



# PIAMS Weekly News

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**June 4, 2010**

**Printing & Imaging Association**  
**Mountain States (303)771-1578**  
**Fax(303)771-2945 [www.piams.org](http://www.piams.org)**

## **OSHA Update**

Recently, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) revealed new enforcement initiatives and increased penalties that are expected to become effective over the next few months. This increased enforcement marks a significant departure from the cooperative compliance approach followed by the Clinton and Bush Administrations, and will surely result in increased costs to employers.

### **Severe Violator Enforcement Program Replaces the Enhanced Enforcement Program**

OSHA Assistant Secretary, Dr. David Michaels, has released a final directive establishing a **new** "Severe Violator Enforcement Program" ("SVEP") that replaces the existing "Enhanced Enforcement Program." The SVEP includes increased OSHA inspections for certain worksites, including mandatory OSHA follow-up inspections and inspections of other worksites of the same employer where similar hazards may be present. While the SVEP is aimed at employers found to be "recalcitrant violators" who are "indifferent to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations," the broad criteria contained in the SVEP identify an employer with only one violation as potentially "indifferent to their OSH Act obligations." The new program also presents problems for employers who have been issued a violation notice, but have not yet had the opportunity to defend the alleged violation(s).

Employers can be "lined out" of the SVEP log by entering into a formal or informal settlement agreement in which the citation is deleted, or if an Administrative Law Judge, Review Commission, or court decision vacates the citation. However, it is suspected that removal from the SVEP log will come too late, as the employer will already have suffered damage to its goodwill and reputation by being identified as a severe violator. The SVEP will become effective in the next 45 days.

### **Injury and Illness Prevention Plans to Become Mandated by OSHA**

OSHA's spring 2010 Regulatory Agenda also includes a new standard that would require each employer to implement safety prevention measures tailored to the actual hazards in that employer's workplace. Instead of waiting for an OSHA inspection or a workplace incident to address workplace

hazards, the proposed Injury and Illness Prevention Program ("I2P2") standard would require that employers develop a plan, with worker participation, to identify the hazards present in their worksites and address them before they cause an injury, illness, or death. This new regulation is much broader than the current 1910.132, which requires the identification of hazards in the workplace solely for the purpose of choosing necessary personal protective equipment. Currently, Injury and Illness Prevention Programs are not mandatory (under the OSH Act or the regulations); however, 24 states require a written injury and illness prevention program for certain industries.

OSHA's plan for the I2P2 would require a three step process: (1) creation of a plan, which would include employee participation, for remediating risks that includes identifiable objectives; (2) implementation of the plan by the employer; and (3) achieving the plan's objectives on a regular basis. OSHA expects to hold stakeholder meetings through the end of June to obtain input for final rule making.

### **Increased Penalties**

New administrative changes to the penalty calculation system, as outlined in the agency's Field Operations Manual (FOM), will increase the overall dollar amount of all penalties. Some of these changes will include:

- An expansion of violation history from three years to five;
- A limit on penalty reductions that can be offered by Area Offices using expedited settlement agreements;
- Allowing Area Directors to cite high gravity serious violations identified under the SVEP as separate violations (carrying separate penalties);
- Raising the gravity-based penalties scale by 50 percent (now ranging between \$3,000 to \$7,000); and
- Making the minimum penalty for serious violations \$500.

Assistant Secretary Michaels hopes that these changes will increase the average penalty from the current \$1,000 to between \$3,000 and \$4,000.

These administrative changes are expected to become effective in the next few months.

In addition to these administrative changes, OSHA is seeking to change the maximum penalties allowed by law. The

current maximum penalty for a serious violation, one capable of causing death or serious physical harm, is \$7,000, and the maximum penalty for a willful violation is \$70,000. OSHA is seeking to increase those numbers to \$12,000 and \$250,000, respectively.

### **Increased Ergonomics Enforcement under the General Duty Clause**

As part of the Department of Labor's six-year strategic plan, OSHA has announced its intention to increase **enforcement** of ergonomics hazards under the OSHA Act's general duty clause. In addition to this increased enforcement, OSHA is proposing to revise its recordkeeping regulation by restoring a column on OSHA Form 300 to better identify work-related musculoskeletal disorders. The Agency has stated that it does not plan to propose a new ergonomics standard at this time.

### **IRS Issues Notice**

#### **On Small Business Tax Credit**

The Treasury Department recently released [more details](#) on the ways certain very small businesses can take a tax credit from the new health care law. [Notice 2010-44](#) provides various guidelines, illustrated by more than a dozen examples on the small employer tax credit. Issues covered include: seasonal worker exclusion, exclusion of owners family members who work at a firm to determine FTE and average wages, vision and dental plans are included in the tax credit eligibility but only if the firm is paying 50% or more of the premium, exclusions of tax credit if employer is paying less than 50% of premium for family coverage, but more than 50% for single (for example), state-level tax credits or subsidies will not reduce the federal tax credit, and explains the tax credit phase out if over 10 FTEs (up to 25) and average wages over \$25K (up to \$50K). The tax credit may be claimed for all of 2010. The notice also requests public comment on issues that should be addressed in future guidance.

### **USCIS Issues Redesign of Green Card**

In May 2010, the U.S. Citizenship and Immigration Service (USCIS) announced a redesign of their Permanent Resident Card (a.k.a. Green Card). At least four new security features are included in the new card. HR professionals and recruiters should take note of the new design and security features.

### **Increase Folder Output With the 80-20 Rule**

Also known as the Pareto Principle after Italian economist Vilfredo Pareto, **the general idea is that 80% of the effects come from 20% of the causes.** It's also referred to as the "vital few and the trivial many."

Some examples:

- 80% of your sales come from 20% of clients
- 80% of staff problems come from 20% of the staff
- 80% of production output comes from 20% of the staff
- 20% of what you do each day generates 80% of your output.

[Read the full Technifold tip.](#)

## **Fast Facts from The Print Council And Print in the Mix**



### **Magazines: Consumers Prefer Print; Hesitant to Embrace E-Reader Advertising**

Consumers are holding on to their print magazines, not ready to join the e-reader revolution, and are open to more relevant and targeted personalized advertising according to a new consumer experience study from the Chief Marketing Officer (CMO) Council and sponsored by InfoPrint Solutions Company.

Key results:

- Two-thirds (67%) of consumers surveyed feel that e-readers have their place, but prefer the experience of holding a print magazine.
- Nearly nine out of 10 say they will continue to favor their print magazine subscriptions.
- Only 41% of consumers surveyed said they would respond to personalized magazine advertising delivered via a digital reader, versus 63% who would opt-in for the next step on engagement through a printed subscription.

[Read more...](#)

## **Don't Miss This Month's PIAMS & Design to Print Session**



### **Finding Profitability Today and In The Future! Changes, Trends and Evolving Opportunities**

**June 16, 2010**

**5:30pm Registration & Networking**

**6:00pm – 7:30pm Session with Q & A**

**FREE for members • \$15.00 for non-members**

The Denver Press Club • 1330 Glenarm Place • Denver

#### **Presenters:**

**Lana Duncan of HP**

**&**

**Damian Dorrance of GPA, Specialty Substrates**

This special session is for Owners, CEO's, Decision Makers, Sales Managers, Sales Executives, Top Line Managers, Designers, Freelancers, and everyone in-between. For complete information go to [www.piams.org](http://www.piams.org) and click on Calendar or Design to Print or call Jennifer Janness at 303.771.1578.