



WS&Co. Briefing

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2018 OSHA Update

In this edition of the Woodruff-Sawyer Construction Practice's Annual Cal/OSHA update, we will first address AB 262, known as the Buy Clean California Act.

Cam Dickinson, SVP, Construction Practice

AB 262 Buy Clean California Act

AB 262 was signed into law by Governor Brown in 2017. The law will require, for public works projects entered into on or after July 1, 2019, that the successful bidder submit an "Environmental Product Declaration" (EPD) to the awarding agency/authority.

By January 1, 2019, the Department of General Services (DGS) will establish and publish in the State Contract Manual the maximum acceptable global warming potential for each category of eligible materials. Eligible materials include: carbon steel rebar, flat glass, wool board insulation and structural steel. An authority may also include "eligible product" to the list. In accordance with the revised Manual, the Awarding Authorities will include in the specification for bid for eligible projects a facility-specific global warming potential for any eligible material that is lower than the maximum global warming potential for that material as determined by the DGS.

The bill will prohibit a successful bidder from installing any eligible materials until the bidder submits an EPD to the Awarding Authority. "Awarding Authority" includes state departments and entities subject to the State Contract Act (SCA), and Regents of the University of California and California State University.

At present, there are no state penalties for failure to comply with the Act. However, we can assume that failure to comply can allow an Awarding Authority to stop work until an EPD is provided, or award to a bidder that is in compliance.

We will continue to monitor the legislation for further directives and guidelines as released by the DGS.

Annual Requirements for the Posting of 2017 Work-Related Injuries Log

As a reminder, the OSHA Summary of Work-Related Injuries and Illnesses for the calendar year 2017 posting period is **February 1 through April 30**.

Although states regulated by federal OSHA are required to electronically submit Log 300, California employers are not required to follow the new requirements until Cal/OSHA completes its "rulemaking package" – conforming with the revised federal OSHA requirements.

Some key items related to these requirements are highlighted below:

- **The required posting period is February 1st through April 30th.**
- In addition to the 300A, you must also maintain the OSHA 300 and 301, as well as a Privacy Cases Log.
- A company executive must certify the accuracy of the data reported on the log.

To assist you in this process, we suggest the following:

- Thoroughly review your log, as well as the instructions on the back of the log, to ensure that it is complete and accurate. Also review your:
 - Workers' compensation claim files
 - First aid case log (be sure to add recordable incidents to the OSHA 300 and 300A)
 - Any other incident records that your firm may keep
- Make sure the top of the summary is completed and the bottom is signed and dated by an executive certifying the accuracy of the information it contains.
- Copy the log and post it in a conspicuous place. OSHA recommends that the log be posted on the bulletin board at each office and at each work site in a location where employees normally gather. Even if your firm had no recordable cases, you must still post a log.
- Review the classification of the cases on your log carefully. Be sure that only cases that fit OSHA's definition of recordability appear on the log. Accurate classification also establishes your firm's incidence rates which can be of use in your pre-qualification process. Not all cases involving trips to a doctor are recordable. **Refer to OSHA's definition of "first aid" which we've provided in this newsletter.** If you have logged a case that you have now determined is not recordable, simply draw a line through the entry, and initial and date it beside the line. Do not white-out or black-out incorrect entries.
- For cases involving lost time and restricted work activity, determine an accurate count of lost days and restricted activity. This information may be obtained from the treating doctor's status/treatment report or from your workers' compensation claims administrator. OSHA requires that if an injury results in both days away from work and days of restricted work activity, the employer is to enter the total of the days for each. **The**

lost time maximum per case to be indicated on the log is the total of either or the combination of both when the maximum reaches 180 days.

- If the status of a case has changed, including its severity, from the time you originally entered it on the log, you must also change the log entry. Be sure to include the date of change and your initials.
- You must retain the original log with your safety records for a minimum of five years.

If you need any assistance in complying with these record-keeping requirements, please contact your Woodruff-Sawyer representative.

Resources

You may obtain information on the State Bills, and OSHA regulations and forms from:

- www.dir.ca.gov/DOSH/
- <https://www.osha.gov/recordkeeping2014/index.html>
- <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Federal OSHA's 2017 Top Ten (Oct. 1, 2016 – Sept. 30, 2017)

Here are OSHA's most frequently cited standards following an incident inspection. For the first time in a few years there are two fall protection standards in the Top Ten:

1. Fall Protection - Construction
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout – Control of Hazardous Energy
6. Ladders
7. Powered Industrial Trucks
8. Machine Guarding
9. Fall Protection – Training Requirements
10. Electrical – Wiring Methods

Safety and Training Resources:

Did you know that Woodruff-Sawyer offers an exclusive *Safety Toolbox*, an online safety resource, to our clients? In addition, Woodruff-Sawyer clients have exclusive access to *Succeed* – our *Risk Management Center* platform which includes safety management resources, training and

tracking aides. For more information on *Succeed* please contact your Woodruff-Sawyer Account Executive.

Our value-added safety services contain valuable resource material for management, field supervisors, and field staff, from tailgate meeting sheets in both English and Spanish, to model safety programs, resources and links to other resources. Chances are that you'll find information that will help you with your company's safety efforts.

What is "first aid"?

For the purposes of Article 2, OSHA defines "first aid" as the following:

1. Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for record-keeping purposes);
2. Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
3. Cleaning, flushing, or soaking wounds on the surface of the skin;
4. Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound-closing devices such as sutures, staples, etc. are considered medical treatment);
5. Using hot or cold therapy;
6. Using any non-rigid means of support, such as elastic bandages, wraps, back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for record-keeping purposes);
7. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.);
8. Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
9. Using eye patches;
10. Removing foreign bodies from the eye using only irrigation or a cotton swab;
11. Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or

other simple means;

12. Using finger guards;
13. Using massages (physical therapy or chiropractic treatment are considered medical treatment for record-keeping purposes); or
14. Drinking fluids for relief of heat stress.

Contact Us

For further information on any of the topics addressed in this newsletter, please contact Woodruff-Sawyer's Construction & Real Estate Practice at 415.391.2141

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