

BETA NOW: Employee Safety in Action

Winter 2018



Are you in Compliance?

OSHA 300 Reporting | Updates you need to know NOW

Electronic Reporting is NOW!

An important aspect in evaluating workplace safety and understanding the hazards that exist is maintaining records of serious occupational injuries and illness. The requirement to record, then evaluate worker-related hazards, as established by statute is to maintain the OSHA 300 log. It is an important data source for helping direct and promote injury prevention efforts.

While maintaining the OSHA 300 log is a requirement, California has long opted to refrain from electronically filing the OSHA 300A forms due to concerns about how the information would be used. However, as of November 2018, California employers are now required to electronically file form 300A data under CCR §14300.35 and §14300.41 amendment to Title 8 which conforms California's recordkeeping requirements to comply with Federal OSHA regulation.

A Look Back

- **April 2018** – Federal OSHA announces State Plan states are required to submit electronically the OSHA 300A data even if the State Plan had not completed the adoption of its own state rule.
- **July 2018** - OSHA posted a proposal to amend recordkeeping regulations by rescinding the requirement for establishments with 250 or more employees to electronically submit the OSHA 300 and OSHA 301 forms. The requirement to file the OSHA 300A will remain in effect and organizations will be required to electronically submit.
- **October 2018** – Cal/OSHA issued an amended notice of proposed emergency action to amend § 14300.35 and §14300.41 of Title 8 of the California Code of Regulations. The amendments conform California's recordkeeping requirements to the federal OSHA program.

Critical Next Steps:

November 2018 – Office of Administrative Law approved the emergency action filed in October 2018. *California employers are now required to electronically submit Form 300A data for the calendar year 2017 by December 31, 2018*. All employers with 250 or more employees, unless specifically exempted by section 14300.2 of Title 8 of the California Code of Regulations are to file electronically.

2018 Form 300A – The 2018 Form 300A are required to be prepared and submitted to federal OSHA by March 2, 2019 (and on each March 2nd going forward).

How Do I File Electronically?

To file electronically you must first apply on Federal OSHA's webpage listed below (which provides all pertinent information).

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

The web site has an Internal Tracking Application (ITA) Job Aid to guide you through the process of adding the 300A summary data, uploading a file, and editing data. More information may be found on the Federal OSHA FAQ's page.

On the Horizon

AB 2334

Starting January 1, 2019, California employers could now face violations related to recordkeeping well beyond the six-month statute of limitations. The bill revision states:

"A citation or notice shall not be issued by the division more than six months after the occurrence of the violation. For purposes of issuing a citation or notice for a violation of subdivision (b) or (c) of Section 6410, including any implementing related

regulations, an "occurrence" continues until it is corrected, or the division discovers the violation, or the duty to comply with the violated requirement ceases to exist. Nothing in this paragraph is intended to alter the meaning of the term "occurrence" for violations of health and safety standards other than the recordkeeping requirements set forth in subdivision (b) or (c) of Section 6410, including an implementing related to regulations." *Click here to learn more:*

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2334

Important Points

- AB 2334 changes the definition of occurrence in the California Labor Code.
- Revised language now states that the record keeping violation will now continue until the items are corrected, until Cal/OSHA discovers the violation or until the duty to maintain the record no longer exists.

In summary, Cal/OSHA may now issue citations for recordkeeping that exist during the entire five-year recordkeeping retention period.

Other Key Items to Watch

Rule: 29 CFR 1910.1200 Updates to Hazard Communication Standard

Rule: 29 CFR 1910.147 Lock-out/Tag-out Update
Anticipated Agency Action: Request for Information in October 2018

Rule: 29 CFR 1913.10 Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records

Anticipated Agency Action: Final Rule June 2019
Rule: Prevention of Workplace Violence in Health Care and Social Assistance

Anticipated Agency Action: Pre-Rule Stage

Rule: 29 CFR 1904 Occupational Injury and Illness Recording and Reporting Requirements- Musculoskeletal Disorders (MSD) Column

Proposition 65 Reminder



As of August 30, 2018, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop. 65) now requires hospitals and healthcare facilities to post warning signs about potential exposure to chemicals located on campus. The signage provides clear and reasonable warning to consumers and employees that a chemical on campus is known to the state to cause cancer or birth defects or other reproductive harm when exposed. The sign must include a symbol of a black exclamation point in a yellow equilateral triangle with a bold black outline, like the one shown above.

News & Notes

Did you know you can request your CARE Funds now? All CARE funds must be used no later than June 30, 2019. The funds do not roll over. Contact your Employee Safety Manager at BETA to assist you with your submission.

If you need assistance with creating, updating or editing your Injury and Illness Prevention Program (IIPP), BETA has just what you need! We have made an IIPP template available to our members. Please reach out to your Employee Safety Manager for your copy.

Save the Date: Employee Safety Webinar Series

Please mark your calendar now for the final two important and timely topics of 2018.

- **November 14** Ergonomics in the Dental Arena
- **December 19** Return to Work Programs - Building A Comprehensive Approach

Be on the lookout for our 2019 Series which will take place from noon to 1:00pm on the third Wednesday of every month! More information about our dynamic lineup is coming soon!

Introducing BETA's Employee Safety and Wellness Initiative

You asked, and we listened. BETA Healthcare Group Employee Safety is pleased to announce our incentive-based initiative program designed to promote best practices and reduce employee injury in all healthcare settings. We are pleased to introduce the first four domains tackling common causes of employee injury: Ergonomics, Safe Patient Handling and Mobility, Slips, Trips and Falls, and Workplace Violence. Each domain offers best practices, resources, policies, plans and training materials to create reliable and sustainable change. For more information please contact your Employee Safety Manager or reach out to Malinda.sigl@betahg.com

References

- <https://www.osha.gov/injuryreporting/index.html>
- https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2334
- <https://www.osha.gov/laws-regs/unifiedagenda/currentagenda>
- <https://oehha.ca.gov/proposition-65/general-info/proposition-65-plain-language>
- <https://www.dir.ca.gov/dosh/DoshReg/AppendxB300AFinal.pdf>
- <https://www.dir.ca.gov/dosh/etools/recordkeeping/CaStandard/CalStandard.htm>
- https://www.oshalawblog.com/?utm_source=Jackson+Lewis%2C+P.C.+OSHA+Law+Blog&utm_campaign=2d3d42ee6a-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_fd6a79170f-2d3d42ee6a-73335769

Contact Us

If you have questions, comments, or concerns, please reach out to your BETA Employee Safety Manager at 916-266-6100 or go to <http://www.betahg.com/index.asp>

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