



## Fed/OSHA in the News

### **OSHA Delays Deadline for Electronic Submission of Injury & Illness Logs**

The Occupational Safety and Health Administration (OSHA) has announced that it will extend the July 01, 2017 deadline for electronic submission of employers' injury and illness logs.

According to a [statement](#) on the OSHA website, *OSHA is not accepting electronic submissions of injury and illness logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information from their completed 2016 Form 300A electronically.*

The OSHA final rule, [Improve Tracking of Workplace Injuries and Illness](#), was published in May 2016. Employers had a phased in compliance deadline for the electronic submission of recordkeeping forms. For 2017, employers with establishments with 250 or more employees and establishments with less than 250 employees but 20 or more in certain high-risk industries were required to electronically submit their 2016 Form 300A by July 1, 2017.

Employers are advised that marine cargo handling operations are included in the OSHA establishment list for certain high risk industries and would be subject to the regulation. NAICS 488320—Support Activities for Water Transportation.

*Electronic Submission Continued on Page 2*

### **Congress Overturns OSHA Recordkeeping Rule Provision**

On May 3, 2017, OSHA revoked the *Volks Rule*, that would have amended the OSHA recordkeeping regulation in 29 CFR Part 1904.

This action was taken as a result of Congress having passed, and the president signing a resolution under the Congressional Review Act disapproving of the amendments under Public Law 115-21. Due to this action, OSHA was required to remove the amendments from the CFR.

The *Volks Rule* was published by OSHA following a 2012 U.S. Court of Appeals for the District of Columbia Circuit decision, commonly called *Volks II* that prohibited OSHA from citing recordkeeping violation more than 6 months old.

*Recordkeeping continued on page 3*

The current Fed/OSHA Recordkeeping Regulations are found at [29 CFR Part 1904](#).

Employer questions involving OSHA logs, 300A posting forms, and recordkeeping can be directed to the PMA Accident Prevention department.

*Electronic Submission Continued from page 1:*

The electronic submission required by the final rule would have been phased in over two years.

*Establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.*

*Establishments with 20-249 employees in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.*

OSHA intends to use this data to create a public searchable website that would contain your companies' injury and illness records that could be used by the general public.

For additional information on the technical details of the Final Rule, please contact the PMA Accident Prevention department.

*PMA submitted comments to the docket and will continue to monitor and report to members on recordkeeping data required by OSHA.*

## Heat Illness

### Cal/OSHA Urges Employers to Prepare for High Heat

Employers are reminded to review and implement provisions found in their Heat Illness Plan.

California's outdoor workplace Heat Illness Prevention regulations require employers to take four steps to prevent heat illness:

Information on heat illness prevention is posted on Cal/OSHA's [webpage](#).

[PMA California Bulletin](#)

[PMA Washington State Bulletin](#)

Training – Train all employees and supervisors on heat illness prevention.

Water – Provide enough fresh water so that each worker can drink at least 1 quart per hour, and encourage workers to do so.

Shade – Provide shaded areas upon request or when temperatures exceed 80 degree, and encourage any worker to take a cool-down rest in the shade for at least 5 minutes to protect against overheating. Workers should not wait until they feel sick to cool down.

Planning – Develop and implement effective written emergency response procedures for complying with Cal/OSHA's Heat Illness Prevention Standard.

### Washington State L&I Outdoor Heat Safety

L&I's Outdoor Heat Exposure rules are effective from May 1st through September 30th every year, when exposures are at or above a specific temperature.

For more information review the [topic page](#).

**Recordkeeping Rule Continued from Page 1:**

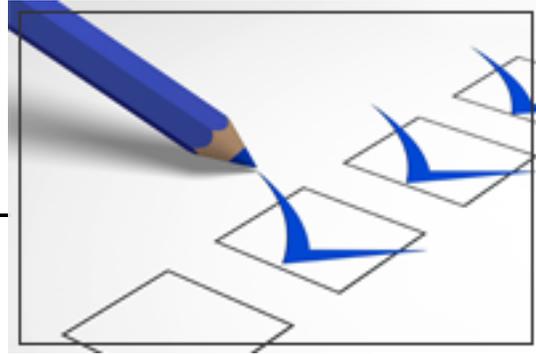
OSHA had argued that recordkeeping violations continued until the employer corrected the OSHA logs.

Employers can now no longer be cited for OSHA injury and illness record keeping violation more than six months old.

In practicality, this does not amend the recordkeeping service that PMA provides to Member Companies. This change only impacts OSHA enforcement. The Accident Prevention department will continue to update OSHA logs for five full years.

The May 3, 2017 final rule can be found [here](#).

On a related topic for California employers, please review the California *Volks* article below.



## Cal/OSHA Rulemaking

**Heat Illness Prevention for Indoor Places of Employment**

PMA members are advised that as a result of Legislative Mandate SB 1167, Cal/OSHA is required to propose to the Occupation Safety and Health Standard Board a heat illness prevention standard applicable to employees working in indoor places of employment. This regulation is independent of the current outdoor heat illness prevention requirement.

Cal/OSHA is currently holding Advisory Committee meetings to accept comments on a final draft.

The current text of the proposal can be found on the [Advisory Meeting website](#).

## California Adopts Fed/OSHA *Volks* Decision

Despite Fed/OSHA being limited to 6 months on recordkeeping enforcement, that decision does not automatically bind Cal/OSHA. The California Occupation Safety and Health Appeals Board is not bound by Federal precedent interpreting the Federal OSH Act. The CA OSHAB looks to California law for guidance in interpreting the California OSH Act.

The good news for California employers is that the Appeals Board did adopt the *Volks* decision and noted that a failure to make a record of a workplace injury is a discrete event in time and citations are barred by the statute of limitations.

The DAR can be found [here](#).

**PACIFIC MARITIME ASSOCIATION**

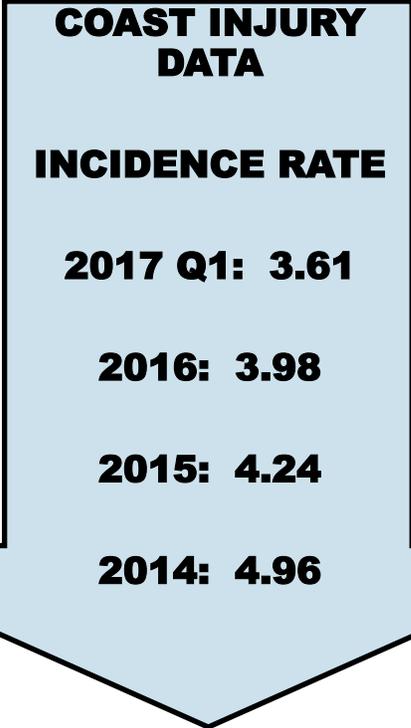
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**New Longshore Safety Tips Available**

**Longshore Safety Tip**  
May - 2017

**HEAT ILLNESS PREVENTION**  
 Heat stress from exertion or hot environments places workers at risk.

Heat Exhaustion is the body's response to an excessive loss of water and salt, usually through sweating.

**Symptoms**

- Rapid heart beat
- Heavy sweating
- Extreme weakness or fatigue
- Dizziness
- Nausea, vomiting
- Irritability
- Fast, shallow breathing
- Slightly elevated body temperature



**First Aid**

- Rest in a cool area
- Drink plenty of water or other cool beverages
- Notify supervision

Dehydration and heat exhaustion are two very common heat-related diseases that can be life-threatening if left untreated.

**How can dehydration be prevented?**

Take precautionary measures to avoid the harmful effects of dehydration.

- Drink plenty of fluids, especially on hot days. Water and sports drinks are the drinks of choice. Avoid caffeinated coffee, soda, and alcohol, as these can lead to dehydration.
- Make sure you are taking in more fluid than you are losing.



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**Longshore Safety Tip**  
October - 2016

**Working Around Top Handler Operations**

**Be Safe. Be Smart. Be Seen.  
 Make Sure Drivers Can See You.**

**Communication is the Key**

VERBAL CONTACT: Illustration of two people talking.

RADIO CONTACT: Illustration of two walkie-talkies.

EYE CONTACT: Illustration of two faces looking at each other.

CONES & VEHICLE WARNINGS: Illustration of a traffic cone with a question mark.



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