
The Cost of Being Non-Compliant



The Respiratory Protection **Brand.**



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Each day millions of industrial workers across the US are exposed to contaminated breathing air with harmful dusts, fumes, mists, gases, smokes and vapors. These contaminants put users at risk of developing respiratory illnesses and even life-threatening diseases such as lung cancer. When engineering control measures are not feasible or do not sufficiently reduce the exposure risk, respiratory protection is required by the Occupational Safety and Health Administration (OSHA). Every employer is required to provide their employees with the appropriate respiratory protection for their role through implementing and maintaining a respiratory protection program that is up to date with current OSHA standards. All industrial environments are different; therefore, a one size fits all approach does not work. Industry specific protection is required to minimize the various hazards that are present on each site.

What does this mean for employers?

To put it simply, insufficient protection, a lack of a maintained and enforced program and workplace injuries can result in heavy fines from OSHA and/or lawsuits.

In 2019, OSHA reports the Respiratory Protection Standard (29 CFR 1910.134) was the 5th most violated safety standard (2826 violations). Of these cases, common themes were a lack of fit testing, medical evaluations and respiratory programs.

In August 2018, OSHA cited an adhesive manufacturer in Illinois for safety violations with proposed penalties totaling \$587,564. They were cited for failing to provide employees with respirator fit tests and respirators appropriate for the hazardous environment they were operating in.

At a shipbuilding company in Portland in July 2018, a total of \$370,358 was proposed for failing to conduct fit testing and medical evaluations before providing respirators to employees.

In 2018, OSHA also cited a steel service company based in Alabama \$320,261 for failure to conduct medical evaluations to determine the employee's ability to use a respirator.

Although all businesses provided respirators for their employees, they were still non-compliant. Each work environment has different hazards, and therefore needs a respiratory protection plan that is tailored specific to their business. In these cases, the fines were completely avoidable. This demonstrates the importance for employers and employees to understand the safety standards and know how they should be protected.

Breakdown of Fines into Penalty Amounts

- **Serious:** \$13,484 per violation.
- **Other-Than-Serious** (direct correlation to job safety and health, but not serious in nature):
Maximum penalty of \$13,494 per violation.
- **Failure to abate:** \$13,494 per day beyond abatement date.
- **Willful or repeated:** \$134,937 per violation.

Although these fines are extensive, they are driven by a strong desire to keep industrial workers safe. Unfortunately, when respiratory protection measures have not been put in place, these risks can become fatal.

In June 2018, an employee at a Colorado chemical manufacturer passed away due to lack of oxygen while working in a railcar. Had the employer complied with the confined space requirements and provided appropriate respiratory equipment, this death could have been prevented.

Cases like these are devastating but serve as an important reminder as to just how important having the correct respiratory protection is. Standards are in place to save lives.

How can we change?

Knowledge. This is the most effective way to ensure sufficient protection in this industry. Knowing the legal obligations of employers for respiratory protection is key in making this change happen. Understanding the OSHA standards and hazards that each industrial site has will help shape the new chapter in workplace respiratory protection health and safety. The fines that OSHA enforce are avoidable when an appropriate program is implemented and maintained. The result: healthier, safer and happier employees.

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