

OSHA Docket Office
Docket No. OSHA-2011-0063
Occupational Safety and Health Administration
U.S. Department of Labor
Room N-2625
200 Constitution Avenue NW
Washington DC, 20210

November 20, 2014

To Whom It May Concern:

As a Certified Safety Professional (CSP) and Environmental, Health, and Safety (EHS) Director for a ready mixed concrete manufacturer, it is my duty according to the Board of Certified Safety Professionals (BCSP) Code of Ethics to “hold paramount the safety and health of people, the protection of the environment and protection of property in the performance of professional duties and exercise their obligation to advise employers, clients, employees, the public, and appropriate authorities of danger and unacceptable risks to people, the environment, or property”. It is because of these reasons I must comment on the standard regarding slings.

Employees working at a ready mixed concrete manufacturer utilize chain slings on a daily basis. Chain slings are used to move concrete blocks with a front end loader to a storage area or onto tractor trailers for shipment. According to the Occupational Safety and Health Administration’s (OSHA) website (Accident: 200921963), an employee was killed on February 18, 2005 when a chain sling was being used to maneuver a concrete block failed resulting in the employee’s death. Due to this tragic accident it has allowed me to better understand this issue and convey the importance of proper inspection of slings to my co-workers in an effort to prevent this event from occurring within my organization.

Therefore, this document shall address the request for comments by OSHA related to the Standard on Slings (29 CFR 1910.184). According to OSHA's website, "the mishandling of materials is the single largest cause of accidents and injuries in the workplace", therefore it is imperative to ensure slings are properly inspected to prevent unnecessary injury or fatality of an employee. These inspections shall be completed by a competent employee and according to 1910.184(d) occur before each use, with an inspection occurring at a minimum of once a year for steel chain slings (1910.184(e)(3)(i)). As located on the regulations.gov website, OSHA has requested the following issues to be addressed with comments regarding the information collected about slings and to extend its approval process via the Office of Management and Budget (OMB):

1. Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
2. The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information collected; and,
4. Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

Each of these aforementioned items will be evaluated to allow for a clear, comprehensive determination for why the Department of Labor (DOL) should move forward in extending its information collection requirements.

INFORMATION COLLECTION REQUIREMENTS

The information that is required to be collected by OSHA regarding 29 CFR 1910.184 is paramount to ensuring the safety of the users of slings. Competent employees should be able to inspect a sling or chain and feel confident that it will not fail during use providing the correct sling was chosen for the specific task. The 1910.184 regulation provides direction for identifying slings that do not pass the requirements needed for use and direction to remove the sling from service. The extension of the collection requirements regarding the inspection, identification, development, and maintaining of documentation for the collection requirements contained in the Standard on Slings must continue and be improved upon to aid in the continuous improvement process as outlined in American National Standards Institute (ANSI) and American Industrial Hygiene Association (AIHA) *Z10* document.

OSHA'S ESTIMATE OF BURDEN

Within docket folder OSHA-2011-0063-0005, OSHA is proposing to increase the existing burden from 20,001 hours to 24, 181, which is an approximate 17% increase in time. This is relative to the increase of the number of slings that also has increased by approximately 17%. The increase in time is directly proportional to the increase in slings which essentially is increasing the time to compensate for the increase in slings. Therefore, if the previous allotted time was sufficient, then the increase in time relative to the increase in slings should also be sufficient.

OSHA has estimated the average time per responses as “Varies from 1 minute (0.02 hour) to maintain a certificate to 30 minutes (0.50 hour) for a manufacturing worker to acquire information from a manufacturer for a new tag, make a new tag, and affix it to a sling” (Federal

Register). This estimate provided by OSHA is two-fold and will be discussed in that manner. First, while maintaining the information regarding the sling, it is possible the time estimate could be as little as one minute; however, very rarely does this occur especially while maintaining paper documents. For an employee to comply with 1910.184(e)(3)(ii) and 1910.184(e)(3)(iii), such as inspecting a sling for “wear, defective welds, deformation, and increase in length (1910.184(e)(3)(iii)” and ensuring the tag is in a readable condition will take a considerable amount of time. Depending on the amount of slings at a facility and the frequency of use, the amount of time could increase exponentially, with an unfortunate cost to the company. Hence, it is of extreme importance to ensure the inspection of a sling creates value for an organization; otherwise, an inspection could inevitably result in a lack of thoroughness and an employee could just “check the box”. This is obviously not the intention of OSHA or practicing safety professionals as “check the box” provides no safety value. Thus the word “value” is again utilized, which has different meanings to different groups. Overall, all groups (OSHA, an organization, labor force, and safety professional) could agree that “value” should result in complete and thorough inspections resulting in safe equipment, efficiency in the use of time, and monetary cost savings.

As for the second section of this statement, “acquire information from a manufacturer for a new tag, make a new tag, and affix it to a sling” is not accurate, nor is it realistic with the past experiences by this writer. It has been observed that manufacturers will not provide a “tag” for slings that have been sold and used without substantial testing by the manufacturer. For a tag to be provided by the manufacturer, the sling has to be shipped to the manufacturer for an inspection to ensure the standards of the sling are still met. In each experience by this writer, the cost of obtaining a new tag was substantially more expensive than removing the old sling from

service and replacing it with a new one. Therefore, it is of the opinion that the time response for this process should be extended and the phrase of “to acquire information from a manufacturer for a new tag, make a new tag, and affix it to a sling” should be removed from the statement.

QUALITY OF INFORMATION

Information is only as valuable as it is able to be used and implemented and reviewed by a knowledgeable individual. Therefore, information on inspections completed on slings should be specific to that type of sling and not generalized. Using OSHA’s guide on sling inspections and information found on National Institute of Occupational Safety and Health (NIOSH) website (www.niosh.org), an organization should be able to develop a specific list of items to inspect on a sling to ensure the sling is in good condition and will not fail under proper use. By developing the proper inspection forms, specifically electronically, it will enable the employee to easily complete necessary inspections that would be of great value to an organization’s safety personnel. For example, if one were to use NIOSH’s example inspection forms to complete daily inspection of: shackles, chain slings, wire rope or cable slings, synthetic web slings, static hanging lines, and auxiliary hoisting lines, that process would consist of six different paper forms an inspector would have to use. This is time consuming and unrealistic to expect a proper inspection to be completed on a job site with this method. Furthermore, when using paper forms and “check boxes” there is a limited amount of space to describe relevant information; therefore, the potential for valuable data is lost.

To improve upon the collection requirements and ability to properly use the data, OSHA, in collaboration with NIOSH, should develop an application similar to the highly successful “Ladder Safety” application (“app”). This type of application would be extremely beneficial for

an employee completing a sling inspection as well as allowing an organization's safety department to review the data. There are three specific categories that could be developed to aid in ensuring the data will be utilized to its greatest ability. These three categories are explained as follows:

Overlooked Data. A larger amount of information will be able to be collected and analyzed by using an electronic format (such as with an electronic tablet) to record data from the inspection(s) of sling(s). As inspections are completed a historical table will be created. This data will instantaneously be available to the employee and safety department to aid in determining lifecycles of slings. Due to the inspection occurring before use, items such as how, what, and where the sling is being used can be quickly "checked" in electronic format. This will allow an employee and the safety department to make the proper decisions in selecting the correct sling in regards to use and performance.

Environmental Conditions. As most slings are likely tested and constructed for ideal situations, it is common knowledge when visiting any construction site that slings are exposed to all weather conditions. Cold, heat, rain, mud, ice, and ultraviolet rays are all weather factors that can alter or affect the usability and lifecycle of a sling. Again, with the development of an app, or an electronic format, an employee can quickly use a pull down "check" menu to identify the type of weather condition the sling is being used in and the work purpose for the sling. The collection of this type of data will help identify the life cycle of a sling in certain types of weather conditions; thus, potentially leading to the removal of service of a sling before failure.

Collection Resources. To complete the proper inspection of a sling, three items are imperative. Training of a competent individual and the ability to identify deficiencies and understand load

ratings of the slings must occur. Training of a competent inspector will occur whether or not an electronic tablet or app is used, but, if an app is used, bar codes can be incorporated onto the slings that will allow for individual identification of the sling. This will provide better data and a true history of each sling can be compiled. While it may be naive to state that collecting and evaluating the data on a tablet is less expensive than using a pencil and paper, it will, in the long run create more usable data. Eventually with proper training and experience, employees will be able to quickly use an electronic form on a tablet to complete inspections. The submittal of the inspection forms can quickly be reviewed and verified by the safety department staff.

As stated, a database of each sling can be constructed, allowing the user to view past remarks or identify potential future issues. Issues that may be in question can be photographed and sent for verification to the safety department or sent directly to a manufacturer through email to obtain an opinion regarding replacement or remaining life of the sling. Electronic photographs can be used to provide visual evidence of signs of fatigue of the slings. Within the electronic format or app, tips and examples of the inspection process can be provided to consistently improve the process of the inspections. As in some of the NIOSH inspection forms, pictures could be provided to aid the user in identifying unacceptable slings that should be removed from service.

While the positives far outweigh the negatives in implementing this type of inspection, it should be noted that the negatives will need to be addressed. The cost of purchasing and training employees to use a tablet to complete an inspection will take extra time that in turn will cost an organization money and time. However, as employees become more comfortable with using electronic tablets and inspection forms, the time it takes to complete an inspection should decrease, while the quality of the inspection should increase. The other negative identified will

be the compatibility with the electronic devices, specifically the operating systems. This would include the software and hardware updates, but as society is continuing to move in the direction towards the reduction of paper and increasing the use of computers, this hardly seems as though it is substantial enough to prevent the design and implementation of an electronic inspection form/app.

MINIMIZATION OF BURDEN

It is in this writer's opinion that there are steps that can be taken by OSHA to minimize the burden on employers. Specifically, the written document form required to be maintained on file by the employer following an inspection is now outdated. Paper files take up much needed space and can be lost or misfiled. As more organizations are moving from paper files to electronic files, there is no reason that the same cannot be done for inspections and be available for an OSHA inspector to view. By using a tablet, an employer can ensure that an inspection is done correctly, legible, and allow for easier accessibility to be reviewed. Employees can provide an electronic signature and date stamp as verification to ensure that false inspection reports are not being fabricated.

For organizations that have remote locations, using a tablet that is connected to the company's network or cloud will allow inspections to be reviewed by safety personnel as they are completed. This will allow for a quicker response time to resolve an issue and possibly prevent an injury or fatality from occurring. According to a study by Craig Leisher, using an electronic tablet is both quicker and cheaper in relative costs compared to using a paper and pen survey method. The study concluded that 20% more questions were able to be asked on the tablet than the paper and pen survey, yet resulted in 45% less time than the paper and pen survey. This

type of savings in time is directly proportional to the bottom line costs for an organization, while allowing them to adequately meet the requirements set-forth by OSHA.

CONCLUSION

The information collection requirements for the inspection of slings must be extended to ensure employees are not exposed to unnecessary risk. It is in my opinion that OSHA, along with NIOSH, should start to pursue the designing and implementation of electronic forms using specifically made apps to collect this necessary and important information. The data that is gathered and analyzed from the inspection of slings will enable databases to be constructed and aid in reducing risk to as low as reasonably practicable (ALARP) to prevent a serious injury or fatality when using a sling. These databases will reduce the time of the safety department reviewing paper forms and allow for increased productivity in evaluating other aspects to reduce injuries and fatalities within one's organization.

Respectfully,

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