ground.

Serious violations: 51
Penalties: $72,300
Rule 408.40624 (1) Use of Eye and Face Protection

An employer shall ensure that each affected employee uses appropriate eye and face protection, when exposed to eye or face hazards or if risk of injury exists from any of the following:

(a) Flying objects or particles.
(b) Harmful contacts.
(c) Exposures.
(d) Molten metal.
(e) Liquid chemicals.
(f) Acids or caustic liquids.
(g) Chemical gases or vapors.
(h) Glare.
(i) Potentially injurious light radiation.
(j) Electrical flash.
(k) A combination of these hazards (a) to (j).

Serious violations: 57
Penalties: $31,500
#4 - Part 45  Fall Protection

Rule 1926.501(b)(1) Unprotected Sides and Edges

Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 6 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

Serious violations: 59
Penalties: $80,300
Rule 408.41124(5) Portable Ladders

(5) When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend not less than 3 feet above the upper landing surface to which the ladder is used to gain access...

Serious violations: 63
Penalties: $47,200
#2 – Part 6 Personal Protective Equipment

**Rule 408.40622 (1) Use of Head Protection**

An employer shall ensure that each affected employee is provided with, and wears, head protection equipment and accessories when the employee is required to be present in areas where a hazard or risk of injury exists from any of the following:

(a) Falling or flying objects or particles.
(b) Electrical shock and burns.
(c) From other harmful contacts or exposures.

Serious violations: 100
Penalties: $105,200
#1 Part 45 Fall Protection

**Rule 1926.501 (b) (13) Residential construction.** Each employee engaged in residential construction activities 6 feet or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure.

Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan...

Serious violations: 100
Penalties: $315,100
Want to learn more?

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