

Responding to Combined OSHA and DOL Enforcement

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Most construction executives have heard Secretary of Labor Hilda Solis and the head of the Occupational Safety and Health Administration (OSHA) David Michaels proudly state "there is a new sheriff in town," and that the Department of Labor (DOL) is "back in the enforcement business." Even executives who have emphasized their companies' commitment to safety are concerned about a significant uptick in legal exposure.

Increased OSHA penalties are only one part of a broad regulatory strategy. Construction executives should take a big-picture view to ensure they not only support OSHA compliance efforts, but also address interrelated areas of exposure.

An OSHA inspection management program should require the safety director and managers to think like lawyers and manage an OSHA inspection in a way that allows them to develop evidence necessary to challenge any unfounded OSHA citations.

OSHA now can issue a repeat citation based on a citation at another jobsite for a period of five years. The six-figure OSHA citations are primarily a result of routine violations, not fatalities. Any OSHA citation, no matter how minor, eventually may cost the company tens of thousands of dollars at another site during a five-year period.

OSHA also is focusing on documentation, especially for injury and illness records, such as the OSHA 300 Logs. Every contractor should review its documentation in a wide range of areas to ensure proper coordination between jobsites and the home office.

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