



Texas Department of Insurance

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609
•512-804-4600 • 512-804-4041 fax • www.tdi.state.tx.us

Occupational Safety and Health Consultation (OSHCON) Program Frequently Asked Questions

What is OSHCON?

The Occupational Safety and Health Consultation (OSHCON) program is a free, non-regulatory service available to small, private Texas employers. Our experienced, professional consultants can evaluate your current safety and health programs and help you identify hazards in your workplace. OSHCON is a program of the Workers' Health and Safety Division of the Texas Workers' Compensation Commission. Over 30 consultants are available throughout the state.

How can OSHCON help me?

Many services can be provided by an OSHCON consultant, including:

- evaluation and identification of safety and health hazards;
- industrial hygiene services such as noise level monitoring and air quality sampling;
- problem solving and hazard correction assistance;
- technical updates on OSHA standards;
- hands-on training;
- safety and health program assistance; and
- training materials, videos, and publications.

Is OSHCON the same as OSHA?

No. Although the consultation program was established by the same legislation that created OSHA, the consultation services are completely separate from Federal enforcement. OSHCON is a voluntary, non-regulatory program designed to help Texas employers identify areas that do not meet OSHA safety and health standards. The OSHCON program does not issue fines or citations, but instead offers solutions for correcting hazards.

Your company is eligible for OSHCON assistance if it:

- does business in the state of Texas;
- is in private industry; and
- has less than 250 employees at the consultation site and no more than 500 employees at all sites controlled by the employer (limited assistance may be available to larger employers).

The focus of the program is on employers in high hazard industries, but assistance is available to all businesses that meet the above criteria, since hazards can be present in any workplace. You must request a consultation from OSHCON to initiate assistance.

I'm a small employer. Do I need to comply with safety and health standards?

All employers are required by law to provide a safe and healthy work environment for their employees. The OSHCON program can be especially helpful to small employers that have limited staff or resources to allocate toward the development and implementation of safety and health programs.

What is the process involved with a consultation?

Step 1: The Request

You must first request a consultation from OSHCON. Consultants are available throughout the state and will schedule the consultation at your convenience. You may request a consultation to address specific issues or a comprehensive consultation.

There are many convenient ways to request assistance:

- Complete our online request form at www.tdi.state.tx.us
- Call toll-free at 1-800-687-7080
- Send us an email at oshcon@tdi.state.tx.us
- Contact a consultant in your area directly from our online directory at www.tdi.state.tx.us

Step 2: The On-site Visit

An on-site visit by the consultant follows at the agreed-upon time. Employee representatives and/or union representatives are strongly encouraged to participate in all phases of the consultation. A comprehensive visit includes the following four components:

- Beginning with the opening conference, the consultant explains his or her role and your obligations as an employer.
- During the walk-through survey, you and the consultant examine the conditions in your workplace, including appraisal of mechanical and environmental hazards as well as physical work practices. The consultant will talk to some employees who are working during the walk-through.
- An assessment of your safety and health program will also take place to determine if OSHA required written programs are in place.
- During a closing conference, the consultant will review with you not only the findings that need to be improved, but what you are doing correctly. At that time, you can discuss problems, possible solutions, and abatement periods to eliminate or control any serious hazards identified during the walk-through.

Step 3: Other Findings and Recommendations

After the consultation, all gathered information is evaluated. If necessary, relevant research or sample analysis is conducted. The consultant then provides you with a detailed written report, which will include findings and recommendations.

Step 4: Hazard Correction

Serious hazards are corrected by you within the abatement period. Hazard abatement is required so that each consultation visit achieves its objective - effective employee protection.

What will the OSHCON consultant want to see?

Based on the scope of your request, the consultant will want to view the physical worksite(s) involved. You will need to provide documentation of your company's Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes, number of employees, Federal Employer Identification Number (FEIN), and OSHA 300 log. Written safety and accident prevention programs will be reviewed. Any other complimentary programs will be evaluated, such as lock out/tag out, confined space entry, hazcom, material data safety sheets, and posters. Record keeping will also be reviewed in areas such as training and self-inspections.

How long will a consultation take?

Depending on the size of your facility and the scope of the evaluation, the consultation may vary from a couple of hours to a full day. If exposure monitoring is requested or recommended, additional time may be necessary.

What are my obligations if I request a consultation?

When you request and agree to an OSHCON consultation, you agree to correct any serious hazards or imminently dangerous situations that might be identified. The abatement period is decided upon between you and the consultant, and you are asked to eliminate serious hazards for the safety of your employees. If hazards cannot be corrected within the abatement period, you may request an extension.

The OSHA standard 1908.6(e)(8) requires that you post the list of serious hazards and correction due dates when you receive it from your consultant for a minimum of three days or until all hazards are corrected. Information on other hazards as well as correction methods proposed must also be made available to employees.

How much will it cost to correct identified hazards?

Most findings during a consultation require minimal efforts to correct. Your consultant will offer suggestions and resources available to you. Many times, expensive corrections are tied to projects that the company is already planning. The potential long-term and hidden costs associated with workplace injuries are often much greater than the short-term costs of correcting hazards.

Will an OSHCON consultation lead to an inspection by OSHA?

OSHA is not notified of visits to employers that request OSHCON consultations, nor are findings routinely reported to OSHA. In rare cases, when an employer refuses or fails to correct serious hazards or imminent dangers in the agreed-upon time frame, those violations must by law be reported to OSHA. An employer in the OSHCON program can ask for an extension if more time is needed to correct hazards.

Will a consultant visit my competitor(s)?

The OSHCON program is designed to focus on high hazard industries, and may therefore provide consultation services to competitors in the same field. However, OSHCON participation, hazards, and business processes will not be discussed with any other employer.

What are the benefits of OSHCON? An OSHCON consultation can help you:

- reduce workplace illnesses and injuries;
- stay informed of and become compliant with OSHA requirements;
- avoid fines for safety and health violations;
- keep days away restricted and transferred (DART) rate and total case rate (TRCR) below the national averages for your industry;
- minimize workers' compensation and medical costs;
- maintain successful safety and health programs;
- plan safety and health training;
- maintain production schedules;
- control damage to equipment and materials;
- reduce liability;
- improve safety and health management systems; and
- improve employee morale and reduce turnover.

What is SHARP and how do I qualify for exemption from programmed OSHA inspections?

OSHCON offers a special recognition program for qualified employers that take extraordinary measures to exceed the requirements of OSHA standards. A Safety and Health Achievement Recognition Program (SHARP) certificate can be awarded through OSHA to employers that:

- have worked with OSHCON for at least one year (some worksites may require multiple years before reaching SHARP status);
- have had a comprehensive OSHCON consultation;
- are in an industry that is identified as high hazard by OSHA and/or that has a high average days away restricted and transferred (DART) rate;
- have 250 or fewer employees per consultation site and no more than 500 at all sites nationwide;
- have corrected all identified serious hazards;
- have instituted all elements of an exemplary safety and health program; and
- have DART and TCR at or below the national rates for their industry.

Employers that are recognized with an initial SHARP certificate may be exempt from programmed OSHA inspections for one year. Subsequent SHARP renewals are effective for two-year periods (a self-audit must be submitted to OSHCON after one year to verify continued eligibility). In SHARP cases, OSHA is notified of company participation in the OSHCON program for processing of the SHARP certificates.

How can my organization or peers learn more about the OSHCON program?

OSHCON consultants and representatives are available to present program information to the general public at appropriate safety-related forums such as meetings, business seminars or safety/health conferences. We welcome the opportunity to share our services with business groups, trade associations, chambers of commerce, labor organizations and other groups interested in improving workplace health and safety.

Request a speaker by contacting the TDI, DWC Speakers Bureau at 512-804-4578 or general.training@tdi.state.tx.us, or request a booth exhibit at a trade show or conference by contacting OSHCON at 512-804-4649 or OSHCON@tdi.state.tx.us.

Besides OSHA, what other safety and health regulations apply to Texas employers?

A number of State and Federal regulatory agencies have safety and health regulations that apply to Texas employers, depending on the type of business and the operations used.

U.S. Environmental Protection Agency	Federal laws that apply to businesses that generate wastes.	www.epa.gov
Texas Commission on Environmental Quality	State laws that apply to businesses that generate wastes.	www.tceq.state.tx.us
U.S. Department of Transportation	Federal laws regulating business fleets and truck drivers.	www.dot.gov
Texas Department of Transportation	State laws regulating business fleets and truck drivers.	www.txdot.state.tx.us
Texas Railroad Commission	State laws that apply to the use of liquified petroleum gas (often used to power forklifts).	www.rrc.state.tx.us
Texas Department of State Health Services	State laws concerning bloodborne pathogens, infectious disease transmission, and the use of radiation in medical facilities.	www.dshs.state.tx.us

OSHCN consultants may be able to provide general information about other safety laws that may apply to your business, but employers should contact those regulatory agencies directly for specific information.