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Insurance Loss Control Association

ILCA E-News

May, 2010

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CONFERENCE DATES FOR 2010: October 4, 5 and 6, 2010
DOUBLETREE, Worthington/Columbus, Ohio

This year ILCA will provide a small conference space which will accommodate up to 15 people should you wish to hold a separate meeting with your team. Hours available will be 8AM-9PM Monday and Tuesday, 8AM to 2PM Wednesday. Call or drop Betty Ayrton a line to reserve your space. This Conference space will be available to you at no charge.

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CONFERENCE ANNOUNCEMENT WITH SPEAKERS COMING IN JUNE.

WE ARE PLANNING AT LEAST ONE FIELD TRIP THIS YEAR!

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In This Issue:

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OSHA Announces Severe Violator Enforcement Program

Apr 22, 2010 <http://www.osha.gov/dep/svep-directive.pdf>

OSHA announced a Severe Violator Enforcement Program today that will be in effect in 45 days and also said it is administratively raising the dollar value of its penalties, suggesting it would raise them higher still if it could.

"The current maximum penalty for a serious violation, one capable of causing death or serious physical harm, is only \$7,000 and the maximum penalty for a willful violation is \$70,000. The average penalty for a serious violation will increase from about \$1,000 to an average \$3,000 to \$4,000," OSHA's news release stated. "Monetary penalties for violations of the OSH Act have been increased only once in 40 years despite inflation. The Protecting America's Workers Act would raise these penalties, for the first time since 1990, to \$12,000 and \$250,000, respectively. Future penalty increases would also be tied to inflation. In the meantime, OSHA will focus on outreach in preparation of implementing this new penalty policy."

SVEP replaces OSHA's Enhanced Enforcement Program. SVEP targets high-emphasis hazards, which are defined as high gravity serious violations of specific fall standards -- 23 such standards are listed in general industry, construction, shipyards, marine terminal, and longshoring -- or standards covered in National Emphasis Programs focused on amputations, combustible dusts, crystalline silica, lead, excavation/trenching, shipbreaking, and process safety management.

Background.

The SVEP is intended to focus enforcement efforts on significant hazards and violations by concentrating inspection resources on employers who have demonstrated recalcitrance or indifference to their OSH Act obligations by committing willful, repeated, or failure to-abate violations in one or more of the following circumstances:

- (1) a fatality or catastrophe situation;
- (2) in industry operations or processes that expose employees to the most severe occupational hazards and those identified as "High-Emphasis Hazards," as defined in Section XII. of this Instruction (p.5);
- (3) exposing employees to hazards related to the potential release of a highly hazardous chemical; or
- (4) all egregious enforcement actions.

Cases meeting the severe violator enforcement criteria are those in which the employer is found to be recalcitrant or indifferent to its obligations under the OSH Act, thereby endangering employees. The SVEP procedures are intended to increase attention on the correction of hazards found in these workplaces and, where appropriate, in other worksites of the same employer where similar hazards and deficiencies may be present. This program applies to all employers regardless of size.

High-Emphasis Hazards are targeted and include fall hazards and hazards identified from the following National Emphasis Programs (NEPs): amputations, combustible dust, crystalline silica, excavation/trenching, lead, and shipbreaking. See section XII. (p.5).

Criteria for a Severe Violator Enforcement Case.

Any inspection that meets one or more of criteria A. through D., at the time that the citations are issued, will be considered a severe violator enforcement case. Willful and repeated citations and failure-to-abate notices must be based on serious violations, except for recordkeeping, which must be egregious (e.g., per-instance citations).

A. Fatality/Catastrophe Criterion.

A fatality/catastrophe inspection in which OSHA finds one or more willful or repeated violations or failure-to-abate notices based on a serious violation related to a death of an employee or three or more hospitalizations.

B. Non-Fatality/Catastrophe Criterion Related to High-Emphasis Hazards.

An inspection in which OSHA finds two or more willful or repeated violations or failure-to-abate notices (or any combination of these violations/notices), based on high gravity serious violations related to a High-Emphasis Hazard

C. Non-Fatality/Catastrophe Criterion for Hazards Due to the Potential Release of a Highly Hazardous Chemical (Process Safety Management).

An inspection in which OSHA finds three or more willful or repeated violations or failure-to-abate notices (or any combination of these violations/notices), based on high gravity serious violations related to hazards due to the potential release of a highly hazardous chemical, as defined in the PSM standard.

D. Egregious Criterion

All egregious (e.g., per-instance citations) enforcement actions will be considered SVEP cases.

XII. Definition of High-Emphasis Hazards.

High-Emphasis Hazards as used in this Instruction means only high gravity serious violations of the following specific standards covered under falls or the National Emphasis Programs (NEPs) regardless of the type of inspection being conducted (e.g., complaint, SST, Local Emphasis Programs, National Emphasis Programs).

The emphasis programs are

A. Fall hazards covered under the following general industry standards:

1. 29 CFR §1910.23 - Guarding floor and wall openings and holes [Walking- Working Surfaces]
2. 29 CFR §1910.28 - Safety requirements for scaffolding [Walking- Working Surfaces]
3. 29 CFR §1910.29 - Manually propelled mobile ladder stands and scaffolds (towers) [Walking-Working Surfaces]
4. 29 CFR §1910.66 - Powered platforms for building maintenance [Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms]
5. 29 CFR §1910.67 - Vehicle-mounted elevating and rotating work platforms [Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms]
6. 29 CFR §1910.68 - Manlifts [Powered Platforms, Manlifts, and Vehicle- Mounted Work Platforms]

B. Fall hazards covered under the following construction industry standards:

1. 29 CFR §1926.451 - General requirements [Scaffolds]
2. 29 CFR §1926.452 - Additional requirements applicable to specific types of scaffolds
3. 29 CFR §1926.453 - Aerial lifts [Scaffolds]
4. 29 CFR §1926.501 - Duty to have fall protection
5. 29 CFR §1926.502 - Fall protection systems criteria and practices
6. 29 CFR §1926.760 - Fall protection [Steel Erection]
7. 29 CFR §1926.1052 - Stairways [Ladders]

C. Fall hazards covered under the following shipyard standards:

D. Fall hazards covered under the following marine terminal standards:

E. Fall hazards covered under the following longshoring standards:

F. Amputation hazards specified below that are covered under the National Emphasis Program on Amputations.

1. 29 CFR §1910.147 - The control of hazardous energy (lockout/tagout)
2. 29 CFR §1910.212 - General requirements for all machines
3. 29 CFR §1910.213 - Woodworking machinery requirements
4. 29 CFR §1910.217 - Mechanical power presses
5. 29 CFR §1910.219 - Mechanical power-transmission apparatus

G. Combustible dust hazards

H. Crystalline silica hazards

I. Lead hazards

J. Excavation/trenching hazards specified below that are covered by the Special Emphasis Program - Trenching and Excavation (See CPL 02-00-069)

1. 29 CFR §1926.651 - Specific excavation requirements
2. 29 CFR §1926.652 - Requirements for protective systems [Excavations]

K. Shipbreaking hazards

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NFPA releases new edition of NFPA 1600®
Standard on Disaster/Emergency Management and Business Continuity Programs

March 19, 2010 – The National Fire Protection Association (NFPA) released the 2010 Edition of NFPA 1600®, *Standard on Disaster/Emergency Management and Business Continuity Programs*. It is available for download at no charge on NFPA's Web site, www.nfpa.org

The new edition of NFPA 1600 is a completely revised and reorganized version that includes major changes to the technical requirements and definitions. The chapter on Program Elements now contains four different chapters: Planning, Implementation, Testing and Exercises, and Program Improvement.

NFPA 1600 establishes a common, high level set of criteria for disaster and emergency management and business continuity programs to develop, implement, assess, and maintain these programs. The programs address management, planning, prevention, mitigation, implementation, response, recovery, testing and improvement.

The standard began in 1991 when NFPA's Standards Council established the Disaster Management Committee to develop a preparedness standard that recognized the crucial components of a comprehensive plan to be used by a wide variety of organizations and businesses. The plan was designed to address preparations for, responses to, and recovery from disasters resulting from natural, human or technological events.

Today, NFPA 1600 is one of NFPA's most widely implemented standards. It is used by and developed for organizations in both the private and public sector.

NFPA 1600 has been adopted by the U.S. Department of Homeland Security (DHS) as the national preparedness standard. Under the provisions of the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act), DHS has designated NFPA 1600 as a "Qualified Anti-Terrorism Technology" (QATT) and certified it as an "Approved Product for Homeland Security." NFPA 1600, Standard on Disaster/Emergency Management and Business Continuity Programs has also been designated for adoption under the Department of Homeland Security's (DHS) Voluntary Private Sector Preparedness Accreditation and Certification Program (PS-Prep).



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Other Conference's of interest:

6th Annual - National Workers' Compensation Subrogation Strategies ExecuSummit Agenda is now available.

For more info and to request the PDF agenda please visit www.summit-05.com
The agenda includes all registration and Venue/hotel information.

The day and a half summit is June 15 & 16, 2010 - Tuesday and Wednesday.

Venue - The Mohegan Sun - Centrally Located between New York City and Boston. - Great Overnight Rate.

Featured Presentation:
Maximizing Workers' Compensation Subrogation with Predictive Modeling and Analytics.
Zube Shams - Manager, Advanced Analytics and Modeling - Deloitte Consulting LLP

this year's topics include:

- * Investigating Hazards Relating to Electrocutation Accidents.
- * Loose Lips Sink Ships"....Avoiding Communication Problems that Can Sink Subrogation Recovery.
- * Workers' Compensation Subrogation and Medicare Set Asides.
- * Recent Developments Relating To the Toyota Recall.
- * Recent Developments Relating To Vehicle and Heavy Truck Crashworthiness.
- * Workers' Compensation Subrogation - Back To Basics.
- * Claims Against Foreign Defendants.
- * WC Subrogation and Motor Vehicle Defects.

* Missed Subrogation and Risk Avoidance Opportunities - Engineering Expert Find Recovery Potential and Similar Risks.

Our venue will provide a state-of-the-art conference center and also offer luxurious hotel rooms with excellent preferred overnight rates for ExecuSummit attendees.

If you plan on joining us, please fax your registration to 253-541-2870 and we will e-mail you a back a confirmation



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