OSHA ENFORCEMENT IN INDUSTRIAL PAINTING & EMPHASIS PROGRAMS: UPDATE AUGUST 2024

As you may know, OSHA began hiring more compliance officers in 2021 and most regions are now vigorously enforcing their standards with a record 34,000 inspections in 2023. They are on pace to have even more in 2024.

OSHA performs inspections due to following:

1. Imminent danger situations—hazards that could cause death or serious physical harm receive top priority. Compliance officers will ask employers to correct these hazards at once or remove endangered employees.
2. Severe injuries and illnesses—employers must report:
   - All work-related fatalities within eight (8) hours.
   - All work-related inpatient hospitalizations, amputations, or losses of an eye within 24 hours.
3. Worker Complaints—allegations of hazards or violations also receive a high priority. Employees may request anonymity when they file complaints.
4. Referrals of hazards from other federal, state, or local agencies, individuals, organizations, or the media receive consideration for inspection.
5. Targeted inspections—inspections aimed at specific high-hazard industries or individual workplaces that have experienced high rates of injuries and illnesses also receive priority.
6. Follow-up inspections—checks for abatement of violations cited during earlier inspections are also conducted by the agency in certain circumstances.

Targeted inspections are based on National and Local/Regional Emphasis Programs (NEPs and LEPs) that direct them to look at specific industries and hazards. Current NEPs of interest to the industrial painting industry include:

- **Combustible Dust OSHA Instruction** - CPL 03-00-008 - Revised Combustible Dust National Emphasis Program - 01/30/2023 - PDF
- **Fall Prevention/Protection OSHA Instruction** - CPL 03-00-025 - National Emphasis Program - Falls - 05/01/2023 - PDF
- **Heat OSHA Instruction** - CPL 03-00-024 - National Emphasis Program – Outdoor and Indoor Heat-Related Hazards - 04/08/2022 - PDF
- **Hexavalent Chromium OSHA Instruction** - CPL 02-02-076 - National Emphasis Program - Hexavalent Chromium - 02/23/2010 - PDF
- **Lead OSHA Instruction** - CPL 03-00-009 - OSHA Instruction; National Emphasis Program-Lead - 08/14/2008 - PDF
- **Silica, Crystalline OSHA Instruction** - CPL 03-00-023 - National Emphasis Program – Respirable Crystalline Silica - 02/04/2020 - PDF

Several regions have LEPs on noise, high health hazards, construction, and falls. They can be viewed at:
Directives - Regional LEP | Occupational Safety and Health Administration (osha.gov)

OSHA ENFORCEMENT IN INDUSTRIAL PAINTING

Review of the OSHA enforcement database has found several key regulations where OSHA is targeting industrial painters during 2024 site visits.

HAZARD COMMUNICATIONS (1910.1200)

Many of the citations issued were triggered in part from the Haz Comm Standard. Direct violations included not having up-to-date lists of hazardous materials on site, not having SDS, and lack of training. Most importantly, is the failure to properly identify all hazards present and control those hazards as required by other applicable standards. When a SDS identifies that a flammable material is present (as in all coatings) or the presence of respirable crystalline silica (RCS) in the abrasive, substrate being prepared or the coatings being applied, we need to consider and comply with the following (at minimum, this is not comprehensive):

Deborah A. Wyandt, Esq. | Executive Director | (703) 217-3295 | dwyandt@nspcassociation.org
Rick Matthews | Director of Contractor Engagement | (410) 533-6025 | rmatthews@nspcassociation.org
Alison B. Kaelin, CQA | Technical Advisor | (412) 841-7260 | akaelin@nspcassociation.org

RESPIRATORY PROTECTION (1910.134)

We need to evaluate SDS for all potential hazards and select proper respiratory protection for all hazards.

- The presence of flammable materials may trigger respiratory protection from organic solvents.
- The presence of respirable crystalline silica (RCS), may trigger respiratory protection for small particulate matter.

You need to implement a site-specific respiratory protection plan applicable to the hazards present on-site and types of respiratory protection used. The plan must be updated as needed as conditions change.

Respirator cleanliness – Make sure you are following manufacturer instructions for cleaning supplied air and air-purifying, negative pressure respirators. Most required documented cleaning at least weekly and cleaning by methods other than wipes periodically.

FLAMMABLE LIQUIDS (1926.152)

Requires proper storage, signage, and transfer of flammable materials

CRITERIA FOR PERSONAL PROTECTIVE EQUIPMENT (1926.95)

The presence of flammable liquids requires proper selection of coveralls, based flammability categories on the SDS

CONFINED SPACES IN CONSTRUCTION (1926 SUBPART AA, .1200-1213) – Requires consideration of Permit-Required Confined Space (PRCS)

- Monitoring / control of flammable materials in potential Permit-Required Confined Space (PRCS)
- Ingress / Egress
- Permits
- Training of Entrants, Attendees and Supervisors

RESPIRABLE CRYSTALLINE SILICA STANDARD (1926.1153)

Can be triggered by RCS in the substrate, new coatings, and abrasives

- Proper selection of respiratory protection if respirable silica on SDS
- Worker exposure monitoring for RCS
- Implementation of Exposure Control Plan if RCS above the PEL of 25 ug/m3 as an 8-hour TWA.
- Proper respiratory protection based on SDS or hazard identifications
- Monitoring for carbon dioxide when using compressors
- Respirator cleanliness
- Facial hair

Note that I suggest that the RCS Standard may be applicable if RCS is present in new coatings.

While the OSHA RCS Standard and related OSHA documents are silent on any hazard related to spray application of RCS containing coatings; at least one of the OSHA citations reviewed mentioned OSHA monitoring during spray application of an RCS containing coating that was above the PEL. This was then used as the basis for several citations under the RCS and Respiratory Protection Standard.

While this OSHA monitoring has not been verified and is unexpected during the application of a wet coating, I recommend a cautious approach to the presence of RCS in coatings. At minimum, consider requiring the use of P100 (HEPA) filters along with organic cartridges during coating application related tasks with air-purifying respirators are used and perform initial worker exposure monitoring for RCS per the standard.

SUMMARY

Make sure you are evaluating all project hazards and protecting your employees through effective review of SDS and job hazard analysis.

OSHA has a webpage dedicated to Safety Management - A safe workplace is sound business | Occupational Safety and Health Administration (osha.gov). It includes guidance on hazard identification and assessment.