



# OSHA Top 5 for Dealers

How to avoid the most  
frequently cited violations



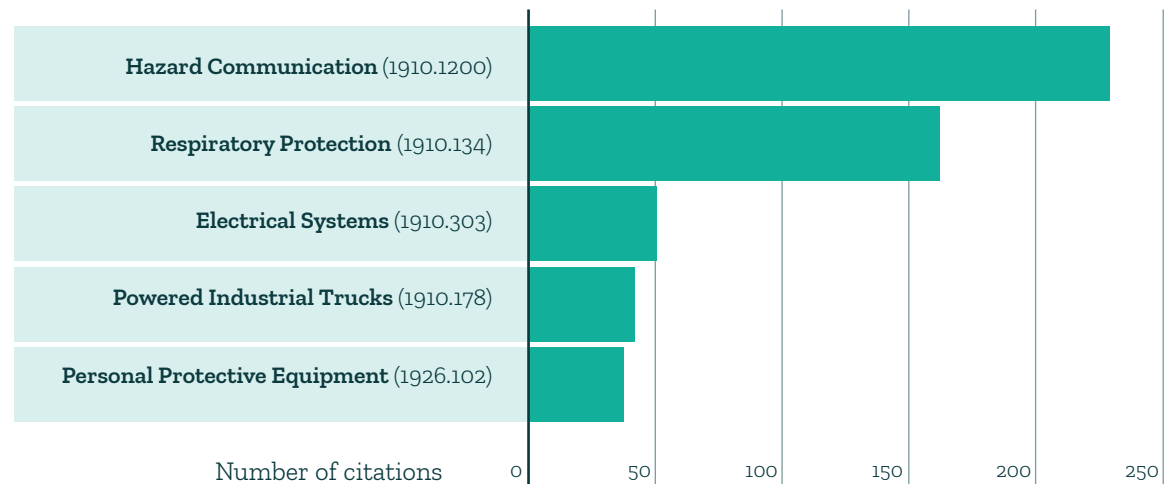


# OSHA Citations

*They're rampant, they hide in plain sight, and they have potentially dire consequences for your people and your bottom line. Is your organization doing enough to avoid the most common Occupational Safety and Health Administration citations?*

No matter how much you know (or think you know) about the most common workplace violations out there, it's clear that organizations could use some help.

**In fiscal year 2020, OSHA issued hundreds of citations combined in the following categories<sup>1</sup>:**



Source:  
[Motor Vehicle Parts and Dealers Data](#)  
[Auto Repair and Maintenance Data](#)

The reality is undeniable: Many dealers and repair shops are failing to adequately recognize and mitigate the greatest sources of workforce risk. Countless preventable incidents are occurring, causing needless injuries, illnesses, and—in some cases—deaths.

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And businesses are paying a significant toll. OSHA penalties can exceed \$13,000 per violation—and as much per day for every day the issue hasn't been fixed by OSHA's deadline. The fine for a willful or repeated violation can be 10 times as much.

From OSHA penalties to workers' compensation claims to legal, operational, and reputational costs, dealers pay a significant toll.

Don't let your employees or your organization become statistics. In this resource, you'll learn how to avoid the 5 most frequently cited OSHA standards, one by one. The following pages contain explanations of each hazard, along with warning signs to look out for and prevention checklists you can use to improve compliance and minimize losses.

But before we begin, let's take a closer look at what's at stake—the price your organization pays when these hazards go unaddressed.

*Every year, thousands of preventable incidents occur, causing needless injuries, illnesses, and—in some cases—deaths.*



### Examples of indirect workplace hazards expenses

- ◆ workers' compensation claims from people who have experienced injuries and illnesses
- ◆ lost productivity during and after an incident
- ◆ lowered workforce morale due to fear and uncertainty around risk areas
- ◆ hours of labor spent identifying and fixing the issue
- ◆ expenses of cleaning and replacing equipment that's out-of-date, damaged, or broken
- ◆ legal and compliance fees
- ◆ negative publicity and reputational damage

# The Cost of an OSHA Violation

OSHA penalties can exceed **\$13,000 per violation** and as much per day for every day the issue hasn't been fixed by OSHA's deadline.

The fine for a willful or **repeated violation can be 10 times as much.**

In 2021, the maximum penalty for such a violation is **\$136,532**.<sup>1</sup>



*Those are just the direct costs. Organizations that don't adequately address common workplace hazards can expect to pay hundreds of thousands—even millions—in indirect expenses.*

Of course, the true costs of a safety violation are incalculable. No one can put a number on an employee's life. Suffice it to say, it's in your organization's best interest to bring your annual number of injuries and illnesses to zero.

Fortunately, avoiding an OSHA citation isn't as complex or cost-intensive as many people think. Small steps can save you 6 or 7 figures—or save someone's life.

Read on to learn about the 5 most common OSHA violations and what you can do today to reduce their chances of happening in your workplace.

<sup>1</sup> <https://www.osha.gov/penalties>

# Hazard Communication

## The OSHA Standard

**OSHA definition:** "OSHA's Hazard Communication Standard (HCS) is based on a simple concept—that employees have both a need and a right to know the hazards and identities of the chemicals they are exposed to when working. They also need to know what protective measures are available to prevent adverse effects from occurring. OSHA designed the HCS to provide employees with the information they need to know."<sup>2</sup>

**Simple definition:** The HCS is the way you're supposed to inform your employees about dangerous chemicals in the workplace. It's a set of rules that covers labeling and tracking chemicals, as well as employee training on chemicals.

## Substances that fall under the HCS include...

- ◆ acids
- ◆ asbestos
- ◆ disinfectants
- ◆ glues
- ◆ lead, mercury, and other heavy metals
- ◆ paints
- ◆ pesticides
- ◆ petroleum products
- ◆ solvents
- ... and many more.

In fact, according to OSHA, "[m]ost chemicals used in the workplace have some hazard potential, and thus will be covered by the rule." For a full index of chemicals overseen by OSHA, visit [www.osha.gov/chemicaldata/](https://www.osha.gov/chemicaldata/).

<sup>2</sup> <https://www.osha.gov/Publications/OSHA3111.html>

Under the HCS, the following needs to be in place anywhere workers could be exposed to hazardous substances:

1. safety data sheets (SDS for short) for every chemical on the jobsite
2. a written hazard communication plan
3. comprehensive hazard communication training for all workers who may be exposed to hazardous chemicals

## Why Violations Happen

HCS violations usually happen because of the complexity and paperwork involved in compliance.

Organizations may fail to label their chemical containers properly, leave certain substances off of their chemical inventory lists, neglect to obtain SDS from manufacturers, or some combination of the above.

Many organizations get cited for **not maintaining a hazard communication plan**, or for failing to include necessary information in the written plan.

Sometimes, gaps in training can lead to violations. If not all workers have been trained, or if the training courses are incomplete or out of date, the organization can expect trouble from OSHA.

## Signs You're at Risk

- ◆ **You work with chemicals:** If chemicals are ever in your workplace, you could be at risk of an HCS violation.
- ◆ **You work with a lot of chemicals:** The more chemicals present, and the more those chemicals are used in the course of work, the greater the risk the organization faces. Industries with high numbers of incidents include metal fabrication, machinery manufacturing, auto repair,

construction, and painting.

- ◆ **Your written program is lacking:** If you have a simplistic HCS communication plan, or no plan at all, you're at risk of a violation.
- ◆ **Your SDS database is in bad shape:** If you aren't maintaining and updating your datasheets, you're at risk. If you don't know if your SDS information is accurate, you're at serious risk.



## HCS Violation Prevention Checklist

- Is a written copy of the updated Hazard Communication Program available to all employees?
- Do all employees or contractors have access to an SDS for every chemical on-site?
- Is there a system in place to inform outside contractors about chemicals at your site?
- Do all employees receive the required hazard communication training?
- Do all primary chemical containers have required hazard labeling?
- Are all secondary chemical containers labeled?



# Respiratory Protection

## The OSHA Standard

**OSHA definition:** "In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to this section."<sup>3</sup>

**Simple definition:** Not all air is safe to breathe. The oxygen in a certain environment may contain hazardous fumes, dust, or other contaminants.

Common airborne contaminants include particulate matter (e.g. silica dust), smoke, gases, mists, vapors, and aerosols. These and other contaminants can cause short- and long-term health problems, such as asthma, bronchitis, emphysema, impaired thinking, decreased lung capacity, loss of consciousness, and cancer.

OSHA's respiratory protection standard outlines how organizations should minimize worker exposure to hazardous air. First, the standard requires employers to assess and minimize airborne hazards if possible. But if controlling the environment isn't possible or doesn't provide adequate protection, employers must provide their workers with respiratory devices (usually called "respirators"). The standard lays out which respirators to use—and how to use those respirators—in various situations, along with maintenance, inspection, and medical follow-up procedures.

<sup>3</sup> <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134>

## Which Kind of Respirator Is Required?

Respirators fall into two main categories:

**Air-purifying:** Use filters or sorbents to remove harmful substances from the air. Range from simple disposable masks to sophisticated devices. These must not be used in oxygen-deficient atmospheres or in atmospheres that are dangerous to life or health. Best used on a short-term basis.

**Atmosphere-supplying:** Provide breathable air from a clean air source. This category includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units. These can be worn for extended periods of time.

All respirators must fit properly and must not impair the worker's ability to see, hear, communicate, and move to perform the job safely.

## Why Violations Happen

Many violations of OSHA's respiratory protection standard happen when **organizations fail to establish respiratory protection programs.**

Some **organizations fail to perform required fit testing.**

Another common reason for OSHA citations are **inadequate medical evaluations.**

Many other violations occur due to **inadequate training.**

## Signs You're at Risk

◆ **You work in a high-risk industry:** Auto mechanics are exposed to higher-than-average levels of contaminated air.

- ◆ **You haven't checked your equipment recently:** Respirators need ongoing maintenance and testing. When a device is no longer operational or safe to use, it should be replaced.
- ◆ **Your exposed employees work long hours:** The risks related to toxic air exposure increase with every hour on the job. Your workers should be taking breaks or rotating out frequently.
- ◆ **Your workforce hasn't been trained properly or consistently:** Anyone who could be exposed to contaminated air needs to know how to use a respirator.



## Respiratory Protection Violation Prevention Checklist

- Do you know if OSHA's respiratory protection standards apply to your workplace?
- Do you have ALL required respiratory procedures documented?
- Do employees have access to adequate medical treatment?
- Are all employees trained on respirator procedures?
- Are the right respirators available?
- Are you testing the equipment properly?
- Are you replacing respirators that no longer function?
- Are you regularly evaluating your respiratory protection program?
- Are you documenting everything?



# Electrical Systems

## The OSHA Standard

**OSHA definition:** "The 1910.303 standard covers electrical installation practices that are critical to ensure employee safety and maintain equipment integrity. All electrical installations must meet or exceed all applicable OSHA regulations as well as recognized consensus codes.

The standard does not cover qualified workers (but does cover unqualified workers) performing work on the following:

- ◆ Electric power generation
- ◆ Transmission
- ◆ Distribution installations located in buildings used for such purposes or located outdoors

**Simple definition:** All electrical systems have the potential to cause harm. OSHA requires employers to keep their employees safe near all electrical hazards. Part of this requirement includes the safe examination, installation, and use of electrical equipment.

The 29 CFR 1910 Subpart S identifies two types of people that may come in contact with electrical equipment on a job site: qualified and unqualified. A qualified person has been trained to avoid electrical hazards when working on or near exposed energized parts and is:

- ◆ Familiar with the safety-related work practices required in 29 CFR 1910.331-1910.335
- ◆ Able to distinguish exposed live parts of electrical equipment
- ◆ Knowledgeable of the skills and techniques used to determine the nominal voltages of exposed parts

An unqualified person is someone who has little or no training regarding electrical hazards. Even though unqualified persons may not be exposed to energized parts, make sure they're trained and familiar with your electrical safety practices.

Whenever work needs to be done on or around an electrical system, make sure everyone in the facility understands OSHA's safety guidelines. They also need to know where potential danger exists and how to avoid it.

Safety signs and labels throughout the facility are a great way to bring attention to any electrical hazards. Train your staff to make sure they understand how to stay safe when working with electrical systems.

OSHA has a helpful eTool: <https://www.osha.gov/etools/subpart-s>. The eTool shows employers all of the Subpart S installation requirements that apply based on the time period in which an installation was built or last modified.

Items that fall under OSHA's 1910.303 Standard include...

- ◆ Wiring
- ◆ Labeling of Wires
- ◆ Splices
- ◆ Arcing Parts
- ◆ Markings
- ◆ Disconnecting Means and Circuits
- ◆ Working Clearances

## Why Violations Happen

Violations can occur when wiring is not correctly labeled.

Labeling should include:

- ◆ **Purpose of the Wiring** – Inform others of where the electrical system being labeled is going. This helps when troubleshooting power outages, or surges, throughout the facility.
- ◆ **Date of Installation** – Knowing how old a general electrical system is will be helpful when planning upgrades.
- ◆ **Warnings** – Listing any warnings. For example, listing that the wiring's not insulated against high heat can help ensure that a high heat-producing machine doesn't get installed in the area.
- ◆ **Criticality** – Labeling whether a power source is going to a machine or area that is critical to the facility is a good practice. This will help ensure that maintenance staff take extra precautions before cutting the power.
- ◆ **Electrical Cutoff Loads** – Identifying how much electricity can travel through a particular electrical system before the fuse or other cutoff will occur is also important. This will help when adding additional machines or other things that will draw electricity.

## Signs You're at Risk

- ◆ Your organization performs work installing new electrical systems
- ◆ Your organization performs work updating existing electrical systems
- ◆ Your organization performs any type of maintenance on electrical systems



## Electrical System Violation Prevention Checklist

- Are only approved conductors and equipment used for electrical installations?
- Is electrical equipment free from recognized hazards that are likely to cause death or serious physical harm to employees?
- Are conductors spliced or joined using suitable devices or by brazing, welding, or soldering with a fusible metal or alloy?
- Are all electrical equipment parts that ordinarily produce arcs, sparks, flames, or molten metal enclosed or isolated from all combustible material?
- Is all electrical equipment marked with the voltage, current wattage, or other ratings as necessary?
- Are sufficient access and working space provided for all electric equipment to permit safe operation and maintenance of the equipment?
- Are electric equipment operating at 50 volts or more guarded against accidental contact by approved cabinets or other forms of approved enclosures?
- Are entrances to buildings, rooms, and other guarded locations containing exposed live parts locked and marked with warning signs for unqualified persons to enter?
- Are rooms or enclosures containing exposed live parts or conductors operated at over 600 volts, nominal, kept locked, or under the observation of a qualified person at all times?



## Powered Industrial Trucks

**OSHA definition:** "Powered industrial trucks, commonly called forklifts or lift trucks, are used in many industries, primarily to move materials. They can be used to move, raise, lower, or remove large objects or a number of smaller objects on pallets or in boxes, crates, or other containers.

The hazards commonly associated with powered industrial trucks vary depending on the vehicle type and the workplace where the truck is used. Each type of truck presents different operating hazards. For example, a sit-down, counterbalanced high lift rider truck is more likely than a motorized hand truck to be involved in a falling load accident, because the sit-down rider truck can lift a load much higher than a hand truck. Workplace conditions also present different hazards. For example, retail establishments often face greater challenges than other worksites in maintaining pedestrian safety."<sup>4</sup>

**Simple definition:** Countless businesses rely on forklifts, which OSHA likes to call "powered industrial trucks," to move large/heavy objects. However, the things that make forklifts useful also make them dangerous. Loads can fall and crush people. Forklifts can tip over, injuring drivers and workers nearby. Pedestrians can get hit, which is especially common in workplaces where a lot of people are moving around on foot.

The OSHA Standard

<sup>4</sup> <https://www.osha.gov/SLTC/etools/pit/index.html>

### OSHA's forklift rules cover issues such as the following:

- ◆ the maximum weight a forklift can safely carry at one time
- ◆ how a load should be balanced on the forklift
- ◆ how materials should be raised and lowered via forklift
- ◆ forklift operator training
- ◆ safe speeds for driving a forklift
- ◆ how to safely use a forklift around pedestrians
- ◆ how to use forklifts to safely transport hazardous materials
- ◆ how to use forklifts in and around docks and other loading zones

For OSHA's full list of standards, visit [www.osha.gov/SLTC/poweredinustrialtrucks/standards.html](http://www.osha.gov/SLTC/poweredinustrialtrucks/standards.html).

### Why Violations Happen

There are two primary kinds of forklift-related accidents.

**The first is when forklifts tip over.** Often, this is due to balancing issues. Other times, it happens when forklifts are driven too fast—the forklift turns too quickly, or hits an obstacle, and the operator loses control.

**The second leading cause of forklift violations are pedestrian accidents.** Perhaps a forklift operator doesn't see a pedestrian, or a pedestrian isn't paying attention and walks in front of a forklift. Sometimes, a load falls or a forklift tips over and strikes a bystander. Other times, pedestrians may be injured or killed by a forklift falling off a loading dock, or when they themselves fall from an elevated pallet or tine (the "arm" of a forklift).

**Keep in mind that it's illegal for anyone under 18 years old to operate a forklift.**

### Signs You're at Risk

- ◆ **Your employees aren't trained or certified:** All forklift operators must undergo training and certification. Everyone, regardless of whether they operate forklifts, must be trained on forklift safety procedures—how to keep themselves and others safe when forklifts are in use.
- ◆ **Forklift operators are driving recklessly:** A forklift driver needs to wear their seatbelt and observe speed limits at all times.
- ◆ **Forklifts aren't being inspected on a regular basis:** Every forklift should be carefully inspected and maintained between uses.



### Forklift Violation Prevention Checklist

- Are all forklift operators trained and certified?
- Have all employees taken forklift safety training?
- Do all forklift drivers wear safety belts when vehicles are in operation?
- Do forklift drivers watch for pedestrians and observe speed limits?
- Do forklift drivers use their horns when necessary?
- Are forklifts inspected before use?
- Are forklift operating environments adequately lit?
- Are you taking every precaution to avoid falling loads?



# Personal Protective Equipment

## The OSHA Standard

**OSHA definition:** “Thousands of people are blinded each year from work-related eye injuries that could have been prevented with the proper selection and use of eye and face protection.

OSHA requires employers to ensure the safety of all employees in the work environment. Eye and face protection must be provided whenever necessary to protect against chemical, environmental, radiological, or mechanical irritants and hazards.

Personal protective equipment, commonly referred to as ‘PPE,’ is equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses. These injuries and illnesses may result from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.”<sup>5 6</sup>

**Simple definition:** Personal protective equipment (“PPE” for short) is exactly what it sounds like: equipment people wear on their bodies to protect themselves. OSHA requires workers to wear PPE whenever they could become injured or sick by not wearing it.

There are many different kinds of PPE, with each piece designed for a specific job or working condition. Common examples of PPE include hard hats, safety glasses, goggles, face shields, gloves, steel-toed boots, respirators, earplugs, vests, coveralls, and other full body suits. PPE needs to fit comfortably and properly, or else it may not work as intended. It must be regularly inspected and maintained, and replaced when no longer functional. Employers must supply and pay for all PPE necessary to keep their employees safe.

<sup>5</sup> <https://www.osha.gov/SLTC/eyefaceprotection/index.html>

<sup>6</sup> <https://www.osha.gov/SLTC/personalprotectiveequipment/>

**Of all the body parts that PPE protects, the face and eyes are among the most vulnerable.** Many safety incidents involve a worker's face or eyes getting struck by an object, injured by flying particles, burned by acids or chemicals, or exposed to light radiation.

## Why Violations Happen

**Simply put, eye and face protection violations occur because the eyes and face are often under-protected and overexposed.**

Workers and their employers frequently underestimate the risk of eye and face injuries. Employees may neglect to wear eye and face protection or remove their PPE before it is safe to do so. Common complaints are that the PPE doesn't fit comfortably, is too hot, or makes the wearer look unattractive. For goggles and safety glasses in particular, a major problem is the equipment fogging up<sup>7</sup>, causing the wearer to periodically remove it and clean off moisture.

One of the leading reasons for PPE violations is inaccessibility—the right equipment isn't readily available when people need it. Sometimes, violations occur because the employer has failed to provide the necessary PPE. Now and then, violations occur because PPE hasn't been stored or maintained properly.

Then, as usual, there's the issue of inadequate training. Workers need to know when and how to use PPE; how to put it on, adjust it, and take it off; and how to properly test, store, maintain, and dispose of the equipment.

## Signs You're at Risk

- ◆ **You work in a high-risk industry:** PPE violations happen in myriad different environments, but they're perhaps most common in the construction, manufacturing, and repair industries.
- ◆ **You haven't conducted a hazard assessment:** OSHA requires

employers to identify any and all hazards that are present or may be present in the workplace.

- ◆ **You work with chemicals or other hazardous substances:** Chemicals are a common but under-recognized source of injury and illness risk, especially when it comes to the eyes and face.
- ◆ **Your PPE is in bad shape:** If you're relying on old, poorly-maintained, and poorly-stored equipment, there's a good chance you're putting your workforce in danger.



## PPE Violation Prevention Checklist

- Does your facility have a completed and signed hazard assessment?
- Is all PPE required by company policy or the hazard assessment being provided and used by employees?
- Is all PPE at your facility in good condition and properly stored?
- Do all employees wear the appropriate footwear for their work area?
- Are all employees wearing safety glasses, safety goggles, or face shields when performing eye-threatening activities?
- Are "Eye Protection Required" signs posted in areas where eye-threatening activity is present?
- Is each employee working with hazardous chemicals protected with an appropriate long sleeve uniform and/or protective apron?
- Are all employees wearing the proper gloves for the job they are performing?
- If required, are dust masks provided?

<sup>7</sup> <https://www.hexarmor.com/posts/workplace-eye-injury-statistics>



## You Don't Have to Manage Your OSHA Requirements Alone

*Have questions? Looking for more detailed OSHA compliance guidance? KPA is here to help.*

This is only a basic overview of the most common OSHA violations and how to avoid them. To truly protect your workforce and bottom line, you'll need in-depth information—and not just about these key areas, but every potential hazard that exists in your dealership. You'll also need to conduct a thorough evaluation of your facilities to identify current gaps and risk areas.

KPA's unique combination of expert EHS consulting services, software, and training can provide the coverage your people and your dealership needs.

KPA clients get access to more than 120 field consultants across North America who are available to deliver both on-site and virtual compliance support, as well as audit loss control services. Additionally, KPA's Vera Suite software helps dealers manage their EHS, F&I, and HR programs in one comprehensive platform.

The combination of KPA's software platform and deep industry expertise helps clients manage risk, streamline operations, and reduce costs.

*For more information visit [www.kpa.io](http://www.kpa.io) or call **866.356.1735**.*

