Henderson Brothers, Inc. White Paper

Addressing OSHA's Most Frequent Violations with Technology

At the end of 2021, OSHA revealed the top 10 most frequently cited standards during the 2021 NCS Safety Congress & Expo. The findings should come as no surprise for those involved in the management of safety and health programs in the workplace. These findings reflect the need to improve workplace health and safety conditions in the workplace. As these citations keep appearing year after year on this list, it is time to leverage big data. Integrating technology with OSHA compliance will benefit workers and employers in all industries.

During the 2021 NCS Safety Congress, the world's largest annual gathering of safety professionals, the Deputy Director of OSHA Directorate of Enforcement Programs presented the list of most frequently cited standards to the audience. The findings for 2021 are nearly identical to prior years, infact, only the order of the violations changed from the 2020 listing.

The consistent nature of the most frequently cited standards gives risk and safety professionals some insights into the inner workings of OSHA's complaince operations. OSHA inspectors are focusing on very easy to identify and correct hazards and conditions. Because we can easily identify the standards commonly being evaluated by inspectors, we can track our compliance and performance with these standards.

While knowing the most commonly identified violations is helpful, it should also worry us to some degree. OSHA appears to be relying on an ease of citation compliance strategy rather than focusing on supporting employers in developing programs which holistically minimize employee risks. This "gotcha" method of compliance creates circumstances where employers must continually scutinize the low hanging fruit of their operations rather than focusing on improving their total safety and health program.

We further know that OSHA typically relies on three main mechanisms for the initation of an inspection. OSHA responds to employee complaints as well as employer reports of catastrophic or fatal accidents. These complaints and incidents are often tied to the OSHA Top 10 incidents, falls for example are often fatal and are nearly always investigated. Outside of these inspection triggers OSHA also conducts programmed inspections on hot topics for National and Regional Emphasis programs, these programs are almost always connected to

the most common conditions generating citations.

At Henderson Brothers, we utilize the safety measurement application NIXN to recognize and quantify workplace hazards. This process helps our clients mitigate risks to employee well-being and minimize their regulatory liabilities. NIXN allows our safety professionals the opportunity to help clients track their compliance status across all OSHA's standards.

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Leveraging the technologies afforded to us by NIXN and its algorithms we can anticipate and respond to client concerns in real time without the risk of employee incident or compliance inspections.

The Most Frequently Cited

The number of citations in 2021 was lower across the board compared to other years with a reported preliminary figure of only 21,090 citations; down 13% from 2020 and 33.5% from 2019. The number of citations is evidence of the impact COVID-19 had on OSHA. However, even with COVID-19, OSHA was able to identify and cite problematic employers in the same 10 categories as in prior years. Although all the cited standards were part of the list in recent years, they have moved around in order some in 2021.

The topmost cited standard doesn't come as a surprise as it has been at the top of the list for the past 11 years. Fall Protection leads all citations with 5,295 citations issued. Fall protection violations are more than double

that of number two, Respiratory Protection, which had 2,527 citations issued. Rounding out the top three is Ladders with 2,026 citations.

Scaffolding ranks fourth on the list with 1,948 violations. Hazard Communication (which was the second most cited standard in 2020) is the fifth with 1,947 citations. As the top five most frequently cited indicate, compliance inspectors appear to be targeting those issues which are top of mind.

The remainder of the most commonly cited standards include: number six, Lockout/Tagout, with 1,698 violations and number seven, Fall Protection – Training Requirements, with 1,666 violations. Moving up one spot to number eight is Personal Protective and Lifesaving Equipment- Eye and Face Protection with 1,452. Dropping to ninth place is Powered Industrial Trucks with 1,420 violations. Lastly, staying in the number ten spot is Machine Guarding with 1,113 violations.

Leveraging Technology

In Henderson Brothers' more than 125-year history, we have always tried to stay at the forefront of our clients' needs and to utilize the processes and technologies that will have the best impact on our clients' risk management programs. Today, Henderson Brothers is utilizing the NIXN safety and health management platform. NIXN was developed in a joint effort between data scientists and seasoned safety professionals; the resulting platform allows us to estimate client liabilities quickly and easily and intervene before incidents can occur.

NIXN combines regulatory standards, documented best practices, citation data, and user observations to identify health and safety risks and help users to determine the most appropriate corrective actions. While this process may sound complicated, it's extraordinarily easy to complete and is often

easier to complete than a typical loss control inspection by other third parties.

Respond to an OSHA Inspection Using Data

As the 2021 most frequently cited list is distributed, we must ask ourselves – are we prepared for an OSHA visit? Preparing begins long before the compliance officer is at your door. To be fully prepared for OSHA you need to have a good game plan in place for managing compliance inspections.

A good offense is often the best defense when dealing with OSHA. OSHA investigations are often predicated on the notion that some hazard is not well controlled within your operations and that you as the employer are negligent in controlling hazards. A good offense for defending an OSHA inspection, regardless of the cause for inspection, is being able to demonstrate that, as an employer, you proactively mitigate hazards on a routine basis. Data and records are the best way to project your commitment to a safe workplace.

Developing complete and accurate workplace safety histories and metrics takes time and resources but is often worth the investment. These histories illustrate your patterns and practices over the long haul across all operations and projects. A recorded pattern of recognizing and controlling hazards demonstrates that you are not willingly exposing employees to hazards. Documenting corrective actions highlights the practices and processes you have put in place to mitigate hazards when and where identified. Supporting records such as project calendars, invoices, etc. further validate your

defense regardless of the claims by OSHA inspectors.

By utilizing NIXN as part of your safety program and routine risk control activities with Henderson Brothers, you can avoid costly interactions with OSHA compliance inspectors. NIXN allows your entire workforce to be part of the safety and health records and documentation solution. This program allows your organization to operate proactively rather than reactively to changing risks in the workplace.

Implementing NIXN

NIXN requires almost no initial setup for use at any site. The data backed program allows you to identify, analyze, and correct hazards in real time while still documenting your efforts for your records. NIXN inspections allow employees to implement safety protocols and hazard controls immediately upon discovery. The system aggregates inspections and observation data into an easy to review dashboard allowing for follow up discussions on risk mitigation with senior management.

Once you start to analyze your operations using comprehensive data from workplace observations, you will find that your compliance worries diminish, and you can focus on programs that are critical to your success. If you are interested in taking the first step in assessing your risks utilizing NIXN, your Henderson Brothers Team is here to get you started.