



The Club Membership Texas Employers Want To Avoid

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It's been one year since the Occupational Safety and Health Administration put into effect its Severe Violator Enforcement Program (SVEP). The SVEP focuses attention and resources on companies that demonstrate blatant disregard for safety obligations and put the well-being of employees at risk. The SVEP effort is part of OSHA's invigorated enforcement of the safety standards as evidenced by the fact that the number of annual OSHA inspections has risen 12 percent since 2006 and the number of violations issued has risen 21 percent.

After the SVEP program launched in June 2010, one of the first members to join was Indiana-based U.S. Minerals LLC, a manufacturer of abrasive blasting and roofing materials. U.S. Minerals was fined more than \$1.4 million during a four-month span in 112 citations that alleged safety violations in plants located in Galveston, Texas, Harvey, La., and Baldwin, Ill.

Has your company or a client you represent experienced an employee fatality or multiple hospitalizations due to potentially unsafe working conditions? If so, they may be in the club. Have they had more than two willful violations for not correcting "high-emphasis hazards" that subject workers to possible falls, amputations, chemical exposure, or fires and explosions? Welcome to the club.

And if mere membership in this club is not bad enough, OSHA has promised to prominently publicize in press releases and on its website those employers who become part of the program. The old adage that "there's no such thing as bad publicity" has been debunked.

While it takes a great deal of neglect to gain entrance into this club, companies must be aware of the consequences associated with turning a blind eye to OSHA obligations. OSHA enforcement is nothing new. But employers are now facing more severe fines, constant inspections and bad publicity if they fail to meet required safety responsibilities. The pitfalls and legal liabilities associated with noncompliance or lack of effort may be catastrophic and should be avoided whenever possible.

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