

Public Employee Safety and Health (PESH)

presented by

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Division of Safety and Health (DOSH)

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PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU (PESH)

- Public Employee Safety and Health Act
- Article 2, Section 27a, NYS Labor Law
 - Safety and Health Standards for Public Employees
- Effective January 1, 1980



SAFETY AND HEALTH STANDARDS

The Act directs the Commissioner of Labor to adopt by rule and regulation all federal OSHA standards and apply them to places of public employment.

Additional standards adopted must be as protective or more protective than federal standards (ex.: Workplace Violence Prevention, Right to Know, etc.).



PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU (PESH)

- Enforcement of OSHA and NYS Regulations in Places of Public Employment
 - State
 - County
 - City
 - Towns
 - Villages
 - Special Districts (Fire, Water, School, etc.)



THE PESH BUREAU

- 60 Safety Inspectors and Industrial Hygienists
- 9 District Offices
- Enforcement
- Consultation
- Local office: **Garden City**
400 Oak Street
Suite 101
Garden City, NY 11530
(516)228-3970



INSPECTION PROCEDURES

- The Act and Part 802 call for a structured inspection:
 - No Advanced Notice
 - Opening Conference
 - Union Participation
 - Walk Around Inspection
 - Closing Conference



INSPECTION TYPES AND PRIORITY

- Imminent Danger
- Accident Investigations
- Complaints (Serious Hazard Alleged)
- Complaints (Non-Serious Hazard Alleged)
- Referrals
- Follow up Inspections
- Programmed Inspections



DISCRIMINATION

- The employer may take no adverse action against an employee because he or she:
 - Filed a complaint
 - Participated in the inspection
 - Gave statements to the inspector
 - Exercised any other right provided for in the Act



FREQUENTLY CITED ITEMS

- **1910.134(f)(2)** - Fit tests were not conducted annually
- **1910.156 (c)(2)** - Annual training was not received
- **1910.1030(h)(1)(i)** - Establish Medical Records
- **1910.1030(g)(2)(iv)** - Annual training was not received
- **1910.120 (q)(6)(i)** - First Responders Operations Level training not received
- **1910.134(e)(1)** - Medical evaluations were not provided to interior fire fighters



MAJOR CAUSES OF DEATH

- Heart Attacks
- Vehicular Accidents
- Other Traumatic Injuries
 - Structural Collapse
- Asphyxiation
- Burns
- Drowning



LEADING CAUSE OF INJURY

- Strains and Sprains
- Wounds, Cuts, Bruises
- Smoke or Gas Inhalation
- Burns
- Stress- Heat Exhaustion
- Slips, Trips, Falls
- Other



General Overview of Common Standards



**LEADERSHIP
SEMINAR SERIES**

12NYCRR PART 801

- Report within 8 hours:
 - Death
 - Hospitalization of 2 or More (admitted)
- SH 900 Log of Occupational Injuries/Illnesses
- SH 900.1 Annual Summary
- SH 900.2



12NYCRR PART 801

- Posting (Feb 1 – April 30)
- Retain for 5 years
- Provide records within 4 hours to inspectors
- Bureau of Labor Statistics may request logs
- May use alternate forms (OSHA 300, MS Excel, etc.)



FIRE BRIGADES 29 CFR 1910.156

- Organizational Statement
- Physical Capability
- Training and Education
- Firefighting Equipment Inspections
- Refer to E. Franko memo (handout)



ORGANIZATIONAL STATEMENT

- Written Policy establishing the existence and purpose of the Department (Fire, EMS, HazMat)
- Basic organizational structure
- Type, amount, frequency of training for each position (interior, exterior, officer, chief)
- Approximate number of members
- Functions to be performed



EILEEN FRANKO MEMO

- New guidelines developed by DOL with input from OFPC on how to comply with 29 CFR 1910.156
- Major differences from the “Schrenk Memo”:
 - There is no longer a focus on the amount of hours prescribed for each topic. Training takes as long as it takes, so long as it is effective.
 - The memo recommends specific OFPC courses to fulfill the requirements of the law. These courses are **only recommended – not mandatory**.
 - Train to the hazards firefighters will face to be compliant.



PERSONAL PROTECTIVE EQUIPMENT 29 CFR 1910.132

- Written Hazard Assessment Certification
- Written Training Certification



RESPIRATORY PROTECTION

29 CFR 1910.134

- Written Respiratory Protection Program
- Medical Evaluation
- Obtain Written Recommendation from PLHCP
- Fit Testing
- Accountability Program
- Inspection Records
- Repair Records
- Breathing Air Quality
- Annual Training
- Program Evaluation



WORKPLACE VIOLENCE PREVENTION PROGRAM 12

NYCRR PART 800.6

Four (4) Main parts required under the law:

1. Risk Assessment (review of records, SOPs and facilities)
2. Policy Statement
3. Written Program (for employers with 20 or more FTEs)
4. Annual Training & Review



BLOODBORNE PATHOGENS

29 CFR 1910.1030



- Written Exposure Control Plan w/ Annual Updates
- List of Job Titles With Potential Exposure
- Regulated Waste Disposal
- Hepatitis B Vaccination Records or Signed Declination Statements
- Incident Report and Related Documentation
- Documentation Package for Healthcare Provider
- Healthcare Provider's Written Opinion (post exposure)
- Firefighter's Receipt of the Written Opinion
- Warning Labels and signs
- Training
- Sharps Injury Log



HAZARD COMMUNICATION / RIGHT TO KNOW

29 CFR 1910.1200

- Written Program
- Inventory of Chemicals
- Labeling (GHS)
- Annual Training
- Exposure record
- Poster With Name of Administrator



HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE 29 CFR 1910.120(q)

- Written Plan
- Training Records
- Qualification of Trainers
- Refresher Training Documentation
- HAZMAT Team Members:
 - Baseline Physical Examination
 - Surveillance
 - Training



CONFINED SPACE RESCUE

29 CFR 1910.146

- Formal Agreement with Employer
- Formal On-site (or similar) Training
- Documentation of Training
- Evaluation of Response



LOCK OUT / TAG OUT

29 CFR 1910.147

- For the unexpected release of hazardous energy (electrical, mechanical, hydraulic, pneumatic, gravitational, etc.)
- Must have specific procedures for each piece of equipment / machinery or group of similar equipment
- Initial training for authorized and affected employees
- Documented annual review of authorized employees

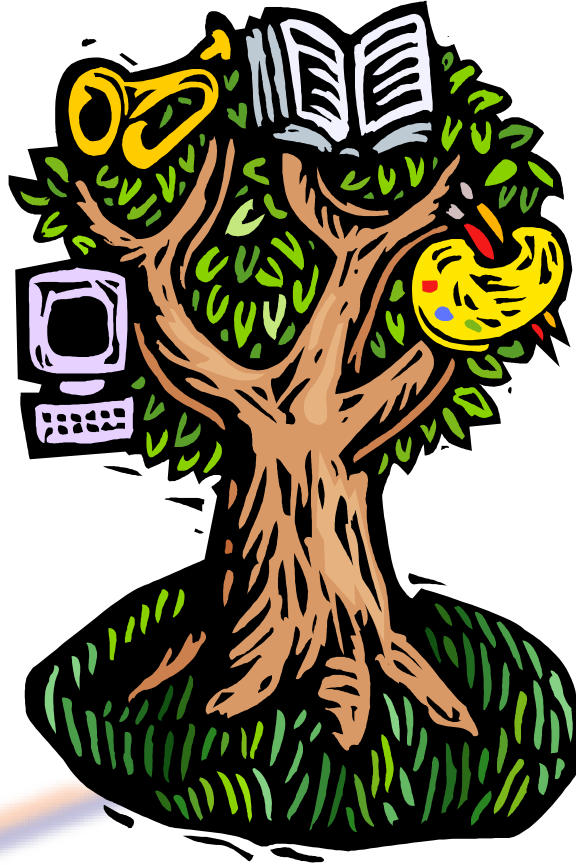


CONSULTATION SERVICE

- Free Of Charge
- Safety or Health
- Employer Dictates Scope
- Compliance Assistance
- Exposure Monitoring
- Training Assistance
- Written Program Development
- Presentations



USE PESH AS A RESOURCE



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