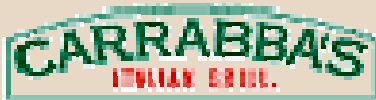


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OSHA & Restaurants: Top 10 Frequently Cited Violations

*from October 2008 – September 2009 for SIC
Code 5812 – Eating and Drinking Places*



Discussion

- Frequently Cited OSHA Regulations
- Current Penalty Structure
- What to do if OSHA arrives?
- What to do if cited by OSHA?



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

1. Hazard Communication 29 CFR 1910.1200

OSHA will be looking for a written program

➤ **Written Program should include:**

- Complete hazardous chemical inventory list
- Material Safety Data Sheets (MSDSs) – For all chemicals (even store-bought) should be stored in a binder that is easily accessible to all employees
- Procedures to properly label any secondary containers
- Documented Employee Training & Communication

TIP:

Ensure that all employees are familiar with the location of the MSDS binder and how to access an MSDS for a particular chemical. An OSHA compliance officer may ask an employee to pull the MSDS for any chemical used in the restaurant and if they can't produce it or know nothing about it, a potential fine may be issued.



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

2. Personal Protective Equipment (PPE), General Requirements 29 CFR 1910.132

Under this standard, OSHA is looking for:

- **Completed and documented PPE Hazard Assessments:**
 - **Equipment Selection**
 - **Communicate to Employees**
 - **Documented Training**
 - **Proper Care and Maintenance**

TIP:

Restaurant may be cited for not having PPE Hazard Assessments for tasks such as cutting produce/meats, transferring grease or using specific hazardous chemicals AND for not providing the appropriate PPE that coincide with the task, such as cut-resistant gloves, protective burn aprons and gloves, or goggles.



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

3. Electrical, Wiring Methods, Components and Equipment 29 CFR 1910.305

OSHA will walk through the restaurant looking for the following:

- Proper enclosures for damp or wet locations (boxes, fittings)
- Temporary Wiring (Do not use extension cord for connections intended for permanent use)
- Overcurrent Protection
- Exposed Wiring
- Open Junction Boxes
- Open Panel Boxes
- Unlabeled Circuits
- Clearance of Panel Boxes – 3ft clearance is required

TIP:

Be proactive and periodically complete a walk-through of the restaurant to ensure that electrical hazards do not exist.



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

4. Portable Fire Extinguishers 29 CFR 1910.157

- This applies if employees are intended to use fire extinguishers.
 - Proper Selection and Placement
 - Documented Training and Education
- If not intended for employee use AND you have an Emergency Action Plan AND Fire Prevention Plan, training is not required, but the following requirements are applicable:
 - Complete monthly visual inspection of each fire extinguisher (sign the tag)
 - Annual Maintenance Check
 - Hydrostatic test every 6 years



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

5. Guarding floor and wall openings and holes Requirements 29 CFR 1910.23

OSHA will be looking for:

- Proper floor hole covering for any open/exposed areas in the floor
- Proper stairway railings & guards



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

6. Walking-Working Surfaces, General Requirements 29 CFR 1910.22

OSHA will be looking at the following:

- Housekeeping conditions
- Safe clearances of aisles and passageways

TIP:

OSHA will cite a restaurant if floors are excessively wet and not well maintained (excessive food debris or boxes/equipment in walkways). Your restaurants should incorporate housekeeping best practices at all times.



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

7. Means of Egress, General 29 CFR 1910.37

OSHA will be looking at the following:

Exit Routes:

- 1. Free and Unobstructed**
- 2. Sprinklers systems, alarm systems, exit lighting in working order**
- 3. Illuminated Exit Signs and Clearly Visible**
- 4. Doorway or passage that can be mistaken for exit, must be marked “Not an Exit”**



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

8. Eye and face protection 29 CFR 1910.133

Standard reads that:

“The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.”

OSHA will be ascertaining if any specific job tasks in the restaurant require eye and face protection and whether the appropriate personal protective equipment is provided and utilized by the employees when they perform the task.

Tip:

Complete PPE Hazard Assessment to determine exposure and PPE necessities & review MSDSs



Top Ten Frequent OSHA Citations Eating and Drinking Establishments

9. Medical Services and First Aid **29 CFR 1910.151**

OSHA will be looking for the following:

- Training to render first aid, if clinic or hospital is not in close proximity (less than 5 minutes)
- Readily available first aid supplies
- Eye wash stations/showers – corrosive chemicals – review MSDSs



Top Ten Frequent OSHA Citations

Eating and Drinking Establishments

10. Hand Protection, General

19 CFR 1910.138

OSHA will be looking at the following:

- Evaluation & Selection of PPE – Complete PPE Hazard Assessment
- Cut-resistant gloves are provided and used by employees



Top Ten Frequent OSHA Citations

Current Penalty Structure

- Other Than Serious Violations – up to \$7,000
- Serious Violation – up to \$7,000
- Willful Violation – up to \$70,000
- Repeated Violation – up to \$70,000
- Failure to Abate Prior Violation – up to \$7,000 for each day violation continues
- Violation of Posting Requirements - up to \$7,000



Top Ten Frequent OSHA Citations

What should you do if OSHA Arrives:

- Be cooperative
- Answer all questions honestly
- Provide all requested documented information
- Rectify any issues while the compliance officer is still at the restaurant if possible
- If recordkeeping logs are requested, immediately contact:
 - 1.) Pat Morea, Marsh 813-207-5108 (W) / 813-420-3215 (C) or
 - 2.) Linda Wilcox, Marsh 813-207-5175 (W) / 203-645-2060 (C) or
 - 3.) Traci Noon, Marsh 813-207-5119 (W) / 813-451-3114 (C)



Top Ten Frequent OSHA Citations

What should you do if Cited:

- Immediately contact
 - 1.) Linda Wilcox, Marsh 813-207-5175 (W) / 203-645-2060 (C) AND
 - 2.) Rose Winiarczyk, Marsh 404-995-2988 (W) / 770-330-1266 (C)
- Citations will be reviewed to ensure that correct standards have been applied
- If so, abatement procedures will proceed AND
- We'll attend an informal conference
 - Take safety program/best practices
 - Take this opportunity to let them know how OSI keeps our employees safe
 - Best chance to minimize penalty



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