

Monday Morning Quarterback



AGC of America
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OSHA

OSHA to Increase Penalties for Employers

OSHA's 10 regional administrators have been directed [in a memo](#) by OSHA Administrator Dr. David Michaels to revise how the current penalty calculation system contained in the Field Operations Manual is being used in enforcement proceedings. The administrative penalty changes are scheduled to take effect over the next several months.

The overall goal of the agency is to provide an adequate deterrent to employers using increased penalties. The average penalty for serious violations will be increased from \$1,000 to an average of \$3,000 - \$4,000, according to the changes. The following are the most significant changes to the calculation system:

- An employers' history of violations will expand from three years to five years.
- 10 percent increase in their penalties for employers (up to the maximum) for employers who have been cited for any high-gravity, serious, willful or repeat violations, or have been cited for a failure to abate notice in the previous five years.
- The time period for repeated violations will be increased from three to five years.
- Area directors are authorized to offer up to a 30 percent penalty reduction to employers at an informal conference.
- Where circumstances warrant, at the discretion of the area director, high-gravity serious violations related to standards identified in the Severe Violator Enforcement Program (SVEP) will no longer need to be grouped or combined, but can cited as separate violations, each with its own proposed penalty.
- No size reduction will be applied to employers with 251 or more employees.
- 10 percent reduction for employers with a strategic partnership agreement will be eliminated.

AGC is greatly concerned about the impact of these administrative changes on its members and is working to inform AGC members of these changes. We will continue to have discussions with OSHA to gather more information on the changes and convey the impact they will have on the construction industry.

To view a copy of the OSHA memorandum, [click here](#).

For more information, please contact Kevin Cannon at (703) 837-5410 or cannonk@agc.org. [Return to Top](#) ↑

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- ➔ AGC-NCAII Meeting for New England Collective Bargaining Chapters to Take Place August 4
- ➔ AGC's 2010 IT Forum Conference
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2300 Wilson Boulevard, Suite 400 • Arlington, VA 22201 • 703.548.3118 (phone) • 703.548.3119 (fax) • www.agc.org
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