

Safety Meetings are important!

They: get your employees actively involved
encourage safety awareness
help identify problems before they become accidents
motivate employees to follow proper safety procedures

We are happy to provide you with a monthly topic for your agenda.

ROUTE TO:

- General Manager
- Safety Coordinator
- Supervisor Dept. _____
- Other _____
- Date of Meeting _____

April 2023

OSHA Inspections Propane Filling, Transportation and Storage



OSHA Inspections

In 1970, President Nixon signed the [Occupational Safety and Health Act](#) with the mission to ensure safe and healthy working conditions by providing training, outreach, education and assistance, setting and enforcing standards. OSHA has grown in size but even today, OSHA is considered a small agency by government standards and does not have the resources to cover the 130 million workers employed at more than eight million worksites in the U.S.; so they focus their efforts on inspections of the most hazardous workplaces. Unfortunately, gas manufacturing and distribution are considered to be in that group.

OSHA uses a hierarchy of Inspections in determining where to inspect, beginning with :

**IMMINENT
DANGER**

The first priority for inspections are Imminent danger situations. These situations result in an un-programmed inspection and cover any condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures.



**SERIOUS
ACCIDENTS**

Next, Serious injuries and illnesses. These are also un-programmed inspections and cover any accident resulting in a death, inpatient hospitalization, loss of eye or amputations. Amputations are defined as the loss of a body part; this includes losing the tip of a finger.

**EMPLOYEE
COMPLAINTS**

Number 3 on the priority list are Employee complaints and are considered un-programmed inspections. The complaints may be filed by employees or other individuals, including a disgruntled ex-employee.

**AGENCY
REFERRALS**

Number 4 is Agency referrals; these often Involve hazard information received from other federal, state, or local agencies. For example, your facility has a DOT audit, and the inspector observes an unsafe condition or practice and passes along information to OSHA.

**TARGETED
INSPECTIONS**

#5 on the priority list are Targeted inspections, these inspections are part of the programmed inspection group. These inspections focus on specific issues, often in high-hazard industries, or individual workplaces that have experienced high rates of injuries and illnesses, or the inspection may concern a special emphasis program.

Currently there is a National Emphasis Program for Outdoor and Indoor Heat-Related Hazards. Any inspections performed during the warmer months (or in facilities where heat-related hazards exist) are required to include a heat-related inspection along with any other inspections. Inspections conducted under this targeted program will be comprehensive in scope...meaning they will do a WALL-TO-WALL compliance and safety inspection!

**FOLLOW UP
INSPECTIONS**

#6 on the priority list is Follow-up inspections. These are programmed inspections conducted on a facility that has been previously inspected.

NOTE: Not all inspections are site inspections. OSHA may have an informal inspection over the phone and that is dependent on the severity of the situation.



Inspections must follow a set format:

- A. Presentation of Credentials - contact upper management and contact your OSHA consultant.
- B. Opening Conference - the purpose of the investigation is defined.
- C. Review of Records - the review should only include records that are pertinent to the scope of the inspection. This may include:
 - Training records
 - Injury records: 300, 301, 300a
 - Chemical Inventory list & SDS
 - Labels
 - Written Hazard Communication Program
- D. Walkaround Inspection - Overseeing the Walk-Around Inspection is one of the most critical phases of the investigation. The observations and conclusions of the OSHA inspector during the walk-around inspection will produce much of OSHA's evidence about violations.
- E. Closing Conference - The inspector is required to have a closing conference to discuss observed violations. The closing conference may occur immediately following the walk-around inspection, several days or even weeks later. During the closing conference OSHA will discuss "apparent violations" and ways to correct hazards, deadlines, and possible fines. A second closing conference may be held if needed information, such as sampling results, was not initially available.

NOTE: If your inspection is based on an employee complaint then the opening and closing conferences may include the employee or an employee representative. If they object to the combined conference, the closing conference may be held separately. Also, the employee representative does have the right to contest any findings.
- F. Letter from OSHA - After the exit interview, you will receive a letter from OSHA. OSHA must issue the letter within six months of the cited violation.



There are some very important steps you must take when you receive the letter:

1. Talk to upper management and perhaps legal counsel.
2. Review the complaint and the cited OSHA standards.
3. Investigate all complaints and determine validity
4. Post a copy at the workplace that was inspected (citations must be posted until the violations are abated, or for three working days, whichever is longer).
5. Respond within 15 days

G. Response

You have three options:

1. Accept the citation as written and pay the penalty
2. Arrange for an informal conference with OSHA in hopes of reducing the penalty amount
3. Contest the citation

Believe it or not, not every OSHA citation is worth contesting. Often, the correct decision is to accept the citation or reach a settlement with OSHA at the informal conference. However, when costs start to add up, you must make a business decision.

If you are considering contesting the complaint then it would be advisable to request an informal conference. An informal conference can be held whether you have every intention to fully comply or if you're not sure whether you're going to comply or contest. You must call a request for an informal conference with the OSHA representative.

During the conference you'll be able to ask questions to understand the nature of your violation and discuss methods for correction or settlement options or even maybe resolve the disputed citations. Be prepared to defend your opinion with evidence.

If the citation is considerable and you know that it is a valid claim, you may want to consider offering an expedited settlement agreement to show your good faith. But do NOT promise anything you are not willing and able to complete.

Do not act alone! Talk to upper management and your legal counsel.



Reasons to Contest:

1. No violation occurred
2. Incorrect Category of Violation cited
3. Evidence to overturn violation cited
4. Penalty amount is extraordinarily significant
5. Abatement is extraordinarily costly, will cause business disruption
6. Result of Informal settlement meeting is not acceptable
7. Risk of repeat OSHA citations
8. Opens potential for civil liability
9. Damage to Corporate reputation
10. Increase workers compensation premium

Once your notice of intent to contest is received your case will be sent to litigation and your abatement days will be suspended until a decision is reached.

Your response letter should mimic the format, salutations, state the intent of the letter and state the simply. Do not try to assign blame or deny allegations outright. If you think the complaints are not valid then you must present proof (e.g., regulations, CGA document notation, etc.). If you do not hear a response to your letter within 4 days, call the office you sent the letter.

Finally, be prepared for a follow-up inspection.



LPG Filling, Transportation and Storage

As summer approaches and the use of BBQ grills increases, we need to be mindful of the dangers Propane can introduce when not properly filled, transported, and stored. This article is an overview of propane filling, transportation and storage and in-depth training should be conducted for all three topics.

The greatest hazard of propane during the summer months is IF liquid propane is vented into the atmosphere, it will vaporize into gas and expand to 270 times the volume. Propane gas is colorless, heavier than air and will pool in low places; if a source of ignition comes into contact with the propane gas (e.g. spark, cigarette butt, static electricity) it would ignite.

The most common cause for propane cylinder venting is from overfilled cylinders. The tank farm and fill assembly should be inspected daily or before use. Propane cylinders should be visually inspected prior to filling. If using a manual scale, the fill weight must be properly calculated; the fill assembly should be included in the final gross weight (cylinder tare weight + fill assembly+ net product weight = final weight).

Propane cylinders should be transported secured, in open vehicles, NEVER in automobile trucks. GAWDA has safety posters for consumer transporting compressed cylinders available on the website/ shop GAWDA products/ safety poster.

Cylinders should be stored in dry areas, away from sources of ignition/heat and combustibles. Not as in this picture.



Cylinders must be stored with the safety relief device in contact with the gas vapor space, never in the liquid phase area...and NEVER upside down! CGA has published S-8 “Guideline for the Safe Handling of Liquefied Petroleum Gas Cylinders.”

Cylinder on the left = PRD in liquid phase space.

Cylinder on right= PRD in vapor phase space.



Training

OSHA requires employees to be trained in the jobs they perform. This is a good time to review your operating procedures (SOP) with your fillers to see if the procedures should be updated or the filler needs refresher training. If your company does not have pre-fill, fill and storage procedures, this is a good time to create them.

DOT requires employees filling cylinders to be trained, tested, and certified every 3 years. This falls under the “Function Specific” training requirements in 172.704.

Training may be found:

- Propane and Education Research Council
- Propane training services, inc.
- CETP
- Your bulk propane supplier



If you have any questions about these topics or any other DHS, EPA or OSHA issue, please do not hesitate to contact me.

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