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Getting OSHA Compliant: What Dealers Should Know

David Estrada, Regulatory Compliance Specialist, ComplyAuto
Charles Russo, Director of Risk Management and Insurance, NJ CAR



Chris Cleveland

CEO & Co-Founder, ComplyAuto
Privacy
Compliance Director, Galpin Motors
(former)



John McCallan

Owner, Operator & Attorney,
Raceway Ford
Partner, Kearny Mesa Ford & Kia of
Sunroad Auto



Shane McCallan

Co-Founder, ComplyAuto Privacy
General Counsel, Raceway Ford
(former)
Vice President, Auto Advisory Services
(former)

Our Story **BY DEALERS. FOR DEALERS.**

ComplyAuto was born out of dealers' frustrations from having to spend substantial time and resources in complying with complex privacy and cybersecurity regulations.

Using the experience in managing their own dealership operations, the founders created a purpose-built solution that saved them hundreds of hours and hundreds of thousands of dollars annually.

This freedom allows dealers to focus their limited resources on what they do best – selling and servicing vehicles.

ComplyAuto now provides privacy and Safeguards Rule solutions to over +7,500 Dealers across the country.

THINGS TO CONSIDER IN 2023

- 1. OSHA regulators have more autonomy to issue fines and can cease dealership operations under unsafe work conditions.**
- 2. OSHA recently visited NJ dealer regarding heat & illness compliant.**
- 3. Ensure equipment inspections are being conducted consistently.**
- 4. LOTO!**
- 5. OSHA just took its first enforcement action for workplace violence.**
- 6. Expect increased enforcement for failure to report/record injuries & illnesses timely and accurately.**

OSHA Penalties

The Occupational Safety & Health Administration (OSHA) continues to gain more autonomy to increase fines and now has the power to actually shut down a business for violations.



Below are the maximum penalty amounts, with the annual adjustment for inflation, that may be assessed after Jan. 15, 2023. (See OSHA Memo, Dec. 20, 2022).

Types of Violations	Penalty
Serious Other-Than-Serious Posting Requirements	\$15,625 per violation
Failure to Abate	\$15,625 per day beyond the abatement date
Willful or Repeated	\$156,259 per violation



States that operate their own Occupational Safety and Health Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA.

OSHA stated fines will increase every year.



OSHA Top 10 Violations in 2022



The list of OSHA's highest proposed monetary penalties in fiscal year 2022 comprises those stemming from a single incident or related incidents in which one or more employers allegedly failed to adhere to safe work practices. These failures put workers at risk – in some cases, fatally.

The Top 10 Most Cited Workplace Safety Standards for FY 2022

1. Fall Protection – General Requirements: 5,260 violations
2. Hazard Communication: 2,424
3. Respiratory Protection: 2,185
4. Ladders: 2,143
5. Scaffolding: 2,058
6. Lockout/Tagout: 1,977
7. Powered Industrial Trucks: 1,749
8. Fall Protection – Training Requirements: 1,556
9. Personal Protective and Lifesaving Equipment – Eye and Face Protection: 1,401
10. Machine Guarding: 1,370

The 2nd largest OSHA fine last year was for \$1.2M at an auto parts retailer where the employer failed to have proper safeguards to protect workers from an accidental machine startup after a vehicle lift crushed a worker's hand.

Other agency findings included the company's willful failure to develop and implement lockout/tagout procedures.

Source: Patrick Kapust, acting director of OSHA's Directorate of Enforcement Programs, as presented at NSC Safety Congress & Expo and Safety and Health Magazine.

What if OSHA shows up at your dealership?

The following are employer/employee rights during an OSHA inspection:

- 1. Employers do not need to let OSHA perform an inspection without a warrant. (If you have nothing to hide, then this is not always recommended as it may sour the relationship with the local OSHA office).**
- 2. You can make an inspector wait for 60 min prior to starting the inspection; this gives you an opportunity to contact a company representative or attorney.**
- 3. If the inspection arose because of a complaint, you can demand to see a copy of the complaint.**
- 4. You can have management or any other personnel accompany the OSHA inspector.**
- 5. Negotiate to narrow the scope of the inspection; if OSHA has gone through the trouble of getting a warrant it's likely they have a specific issue or area they wish to inspect.**
- 6. Inquire as to what the inspection is for - you have the right to know what their probable cause is for the inspection.**
- 7. Many OSHA inspectors are moving to audio/visual recording for employee interviews; employees can deny consent to be recorded but they should be aware that anything said during the interview is on the record.**

Heat Illness Prevention Program



OSHA has been actively conducting inspections at dealerships and it is essential to be aware that these visits are happening. Even though OSHA's primary emphasis is on heat illness prevention, they may also scrutinize other areas that traditionally pose significant safety concerns while on-site.

PRACTICAL TIPS

Remember Initial Exposure is the Most Dangerous: Most outdoor heat illnesses and fatalities occur within the first few days of increased temperatures because our bodies haven't had a chance to build up a tolerance yet. It usually takes five to seven days to acclimatize to significant temperature changes, so take it easy at the beginning of a heat wave.

Hydration: Encourage employees to drink plenty of water throughout the day, especially during hot weather. Provide access to cool, potable water near the work area and remind employees to hydrate regularly.

Rest and Shade: Schedule frequent rest breaks in shaded or cool areas to allow employees to recover from heat exposure. Along those lines, make sure that shaded or cool areas are close to exposed work areas and are easily accessible. Encourage employees to take breaks before they feel overly fatigued or experience symptoms of heat-related illnesses.

Workload and Scheduling: Adjust workloads and schedules to avoid peak heat hours whenever possible. Consider limiting strenuous tasks to cooler parts of the day.

Training and Education: Train employees and supervisors about the dangers of heat stress, how to recognize its symptoms, and the importance of prompt action when symptoms arise.

Heat Illness Prevention Program: Develop a comprehensive heat illness prevention program tailored to your dealership. The program should include risk assessments, preventive measures, and guidelines for managing heat-related hazards.



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Workplace Violence Prevention and Response



According to OSHA, companies have an obligation to keep the workplace safe and secure. This means that if an active shooter event occurs and the dealership hasn't trained employees to respond, they haven't met the obligation to address reasonable threats to keep the workplace safe.

PRACTICAL TIPS

Workplace violence and active shooter issues on the rise. Just last year, OSHA enforced this issue for the first time under the General Duty Clause.

Identify risk factors - building security, handling large sums of cash, working in isolation, or late hours.

The best deterrent to workplace violence is to conduct adequate screening that prevents the hiring of individuals with a history of violent behavior.

Employers should establish a zero-tolerance policy for threatening or engaging in violent behavior, providing for employee disciplinary action up to and including dismissal.

Consider incorporating the following policies and trainings in your safety plan:

- Workplace Violence Policy and Training.
- Weapons in the Workplace Policy. (Check state law)
- Active Shooter Policy, Training & Incident Response Team.

Discuss the elements of active shooter incident response planning with guidance from expert instructors. Have an Active Shooter Policy & Incident Response Team.

Incorporate key elements of successful incident management into planning efforts including: Communication and Incident Planning for employees, Emergency Action Plan Development, Recognizing Behavioral Indicators, and Coordinating with First Responders.



Equipment Inspection Management



OSHA safety requirements relating to the stability, function, fire protection, design, maintenance, and use of dealership equipment.



PRACTICAL TIPS

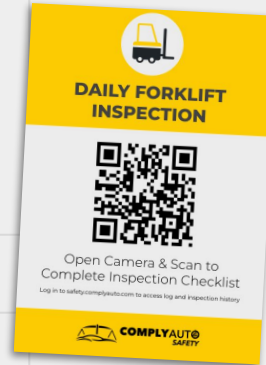
Know what needs to be inspected and frequency of inspections. (Can differ by state)

Typical inspections required:

- Forklifts - daily inspections. Differs by type of forklift, i.e. gas, propane, electric. OSHA Rule 1910.178(l)(1)(i)
- Eyewash stations - general flow, temperature, functionality and cleanliness. Periodic inspections (weekly) ANSI 358.2014, OSHA 29 CFR 1910.151(c).
- Scissor lifts & scaffolds - before each use. Overall inspection, good working condition. OSHA 1926.451(d)(3)(i)
- Aboveground Storage Tanks - Can be required daily or monthly based on state. Overall inspection of control panel function, leaks, pressurized, secondary containment. OSHA 1910.106.
- Underground Storage Tanks - Also required either monthly or annually in most states. May subject the dealership to creating a Spill Prevention, Control, and Countermeasure (SPCC) plan.
- Automotive Lift - annually conducted by a certified company. Do you have a sticker with the date of last inspection on your current lifts? Safety Requirements for Operation, Inspection and Maintenance ANSI/ALI ALOIM: 2020 Standard for Automotive.

If equipment doesn't pass inspection, it needs to be locked and tagged out immediately by a supervisor.

Make it easy for your employees to keep up with regular inspections. Do you have an electronic system?



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Lockout Tagout Policies



OSHA Standard 1910.147(a)(3)(i) requires employers to establish a program and procedures for affixing appropriate lockout devices or tagout devices to energy isolating devices, and to otherwise disable machines or equipment to prevent unexpected energization, start-up or release of stored energy in order to prevent injury to employees.



PRACTICAL TIPS

Do you have a lockout/tagout policy for your electrical equipment?

A lockout device utilizes a means such as a lock, either key or combination type, to hold an energy isolating device in a safe position and prevent the energizing of a machine or equipment.

If something isn't working properly, a manager needs to lock the machine/equipment so it cannot be used by any employees. Then a tag/sign needs to be on the machine stating Out-of-Order status.

Employees and managers need to be trained on lockout/tagout and need to sign a policy stating compliance on an annual basis.

Injury or Illness Recording & Reporting



The OSHA Standard 29 CFR Parts 1904 and 1952 require employers to keep records of occupational deaths, injuries, and illnesses. OSHA is ramping up enforcement of failure to timely or accurately report injuries and illnesses.

PRACTICAL TIPS

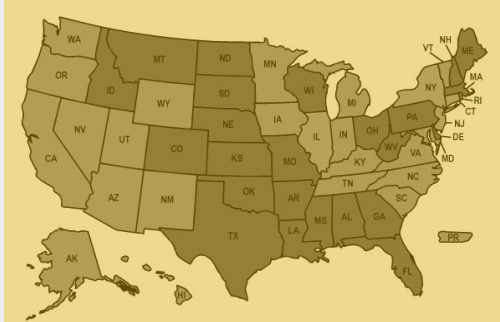
If there is ever an injury or illness that happens on sight, you need to know if it is: recordable, reportable, the timeframe to do so, and the agency to report to.

Know OSHA Reporting Requirements! Employers must report job fatalities within 8 hours. In-patient hospitalization, amputation, or eye loss must be reported within 24 hours. In some situations, employers may also have annual reporting requirements

Keep records of each injury or illness for OSHA 300 or OSHA 300A log (annually) and for worker's compensation purposes. Many HR/payroll softwares are inaccurate and some dealers have been fined for relying on such systems.

OSHA Form 300A data for the preceding calendar year must be electronically submitted to OSHA each year by March 2 of the following year and be posted in area accessible to employee from Feb 1st - April 30th.

Privacy cases - employee can request to exclude name from reporting illnesses. (required for HIV, TB, reproductive illnesses and injuries, etc.)



Lightly shaded states have special reporting requirements.

On-Site Inspections



While on-site inspections are not required by OSHA, it is considered a good practice to have a safety professional conduct safety walkthroughs or mock inspections to safeguard employees, prevent injury, or mitigate risks prior to an OSHA audit.

PRACTICAL TIPS

Conduct periodic visual safety walkthroughs to identify hazards and gaps in your safety compliance culture. Some states require that employers conduct periodic safety or hazard assessments as part of their Injury and Illness Prevention Program. This also may be required for worker's compensation purposes.

Inspect entire dealership, not just shop. Don't forget body shops, paint booths, storage areas, sales, offices, breakrooms, etc.

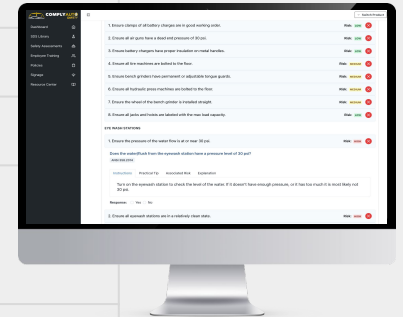
Use a fresh set of eyes - have managers new to organization look at areas.

Have a set program - consistency and less likely to miss areas to inspect.

Keep detailed inspections records with:

- Issues found and plan to mitigate/fix
- Annotated with images & video

Don't forget to look up any state-specific safety/OSHA rules.



SDS Management Tips



OSHA's Hazard Communication Standard (HCS) requires employers to maintain Safety Data Sheets for chemicals in the workplace and to ensure that employees can easily and readily access them.

PRACTICAL TIPS


SDS must have: PPE required, First Aid info, if medical intervention required, spill clean up instructions.

Need an SDS manifest with each chemical used near locations where chemicals are stored or in use.

Use Secondary Labels on containers not distributed by manufacturers, and must have the same information as primary label (sharpie with just a name is not sufficient.)

Best practice is to include Spanish language SDS sheets.

Doesn't have to be a binder, as OSHA allows electronic manifests, but employees must have easy access (i.e., no passwords)



Product Name: NATURAL GASOLINE
Revision Date: 31 Jul 2020
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SAFETY DATA SHEET

SECTION 1	
PRODUCT AND COMPANY IDENTIFICATION	
PRODUCT	
Product Name:	NATURAL GASOLINE
Product Description:	Petroleum Hydrocarbons
Product Code:	100000-00
Intended Use:	Fuel, Intermediate
COMPANY IDENTIFICATION	
Supplier:	U.S. Production 23777 Springwoods Village Parkway Spring, TX 77389 USA
24 Hour Health Emergency ExxonMobil Transportation No.	800-737-4411 800-424-9300 or 703-527-3887 CHEMTREC

SECTION 2	
HAZARDS IDENTIFICATION	
This material is hazardous according to regulatory guidelines (see (M)SDS Section 15).	



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First Aid, CPR, & AED



First aid supplies are required to be readily available under § 1910.151(b). When larger or multiple operations are being conducted at the same location, employers should determine the need for additional first aid kits at the worksite and additional quantities and types of supplies in the first aid kits.

PRACTICAL TIPS

Have multiple first aid kits located around dealership. Consider having a least one trauma kit. Make sure to inspect and restock first aid kit annually.

Best practice is to have trained employees on basic First Aid for cuts, falls, or know when to call 911.

Make sure you have enough trained employees for coverage of all shifts or time off/vacations.

Train every employee on emergency procedures and response.

Train employees to check SDS for first aid measures if contact with a chemical occurs.

OEM's are recommending EV dealers to have CPR & AED trained employees on-site.

If you have an AED, OSHA highly recommends to have a certified trained employee(s).



Safety Training



OSHA requires employers to provide training to workers who face hazards on the job. Many OSHA standards include explicit safety and health training requirements to ensure that workers have the required skills and knowledge to safely do their work.

PRACTICAL TIPS

Best practice is to complete training during onboarding, or at time of new equipment added to the worksite (i.e. purchased a new forklift).

Most trainings are required annually.










Train everyone - safety is everyone's job. At a minimum, everyone should be trained on Fire Extinguishers, Back Injury Prevention, General Safety, Covid-19, Emergency Response, and Safe Driving.

Look for training that is engaging and interactive for student retention/recall.

Integrate corresponding policies to be read and signed during training.

Other good training to consider: Heat & Cold Stress, Forklift, Hearing Protections, PPE, Shop Safety, Active Shooter, Wildfires, etc.

Course Library

 Covid-19 and Infectious Diseases • Summarize ways to protect yourself and minimize spread • Apply steps to making a plan if you or someone else gets Covid • Differentiate between cleaning vs. disinfecting surfaces Download SCORM ⌚ Who ⌚ Duration	 Emergency Response • Understand the importance of the workplace's EAP • Relay the basic principles of how to evacuate effectively • Summarize shelter do's and don'ts • Plan an appropriate response to different emergency situation Download SCORM ⌚ Who ⌚ Duration	 Fire Extinguisher Objectives By the end of this course, learners will be able to... • Know which questions to ask BEFORE attempting to put out a fire • Summarize smart safety tips • Identify different types of Fires • Recognize when to use a Fire Extinguisher Download SCORM ⌚ Who ⌚ Duration
 Forklift Safety "Objectives By the end of this course learners will be able to... • Summarize forklift guidelines • Identify potential hazards • Successfully operate a forklift in order to avoid hazards • Understand and prepare for training requirements for certification • Analyze the role of supervisors in using a forklift" Download SCORM ⌚ Who ⌚ Duration	 Forklift Safety: Supervisors Objectives By the end of this course learners will be able to... • Summarize forklift guidelines • Identify potential hazards • Successfully operate a forklift in order to avoid hazards • Understand and prepare for training requirements for certification • Analyze the role of supervisors in using a forklift Download SCORM ⌚ Who ⌚ Duration	 General Safety Objectives • By the end of this training, learners will be able to... • Summarize the KSA process • Identify potential hazards in different working environments • Remember hazard prevention techniques Download SCORM ⌚ Who ⌚ Duration
 Hazard Communication	 Hazardous Waste Management	 Hearing Protection



Safety Policies



OSHA requires employers to create and enforce policies in the workforce that coincide with standards related to workplace hazards.

PRACTICAL TIPS

Your old policies in the binder from 2002 won't suffice as laws and regulations change - review annually.

Incorporate requirements from state laws.

Integrate policy with corresponding safety courses so employees can acknowledge and sign the latest version of your policy.

Incorporate lessons learned from safety walkthrough inspections and risk mitigation.

Policies to consider (some required, some best practice):

- COVID-19 Prevention Plan
- Emergency Action Plan
- Fire Prevention Plan
- Hazard Communication Program
- Heat Illness Prevention Program
- Injury and Illness Prevention Program
- Lockout/Tagout Program



Injury and Illness Prevention
Program

Last Updated: Feb 4, 2023

1. Purpose and Scope

Both state and federal law requires that all employers, including dealerships, maintain an effective Injury and Illness Prevention Program (IIPP) aimed at ensuring general workplace safety and employee injury prevention. ComplyAuto program consists of the following elements:

- Assign a Health and Safety Coordinator to implement the IIPP at the dealership
- Identify and mitigate workplace hazards on a routine basis, either reported by employees or found during safety inspections
- Investigate and document any workplace injuries to employees, customers, third-party service providers, etc.
- Establish a process for employees to report unsafe or hazardous work conditions
- Assign any relevant employee training courses related to injury and illness prevention

All employees, staff, contractors, and guests of the following locations are expected to comply with this program:

- ComplyAuto Rentals
- ComplyAuto Motors



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Signage Tips



OSHA standards require signage posted for exits, fire extinguishers, to warn against potential hazards, caution against unsafe practices, immediate hazards, safety instructions, or directional signage.

PRACTICAL TIPS

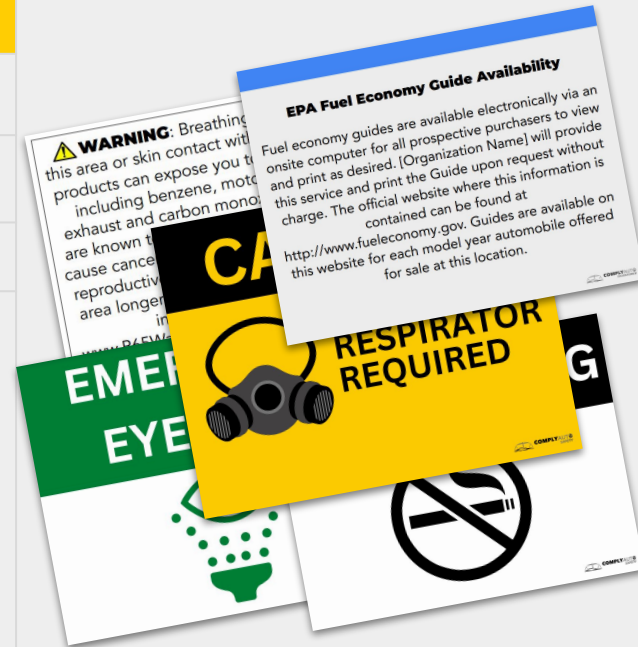
Manage signage with a tracker - where does the sign reside and when was it placed.

Remember required signs under state and federal law.

Follow the correct coloring, sizing, or font size.

Consider Signs for:

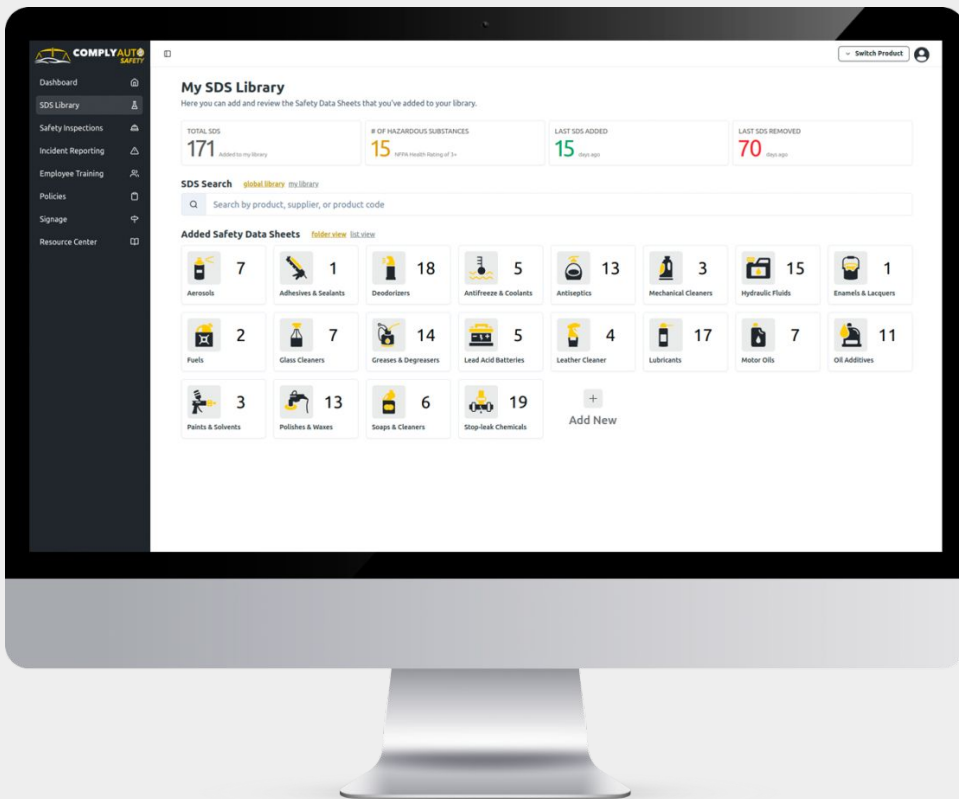
- Exits
- Fire Extinguishers
- Respirator Required
- Beware of Forklift
- Beware of Moving/Heavy Machinery
- Emergency Eye Washing Station
- No Smoking
- Prop-65 (CA only)
- First Aid or AED



Do's & Don'ts

- ✓ **Do routinely educate your workforce through new hire and recurring training.**
- ✗ **Don't assume a policy is enough. Part of the training process should include acknowledgement of policies.**
- ✓ **Do report and record necessary injuries and illnesses in an accurate manner.**
- ✗ **Don't rely on memory or inaccurate software to determine whether to report/record injuries and illnesses.**
- ✓ **Do promote a culture of reporting safety concerns and performing required inspections.**
- ✗ **Don't be quiet about unsafe conditions; address and fix.**
- ✓ **Do implement a workplace violence prevention program.**
- ✗ **Don't ignore this newly enforced safety concern.**
- ✓ **Do strictly adhere to lockout/tagout procedures.**
- ✗ **Don't underestimate the danger damaged/unrepaired equipment and machinery can pose.**

ComplyAuto Safety takes the stress out of EHS



ComplyAuto Safety offers unique and innovative features:

- Onsite inspections, includes one eight-hour mock OSHA audits by certified professionals
- Automated policy and signage builders
- Integrated Safety Data Sheet (SDS) Manager with a 10+ million product database (easy QR codes)
- Digital equipment inspections with QR code label generators and automatic reminders
- Comprehensive online safety training library with true "set it and forget it" enrollments
- Signage Builder and Tracker for all required signs
- The first and only tool automating injury & illness reporting requirements for all 50 states
- AED and CPR training provided by the American Red Cross
- Fisher Phillips, a nationally recognized law firm specializing in dealership workplace safety, routinely reviews and updates content.

The only automotive EHS software backed by world-class legal expertise



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- ComplyAuto is working with Fisher Phillips to provide the ultimate peace of mind for automotive-specific legal & regulatory compliance
- Fisher Phillips has the one of the nation's largest dealer-specific practice groups for OSHA/EHS and has represented dealers nationwide for over half a century.
- ComplyAuto stays ahead of the competition, which often struggles to keep up with the latest laws, cases, and litigation trends.

THE COMPLYAUTO DIFFERENCE



Month-to-month

We treat dealers the way we wanted to be treated as dealers, which means no long term contracts.



Unlimited Support

With ComplyAuto, you get a dedicated client success manager.



No Setup Fees

No additional implementation fees, service charges, or installation costs. Just a simple monthly subscription fee, starting the first month.



Annual Discount (10%)

Get an additional 10% off for annual billing. Even then, your contract term stays month-to-month.



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Transparent Pricing:

<https://complyauto.com/pricing/>

Scan for contact info:



Questions?

Thank you!

<https://www.complyauto.com>
info@complyauto.com
(661) 214-3028