

# EHS Management Alert: OSHA Targets Wisconsin Industry

OSHA, through a new nationwide compliance and enforcement initiative it launched last week, is turning its attention to comprehensive safety and health programs. Wisconsin employers will be impacted by the new OSHA initiative and should act now to ensure they comply with OSHA requirements.

On November 20, 1997, newly appointed OSHA head Charles Jeffress signed the implementing directive for OSHA's Cooperative Compliance Program (CCP). The CCP encourages employers to work as partners with OSHA to reduce workplace injuries and illnesses. According to OSHA, the CCP offers an alternative compliance strategy to the traditional OSHA enforcement procedure, under which OSHA inspects facilities and cites and penalizes employers for violations of safety and health regulations.

In April 1997, OSHA requested that 80,000 worksites, with 60 or more workers in specified standard industrial classification codes, provide their 1996 lost workday injury and illness (LWDII) rates to OSHA. OSHA may target some worksites with LWDII rates higher than a seven for participation in the CCP and may inspect those worksites.<sup>1</sup> If a site's LWDII rate exceeds 28, OSHA will consider the facility to be a "high hazard" employer and in all likelihood will inspect it.

If OSHA targets an establishment for CCP participation, the employer must:

- sign an agreement to identify and correct hazards;
- significantly reduce the number of occupational injuries and illnesses;
- implement or improve a safety and health program; and
- actively involve employees in the facility's safety and health program.

This means, in part, doing a self-evaluation and turning the results over to OSHA.

In return for CCP participation, employers will be removed from the high priority inspection list and placed on a lower priority list. Moreover, those establishments in the CCP that are inspected by OSHA:

- will be notified ahead of time;
- should be able to obtain a less rigorous OSHA inspection; and
- may receive a lower penalty from OSHA for any detected violations if the employer worked diligently to improve its safety and health program.

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OSHA contends that participating in the CCP program may benefit participants, resulting in:

- fewer injuries and illnesses;
- a reduced LWDII rate that translates into reduced worker's compensation and insurance costs;
- identification and correction of safety and health hazards;
- effective worker training;
- and improved quality of work life.

When Wisconsin began its state CCP program for employers with high LWDII rates, LWDII rates dropped by 19.9% between 1994 and 1996. Moreover, worker's compensation rates were reduced for the top 50 employers by 21% and for all employers targeted by 24%.<sup>11</sup>

Despite the benefits cited by OSHA of participation in the CCP program, it is still an enforcement effort, albeit intertwined with an education and compliance element. Employers should make sure they are in compliance with OSHA requirements before they are targeted or inspected by OSHA. To that end, employers should institute comprehensive safety and health programs. Safety and health plans should address all aspects of OSHA compliance at the establishment, including the oft-cited hazard communication standard, the bloodborne pathogen standard, and ergonomics issues, which are not currently covered by a separate OSHA standard, but which OSHA regulates with its catch-all general duty clause.

If you have questions regarding:

- whether OSHA's CCP initiative applies to you;
- how to implement a safety and health plan; and/or
- how to audit your OSHA compliance status and prepare for an OSHA inspection,

please call Jeff Clark of our Environmental and Labor & Employment Departments at 414-298-8131.

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<sup>1</sup> To calculate an employer's LWDII rate, OSHA adds columns 2 (injury) and 9 (illness) from the facility's OSHA 200 log, multiplies that number by 200,000 and divides that result by the total number of hours worked by all employees at the facility during the reporting year.



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