

WHITEPAPER

# OSHA'S TOP 10 VIOLATIONS

HOW DOES YOUR COMPLIANCE PROGRAM STACK UP?





# OSHA'S TOP 10 VIOLATIONS

When it comes to OSHA compliance, you can learn a lot by reviewing the requirements that OSHA most frequently finds to be in violation. This enables you to review your own operations for similar compliance issues and implement corrective action before OSHA comes calling.

Fortunately, the list of most frequently violated standards does not change drastically from year to year. There are many reasons for this, including that most of the top violated standards require employees to carry out a plan or procedure. There is often a lack of training and/or supervision, which results in workers not being able to carry out the plan, or having to make snap judgments that violate OSHA requirements.

This whitepaper takes a close look at the Top 10 most frequently cited standards across all industries (based on Federal OSHA FY 2022 data\*).

[Note: See the appendix for a list of top violations broken down for specific industries.]\* Data for FY22 are current at the time of writing this document; they are subject to change as cases are settled, added, deleted, and/or modified.



## 1 Fall Protection In Construction Work (29 CFR 1926.501)

**Total 2022 violations: 5,848**

**Total 2022 penalties: \$34,393,081**

If your company is engaged in construction work, fall protection should be top of mind for a couple of reasons. First, working at heights without proper fall protection is dangerous to workers. Second, many violations related to fall protection requirements are extremely easy for OSHA inspectors to spot if they happen to be driving by a jobsite or if a member of the public calls the Agency to report what they've seen. In fact, OSHA finds violations of the fall protection standard more often than any other.

### At 6 feet...

During most types of construction work, OSHA requires you to use fall protection when working at heights of 6 feet or more. The type of fall protection that is allowed under OSHA requirements depends on the structure and the work being done — in some cases railings may be required, in others, personal fall arrest systems, warning lines, or other approaches may be allowed. Many of the fall protection violations involve roof work (including low slope roofs) but are not limited to that — for example, elevator shafts can pose fall hazards. Employers need to evaluate the work being done in light of the OSHA requirements and ensure proper fall protection is provided when required.

### Residential construction

Workers involved in residential construction are also required to be protected from falls. Though there has been some flexibility in the past in terms of what is allowed for fall protection in these situations, OSHA has consistently

found workers to be exposed to falls and has issued residential employers with citations at a high rate. Note: This enforcement could be even tougher going forward based on recent OSHA policy changes that take away some of the flexibility residential construction employers have had for fall protection measures.

### Strength of structure

Aside from providing fall protection when required, another big compliance issue that can lead to employees falling is when the actual working surface does not have the strength and structural integrity to support employees. OSHA requires this and employers engaged in construction work should take a look at where employees will be working and ensure safety before work begins.

## 2

## Hazard Communication

(29 CFR 1910.1200)

**Total 2022 violations: 2,618**

**Total 2022 penalties: \$3,721,411**

Year in and year out, the most frequently cited General Industry standard is OSHA's Hazard Communication or HazCom standard (29 CFR 1910.1200). This regulation requires you to implement a program to inform employees of the hazards of chemicals they are exposed to on the job. The standard has several requirements — some of the main ones are also some of the ones that OSHA finds deficiencies in most often.

### Written program and inventory

A big trouble spot under the HazCom standard is when employers do not have the required written program. The written program, simply, is the written record of what a company has done to comply with the standard. Additionally, one of the program requirements is for you to compile a list of all the chemicals you use — in other words, a chemical inventory. The inventory can be a daunting task to compile, but it is a requirement — the initial compilation is the hardest, but it's also important (and required) for you to have a solid process for keeping the list up to date.



## Labeling

Labeling is another common trouble spot with HazCom. All containers of hazardous chemicals covered under the standard, except for secondary containers for immediate use by the employee who transferred the chemical from a labeled container, need to be labeled with information on the chemical's identity and hazards.

## Safety data sheets (SDSs)

Another common HazCom violation is not having an up-to-date SDS (or MSDS as they have been known in the past) for each chemical or else not making sure the sheets are readily available to employees. These sheets provide detailed information for employees on the hazards [WWW.JJKELLER.COM](http://WWW.JJKELLER.COM)

- 800-327-6868 4 of the chemicals and safety precautions. There are many systems available to you to help with this process, including many online and electronic systems.

## Training

Training is a major component of HazCom — you need to train all employees before their first exposure, and equally important, retrain them when new or different chemicals are introduced, or when there are changes in the way the chemicals are used. Training must cover:

- What's on a label — e.g., Product Identifiers, Signal Words, Pictograms, Hazard Statements, and Precautionary Statements;
- How employees might use labels in the workplace, e.g., safe storage practices;
- How label elements work;
- Format of the SDSs (which contain 16 standardized sections); and
- How the label information relates to SDS information.



The J. J. Keller® **SAFETY MANAGEMENT SUITE**, provides anytime, anywhere access to a wide range of multi-language SDSs. Find ready-to-use SDSs for every hazardous chemical in your facility and easily share them throughout your organization. Plus, take advantage of many other convenient chemical management tools!

**GET FREE SDSs**





### 3 Ladders in construction work

(29 CFR 1926.1053)

**Total 2022 violations: 2,415**

**Total 2022 penalties: \$7,097,797**

The 5th most cited violation takes us back to the construction standards and involves ladders — a seemingly simple piece of equipment, but one that poses serious hazards.

#### Three feet above upper landing

One common violation is when ladders do not extend three feet above the upper landing surface. OSHA requires that when portable ladders are used for access to an upper landing surface, the ladder side rails must extend at least three feet above the upper landing surface to which the ladder is used to gain access; or, when such an extension is not possible because of the ladder's length, then the ladder must be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, must be provided to assist employees in mounting and dismounting the ladder. This is one of those violations that, like fall protection and electrical, is easy for OSHA inspectors to notice.

Another common violation is when employees use ladders for something they aren't designed for, such as using the ladder as a walking platform or a lifting device; OSHA prohibits these practices.

OSHA requires that when portable ladders are used for access to an upper landing surface, the ladder side rails must extend at least three feet above the upper landing surface ...

OSHA also requires that ladders be in good shape. Portable ladders with structural defects, such as broken or missing rungs, cleats, or steps; broken or split rails; corroded components; or other faulty or defective parts, must either be immediately marked in a manner that readily identifies them as defective, or be tagged with "Do Not Use" or similar language, and must be withdrawn from service until repaired. Unfortunately, many employers let this slip over time — training and pre-use inspection are key to keeping ladders in good shape.

## 4 Respiratory protection

(29 CFR 1910.134)

**Total 2022 violations: 2,390**

**Total 2022 penalties: \$4,860,222**

When employees are exposed to air quality or breathing hazards, respiratory protection may be required. When it is needed, OSHA requires you to have a written program to show how you are implementing various parts of the standard.

### Assessment of hazards

The backbone of respiratory protection is having a good assessment of the exposures. This typically comes from an industrial hygiene assessment, which helps you determine the level of exposures and what appropriate respiratory protection is needed.

### Dust masks/N95s

A common troublespot with respiratory protection involves the use of particulate or dust masks (N95 versions being the most common). Many employers have dust masks as their only required use of respiratory protection. What many employers fail to realize is that dust masks such as N95s are considered respirators — and, if they are required to be used, either because of breathing hazards or because the employer requires them, then the full written respiratory program is required. (The only exception is if the usage of the dust masks is voluntary, for comfort use only. In this case, employers can comply by providing employees a 1-page handout contained in Appendix D of the respirator standard.)

### Medical evaluation

Another common compliance troublespot is not having employees medically evaluated to see if they are physically capable of wearing the equipment. Respirators place a major stress on the body — so OSHA requires employees to be medically evaluated, either through a specific questionnaire from the OSHA respirator standard that must be reviewed by a medical professional, or else through an actual medical evaluation.

### Fit testing

A lack of fit testing is another common respiratory protection violation. Fit testing is a process and series of exercises by which you ensure each individual employee's respirator is the correct size, is comfortable, and fits effectively. Fit testing is an annual requirement when respirator use is mandatory. You can do fit testing in-house, but it can be difficult initially, so you may want to request outside assistance until you are comfortable with the process.



**IF EMPLOYERS REQUIRE THE USE OF PARTICULATE OR DUST MASKS THEY MUST HAVE A FULL WRITTEN RESPIRATORY PROGRAM.**



**SAFETY PLANS**

The J. J. Keller® **SAFETY MANAGEMENT SUITE** offers hundreds of written safety plan templates for OSHA, EPA, and DOT. Just choose your topic, enter some basic info about your company, and in minutes you'll have a compliant written plan tailored to your business.

**GET FREE SAFETY PLANS**





## 5 Scaffolding in construction work

(29 CFR 1926.451)

**Total 2022 violations: 2,213**

**Total 2022 penalties: \$6,716,088**

Another construction standard that is always near the top of the violations list involves scaffolding.

### Holes in platforms

A hazard OSHA frequently finds (and issues citations for) is when there are holes in scaffold platforms — these can be just as lethal as holes in any other walking/working surface; adequate platform construction is critical. With a few exceptions, each platform, on all working levels, must be fully planked or decked between the front uprights and the guardrail supports.

### Point of access

Another common violation is not having an adequate point of access for the scaffold platforms, such as a portable ladder, hook-on ladder, direct access from another scaffold, etc. OSHA allows several options for access; however, employers get into trouble when they allow improper access such as climbing on crossbraces or stacked blocks.

### Lack of fall protection

Fall protection is another big issue with scaffolding work. The regulation states that employees must be protected at 10 feet — but it depends on the type of scaffold as to what form of fall protection is acceptable. In some cases a personal fall arrest system will be needed, for example, ladder jack scaffolds; in others, a guardrail and personal fall arrest system will be needed. Then for some situations, grablines may be needed also.

### Competent person

The key to staying in compliance with OSHA's scaffolding for construction standard is to have a "competent person." The standard requires a competent person to perform several important duties, including:

- Selecting and directing employees;
- Assessing weather;
- Training employees who are involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting scaffolds;
- Inspecting before use and when there are incidents; and
- Determining if a scaffold will be structurally sound.

## 6 Lockout/Tagout

(29 CFR 1910.147)

**Total 2022 violations: 2,117**

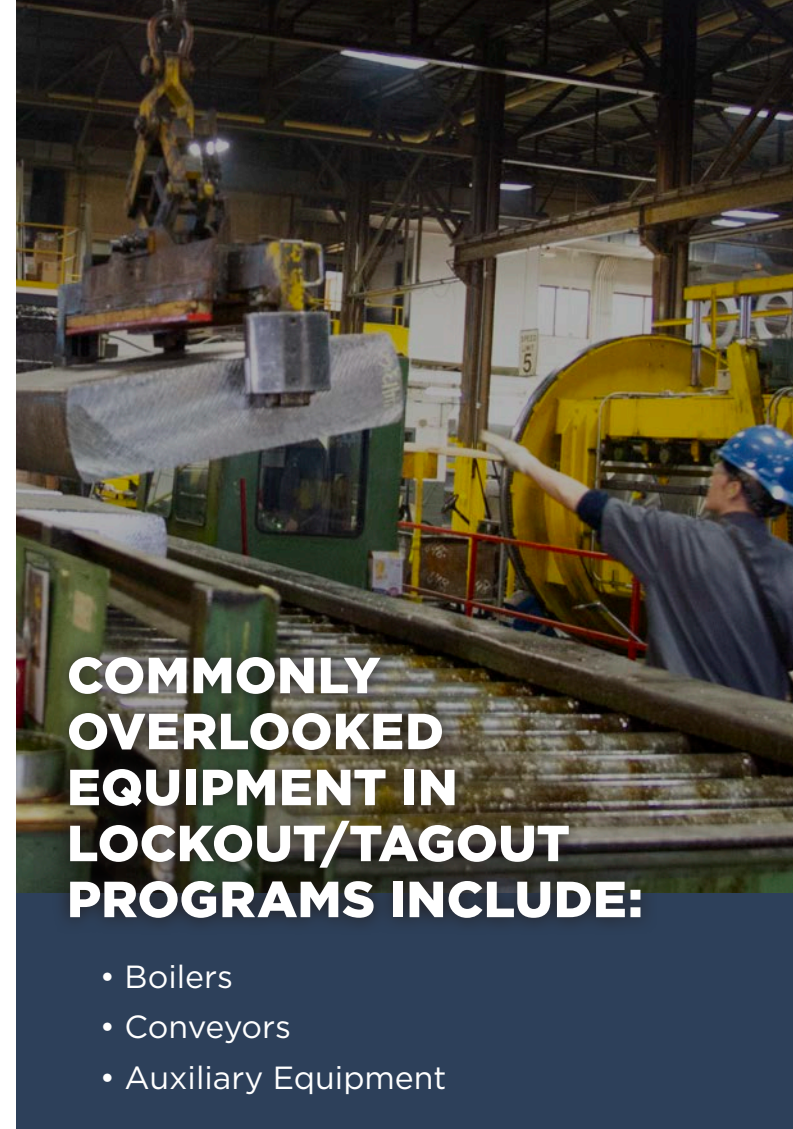
**Total 2022 penalties: \$14,695,033**

Workers servicing or maintaining machines or equipment may be seriously injured or killed if hazardous energy is not properly controlled. That is why OSHA has a requirement known as the Lockout/Tagout standard, which requires you to implement a program and procedures to control the unexpected release of energy during servicing and maintenance activities. This applies to electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other sources of energy in machines and equipment that can be hazardous to workers.

Compliance with this standard is generally done by affixing the appropriate lockout/tagout devices to identified energy-isolating points and by following a written procedure that outlines the steps to ensure it is done properly.

### Energy control program

In terms of violations, the most common is when the employer fails to develop the required written energy control program that includes specific procedures for lockout/tagout. This is key; the procedures need to be specific to the site's equipment and written for each "type" of equipment, e.g., mixers, mechanical presses, vertical lathes, etc. Another common trouble spot is when employers overlook certain equipment when developing their lockout/tagout program and procedures — commonly overlooked equipment includes boilers, conveyors, and auxiliary equipment.



## COMMONLY OVERLOOKED EQUIPMENT IN LOCKOUT/TAGOUT PROGRAMS INCLUDE:

- Boilers
- Conveyors
- Auxiliary Equipment





## Training

A good lockout/tagout program is only as good as the training. OSHA requires you to train employees commensurate with their duties/exposures. (Note: Depending on whether the employees are considered “authorized,” “affected,” or “other” there are differing levels of training — “authorized” employees need the most and “other” employees the least).

## Appropriate devices

OSHA also requires that appropriate lockout/tagout devices be used. The devices need to be dedicated solely for lockout — so you are prohibited from having the same locks for lockout purposes that are being used to lock doors or cabinets. The locks should also be consistent in terms of color and shape so that everyone will recognize them and understand their purpose.

## Procedure inspection

The inspection must include an observation of the procedure being implemented and a review between the inspector and each authorized employee who may use the procedure. The purpose is to ensure the procedure is adequate and to be certain employees know how to use it. Keep in mind that if there are multiple authorized employees, this can be done in a group setting to make the process more efficient.

## 7

## Powered industrial trucks

(29 CFR 1910.178)

**Total 2022 violations: 1,876**

**Total 2022 penalties: \$6,258,885**

Powered Industrial Truck (PIT) violations are another commonly cited item, partly because there are so many types of lift trucks across a wide variety of industries. Powered Industrial Trucks include forklifts, powered pallet jacks, stand-up rider lift trucks, order pickers, and the like. In fact, that’s one major compliance issue — when employers fail to train operators on all the types of PIT equipment they operate. Even powered pallet jacks require training under the 1910.178 standard, and that training needs to be equipment-specific. You do not necessarily have to train each operator on every pallet jack made by different manufacturers, but OSHA does prohibit



**ALL POWERED INDUSTRIAL  
TRUCK OPERATORS MUST  
UNDERGO A PERFORMANCE  
EVALUATION EVERY 3 YEARS.**

allowing an operator who only has forklift training to operate a powered pallet jack without additional training — the training must be for each “type” of equipment.

### Refresher training

OSHA also requires that formal refresher training be conducted under certain circumstances; there’s no set frequency, but you do need to retrain when there’s an accident or near miss, when the operator is observed operating unsafely, or an evaluation reveals deficiencies.

Aside from refresher training, OSHA requires all operators to undergo a performance evaluation at least once every 3 years.

### Unsafe equipment

Operating unsafe equipment is a common PIT violation, which usually gets cited under the requirement to inspect the equipment daily and take the equipment out of service when there are safety issues.

### Unauthorized attachments

Another major compliance issue is the use of unauthorized attachments — meaning using an attachment without getting the manufacturer’s prior written approval. A commonly cited situation involving attachments is with man-baskets, when the employer purchases a basket or else makes one that isn’t safe; OSHA requires you to get the PIT manufacturer’s approval for this — or else have an engineer conduct the same sort of evaluation that a manufacturer would.

## 8 Training on fall protection in construction

(29 CFR 1926.503)

**Total 2022 violations: 1,752**

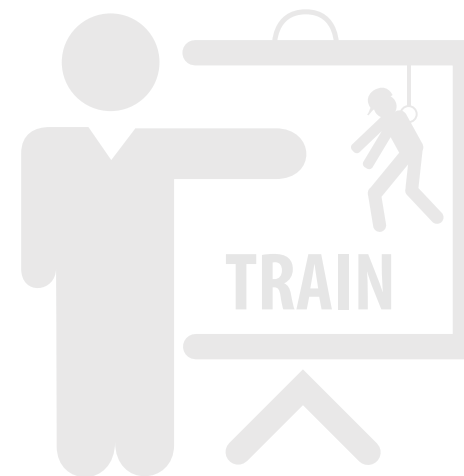
**Total 2022 penalties: \$3,503,863**

Construction work has consistently posed fall hazards to workers. In fact, failure to provide fall protection for such work has long been the number one most cited OSHA standard. However, there is another element to fall



The J. J. Keller® **SAFETY MANAGEMENT SUITE** provides unparalleled access to hundreds of award-winning training programs and thousands of customizable training resources, including PowerPoint® presentations, 5-min. safety talks, classroom exercises, and more.

**GET FREE TRAINING**





protection that OSHA is now eying: training. It's one thing to provide the equipment, but another to actually train employees in the proper use of that equipment.

OSHA requires employers involved in construction operations to provide a training program for each employee who might be exposed to fall hazards.

The program must enable each employee to recognize the hazards of falling and must teach each employee the procedures to be followed in order to minimize these hazards.

A competent person must conduct the training, which must include:

- The nature of fall hazards in the work area;
- The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;
- The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;
- The role of each employee in the safety monitoring system when this system is used;
- The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;
- The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection; and
- The role of employees in fall protection plans.

### Certification of training

The employer must verify that training was provided by preparing a written certification record containing:

- The name or other identity of the employee trained,
- The date(s) of the training, and

# 7 REQUIRED TOPICS TO COVER IN CONSTRUCTION FALL PROTECTION TRAINING:

- 1 The nature of fall hazards in the work area.**
- 2 The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used.**
- 3 The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used.**
- 4 The role of each employee in the safety monitoring system when this system is used.**
- 5 The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs.**
- 6 The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection.**
- 7 The role of employees in fall protection plans.**



- The signature of the person who conducted the training or the signature of the employer.

If the employer relies on training conducted by another employer, the certification record must indicate the date the employer determined the training was adequate rather than the date of actual training.

### Retraining

When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required to work safely, retraining must be provided. This includes circumstances such as when:

- Changes in the workplace render previous training obsolete;
- Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or
- Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

## 9

### Eye and face protection in construction

(29 CFR 1926.102)

**Total 2022 violations: 1,558**

**Total 2022 penalties: \$6,184,901**



Eye and face protection is critical on construction sites, where flying particles from power tool use, as well as chemical splashes, are commonplace. Employers are required to assess the workplace for hazards to the eye and face, including those from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

### Faceshields

A common misconception among employers and employees is that faceshields provide adequate eye protection. In fact, faceshields can only be used as secondary protection for the eyes, in addition to safety goggles/spectacles.



## ANSI-approved

OSHA allows employers to use eye/face protection meeting one of three editions of the ANSI Z87.1 industry standard (2010, 2003, 1989-R1998). The equipment must be marked appropriately to identify the ANSI approval.

## 10 General machine guarding (29 CFR 1910.212)

**Total 2022 violations: 1,450**

**Total 2022 penalties: \$11,312,015**



It's probably no surprise, due to the number of machines in industry, that machine guarding is frequently cited, usually with very costly fines associated with the citations. In particular, the machine guarding standard known as 1910.212-General Requirements for All Machinery is the one that is cited most often. This particular standard is sort of a "catch all" guarding requirement. It doesn't address specific machines or tell employers exactly how to guard dangerous parts, but it does require that employees be protected from dangerous parts by some method and also that the point of operation be guarded.

### Conveyors, metal cutting, balers...

OSHA uses the 1910.212 standard to cite employers for lack of guarding on several types of equipment, including, but not limited to conveyors, injection molding machines, metal cutting equipment, hydraulic presses, and balers.

### Anchoring machinery

Aside from the requirement to protect employees from dangerous parts, the 1910.212 standard also contains the requirement that machines be anchored to prevent movement. This applies to machines designed to be at a fixed location and also to machines that could move during operation, for example many drill presses.



## Conclusion

OSHA enforcement has intensified in recent years, with new programs implemented and fewer penalty reductions. While you cannot prevent OSHA from paying a visit, you can be well prepared. The starting point for the preparedness is understanding OSHA enforcement trends. From there, you can begin to address compliance challenges in a well-thought out and systematic manner.





# TOP OSHA VIOLATIONS BY INDUSTRY

## MANUFACTURING INDUSTRY

1910.147	Lockout/tagout
1910.1200	Hazard communication
1910.212	General machine guarding
1910.134	Respiratory protection
1910.119	Process safety management
1910.219	Mechanical power transmission apparatus
1910.305	Electrical - Wiring methods, components, and equipment
1910.178	Powered industrial trucks
1910.303	Electric - General
1910.132	PPE - General

## RETAIL INDUSTRY

1910.1200	Hazard communication
1910.178	Powered industrial trucks
1910.37	Exit routes
1910.212	Machine guarding
1910.305	Electrical - Wiring methods, components, and equipment
1910.303	Electrical - General
1910.37	Emergency action plans
1910.212	Machine guarding general
1910.132	Personal protective equipment - General
1910.22	Walking-working surfaces

## TRUCKING

1910.178	Powered industrial trucks
1910.1200	Hazard communication
1910.146	Confined Spaces
1904.39	Failure to report serious injuries
1910.28	Fall protection
1910.305	Electrical wiring
1910.132	Personal protective equipment
1904.29	Injury recordkeeping
1910.119	Process Safety Management
1910.134	Respiratory protection

## OIL AND GAS EXTRACTION INDUSTRY

1910.119	Process safety management of highly hazardous chemicals
1910.146	Confined Spaces
1910.1200	Hazard communication
1910.134	Respiratory protection
1910.219	Guarding mechanical power transmission parts
1910.28	Fall protection
1910.305	Electrical wiring
1910.212	General machine guarding
1910.23	Ladders
1910.37	Exit routes

## CONSTRUCTION INDUSTRY

1926.501	Duty to have fall protection
1926.451	Scaffolding
1926.1053	Ladders
1926.503	Fall protection - Training
1926.102	Eye and face protection
1926.20	General safety and health provisions
1926.100	Head protection
1926.651	Excavation requirements
1926.453	Aerial lifts
1926.502	Fall protection systems

## HEALTHCARE

1910.134	Respiratory protection
1910.502	Healthcare
1904	Injury illness recordkeeping
1910.1030	Bloodborne pathogens
1910.1200	Hazard communication
1910.132	Personal protective equipment
1910.303	Electrical - General
1910.147	Lockout/Tagout
1910.37	Exit routes and emergency planning
1910.305	Electrical - Wiring methods, components, and equipment

**WE'RE HERE TO HELP**



Minimize risk, drive performance, and ensure compliance with the J. J. Keller® **SAFETY MANAGEMENT SUITE**. Developed using real-world insight from EHS leaders across the country, this ready resource provides round-the-clock access to all of J. J. Keller's most popular safety management tools.

With the J. J. Keller® **SAFETY MANAGEMENT SUITE**, you can:

- ✓ Proactively manage OSHA recordkeeping requirements
- ✓ Stay up-to-date on key federal and state regulations
- ✓ Quickly and conveniently perform safety audits
- ✓ Access 100+ training programs and 6,400+ ready-to-use training resources
- ✓ Create custom safety plans tailored to your business
- ✓ Ask our in-house EHS experts your toughest compliance questions

Plus, a subscription to the J. J. Keller® **SAFETY MANAGEMENT SUITE** comes backed by a premium support package that's second to none!

**[JJKellerSafety.com](https://www.JJKellerSafety.com)** • 800-230-4094

**GET FREE ACCESS**



## **ABOUT THE AUTHOR**

### **HOLLY PUPS, EDITOR CSP J. J. KELLER & ASSOCIATES, INC.**

Holly Pups joined J. J. Keller in 2021 as an EHS Editor, specializing in workplace safety. She is a former OSHA compliance officer with well over a decade of industrial safety experience including warehousing, pharmaceuticals, public sector, and plastics manufacturing. As a seasoned safety professional, she has worked extensively creating and updating programs, training, conducting accident investigations with root cause analysis, LEAN/6-Sigma, employee and management buy in, and a variety of management systems. Holly was certified as an emergency medical technician (EMT), has a Bachelor of Science (BS) in occupational safety, and health and is a Certified Safety Professional (CSP).



### **ABOUT J. J. KELLER & ASSOCIATES, INC.**

Since we began as a family-owned company in 1953, our purpose at J. J. Keller & Associates, Inc. has been to protect people and the businesses they run. Today, serving 500,000+ companies across North America, our associates are making a larger impact than ever. Transportation, construction, utility, healthcare, education and industrial organizations of all sizes rely on our expert insights to help create safe work environments and simplify complex government regulations. They trust in our comprehensive portfolio of solutions, including cloud-based management tools, training, consulting, professional services, publications, forms, PPE and safety supplies. .

Safety professionals rely on J. J. Keller's experts, products and services to reduce risk and improve regulatory compliance, performance management, and operational efficiency. Learn more at [jjkeller.com](https://jjkeller.com), and follow us on [LinkedIn](#), [X](#), and [Facebook](#).