



Health and Safety Regulations – How in the World Can I Keep Up?

by

Trish Ennis CSP, ARM, CRIS

**Senior Loss Control Consultant
Holmes Murphy Associates**

Running a business is challenging, and trying to keep up with regulatory requirements is typically not the most pressing item on the to-do list. Unfortunately, failing to meet a regulatory requirement can come with financial penalties, time spent responding, potential legal expenses and even reputation damage.

Fortunately, regulatory change is a slow process, so there are not hundreds of changes each day to keep track of. But the process can still be daunting when one considers the vast number of agencies issuing regulations. In the health and safety area alone this can include workers' compensation, Department of Transportation (DOT) or Federal Motor Carriers Safety Administration (FMCSA), Occupational Safety & Health Administration (OSHA), Mine Safety and Health Administration (MSHA), Environmental Protection Administration (EPA), and even local health department regulations to name of few of the most prominent agencies.

So how does a business owner, particularly a small business owner keep up with the information they need to know? This post will present some of the challenges, and provide some suggestions for staying on top of the information you need to stay up to date.

What You Should Know

Recent changes in OSHA regulations have resulted in new requirements for employers regarding confined space safety for construction, silica, and electronic recordkeeping for injury and illness logs, to name a few. Unfortunately, there are sometimes challenges with finding the most up to date information on many of the regulatory agency websites. Recently for example, a small employer who is exempt from keeping an OSHA 300 log due to size (fewer than 10 employees), was trying to determine if it needed to report a hospitalization to OSHA. Under the rule passed in 2015, employers are required to report any hospitalization of one or more employees, regardless of the size of the employer or if they are in an industry that is partially exempt from OSHA reporting. The OSHA Homepage has a link under the “*Take Action*” section for reporting a death or severe injury. This page clearly states that all employers must report. If a business owner goes to the OSHA website page for 29 CFR 1904.1(a)(1), the regulation that describes recording and reporting accidents, the citation advises that if an employer has ten or fewer employees during the calendar year, that employer must report any workplace incident

American Subcontractors Association Colorado
3575 South Sherman Street, Suite 3 | Englewood, CO 80113
303.759.8260 | DScifo@ASAColorado.com

that results in a fatality or the hospitalization of *three* or more employees. The two pages are contradictory.

Unfortunately, the regulatory agency web pages are not the law. To get to the actual law, an employer must look at the latest version of the Code of Federal Regulations. This information can be found at the U.S. Government Publishing Office at www.gpo.gov/fdsys.

So how do you keep up to date without browsing the website for the U.S. Government Publishing Office every week? Here are some tips.

Electronic Media

Utilize news aggregators such as Apple News, Google alerts, or RSS feeds online to get information consolidated in one place. RSS stands for Rich Site Summary, and this service can be used to monitor a wide variety of information sources. Here is a sample feed button image:



These options can be free or paid subscriptions, and can be customized for users to set parameters for what news they would like to see. Users who want to keep news from filling up their inbox can set up a special email account, or configure their mailbox settings to direct messages to a pre-determined folder or location. Careful consideration should be given to deciding on the frequency of communications, otherwise the user may find hundreds of emails piling up before there is time to read them.

Twitter, Facebook, and Podcasts are other good sources of news feeds.

Business Partners

Insurance carriers and brokers are good sources of information for business owners. Subscribing to blogs or newsletters is one way to get information. It is worth asking how information gets pushed out to clients when setting service expectations with business partners to identify and formalize the chain of communication.

Associations and Membership Organizations

Trade associations and professional membership organizations have multiple means of communicating with members via blogs, podcasts, newsletters and email communications. Law firms that specialize in labor and employment law frequently send out e-news alerts with the

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latest regulatory updates. Some of the Denver based firms that offer this service include Sherman & Howard, and Jackson Kelly PLLC, to name a few.

The best way to gather useful information is to identify what you want to know, strategically subscribe to a few high-quality sources to gather information, and set aside a window of time each month to do a quick review. Lean on business partners such as insurance brokers and carriers to push your relevant information, and tap into the network in your professional organization for assistance.



Trish Ennis, CSP, ARM, CRIS
Senior Loss Control Consultant
7600 East Orchard Road, Suite 330 South
Greenwood Village, CO 80111
720-622-8255
Fax: 515-974-4628 | Cell: 303-921-8749
TEnnis@holmesmurphy.com
www.holmesmurphy.com

Summer Safety Series 2017
Issue 4 | August 3, 2017

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303.759.8260 | DScifo@ASAColorado.com