



On Your Mark is a monthly column written by Geoffrey Peckham, CEO of Clarion Safety Systems and chair of both the ANSI Z535 Committee and the U.S. Technical Advisory Group to ISO Technical Committee 145- Graphical Symbols. Over the past two decades he has played a pivotal role in the harmonization of U.S. and international standards dealing with safety signs, colors, formats and symbols. This article is courtesy of Clarion Safety Systems © 2012. All rights reserved.

## OSHA's New Safety Sign Ruling and Its Impact on Workplace Safety

BY GEOFFREY PECKHAM

In this column, we'll discuss OSHA's newly implemented update to rules on safety signage in the workplace – and how it's raising the bar on safety communication.

In the last *On Your Mark* column, we shared news on a regulation change for workplace safety slated for the Occupational Safety and Health Administration's (OSHA) 2013 regulatory agenda. As of September 11, 2013\*, OSHA's rule update to incorporate the current ANSI Z535 (2011) safety sign and tag standards into its safety regulations is now in effect. No longer merely an anticipated agenda item, this rule change is now real, and it's a game-changer for product and safety engineers responsible for protecting people from harm.

Prior to this fall, OSHA's safety sign and tag regulations referenced outdated, 1967 and 1968 standards; now, OSHA's safety sign and tag regulations integrate the latest state-of-the-art warnings technology as defined by the most recent (2011) version of the ANSI safety sign and tag standards. This seemingly small change is an incredibly significant action that will advance safety in the United States; the newer standards give nearly all industries the tools they need to create effective safety communication in the workplace.

The question that's likely on your mind is, "What are the compliance and liability implications of this OSHA change for my organization?" First, it's important to note that this new OSHA safety sign rule allows employers to continue to use the old safety signs and tags if they want to do so. Changing to the new ANSI Z535 standards-compliant signs and tags is not mandatory even though the older signs and tags are based on a 1941-era standard. The consensus of the safety, engineering,

risk management and insurance professionals that I've spoken to since OSHA's intention to change their regulations was announced in January is, "Why would you want to stick with the old? There is too much at stake not to change." The common understanding here is that companies who have a strong commitment to workplace safety and an aversion to litigation will eagerly adopt the OSHA 2013-sanctioned ANSI Z535-2011 standards. Here's why:

- **More Effective, Uniform Safety Communication**

One of the primary reasons OSHA made this change is that it allows those responsible for environmental and facility safety to take advantage of the substantially more advanced ANSI Z535 warnings technology that product manufacturers have been using for their product safety labels for the past two decades. The goal of achieving more effective safety communication in the workplace is furthered when you understand that the new signs and tags are part of a national uniform system for hazard recognition. Soon the safety signs and tags people see in their workplace will match the ANSI Z535-formatted product safety labels they see in their daily lives on machinery, component parts, tools, and consumer products. And this is significant because intelligently-designed ANSI Z535 signs, tags and labels represent a completely higher level of safety communication technology. Most often they include graphical symbols to communicate across language barriers, specific color-coding to bring added noticeability, precise formatting that corresponds with modern risk assessment methodologies and more substantial content to satisfy today's expectation for more substantive warnings that tell not only what the hazard is, but how to avoid it.


\* At the time of writing, the OSHA regulation update was expected to be announced and to go into effect on September 11, 2013.

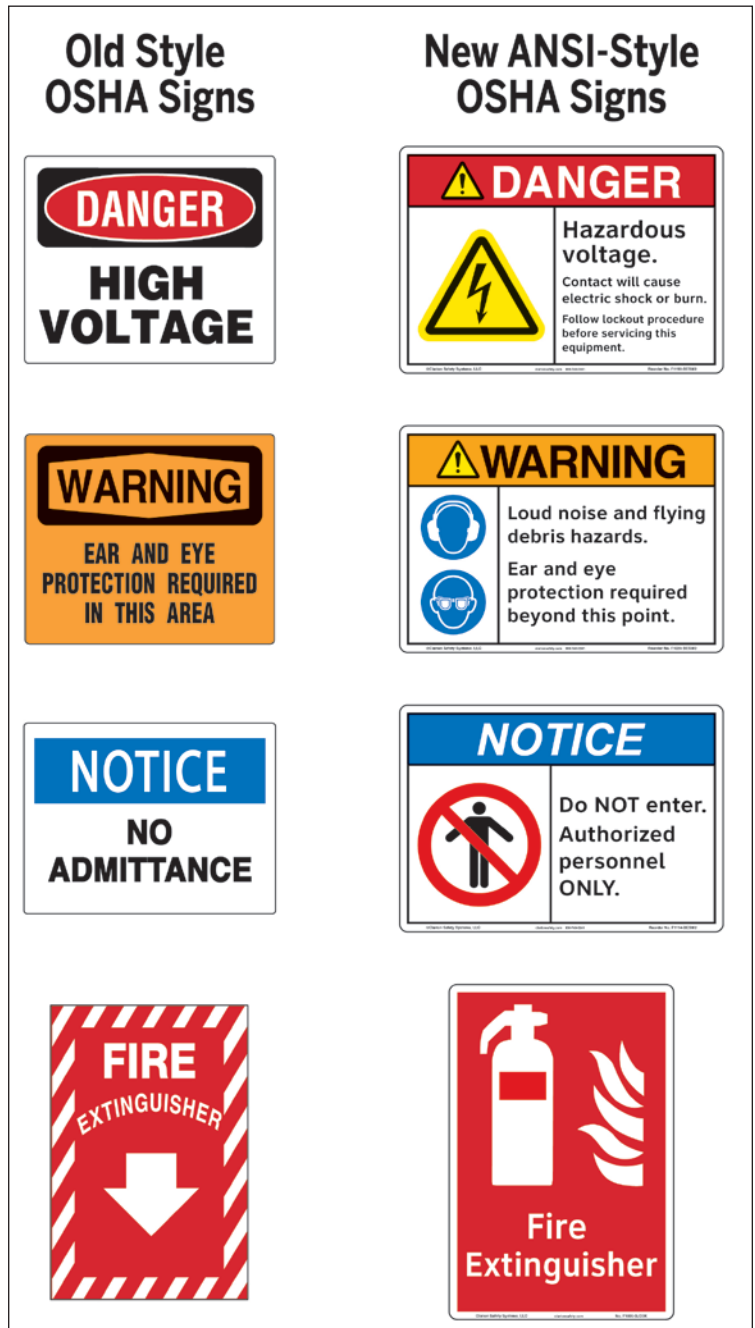
• **Reducing the Risk of Litigation**

The 2011 ANSI Z535 standards represent best practices for visually communicating safety messages. As a product design engineer, you know the vital role your product's warnings play to both make your products safe and lessen your company's product liability exposure. For decades the *ANSI Z535.4 Standard for Product Safety Signs and Labels* has set the bar for product safety labeling and almost all product safety engineers responsible for labeling use it. In a similar way, the OSHA rule change that just occurred makes the *ANSI Z535.2 Standard for Environmental and Facility Safety Signs* and the *ANSI Z535.5 Standard for Temporary Safety Tags and Barricade Tapes* the best practice documents that both your industry and the U.S. court system will look to as defining state-of-the-art for safety communication in the workplace. Not using safety signs and tags in compliance with the 2011 ANSI Z535 design principles will open companies up to allegations of "failure to warn" and "inadequate warnings" when accidents occur.

This second point is critical because the legal theory of the *duty to warn* is evolving. It first began in the area of product liability law which found that manufactures have a duty to warn of potential hazards associated with the foreseeable use and misuse of their products. In the past several years, we've seen the legal theory of the duty to warn expand beyond products and into workplaces and public areas. For example, there have been multiple lawsuits based on the lack of warnings by people who have been injured after diving into shallow pools – with many million dollar settlements or verdicts. Major settlements have also occurred when visitors, subcontractors, temporary workers and maintenance employees have been injured in someone else's facility. And there is a shift going on in many states' laws regarding workers' compensation, allowing injured employees (or their families, if the employees are killed) to sue their employers. The new OSHA-endorsed ANSI Z535 safety signage gives organizations a risk reduction tool they can use to provide adequate warnings so accidents are prevented, number one. Second, if an accident does occur, the new signs, labels and tags will provide the organization with a litigation defense tool that should help to lessen liability.

The OSHA rule change's "raising of the bar" in safety signage is a direct reflection of our society's increasing expectation for accurate risk communication. When safety is not communicated properly, accidents happen, lives can be lost, and a company's reputation can be destroyed. Failing to reduce risk, when possible, is not an option. Too much is at stake. This new development should have the attention of your safety and legal/risk management decision-makers. Now is the time to bring the same high level of attention you've given to product safety labeling and focus it on using the latest best practice

safety signs, labels, and tags in your facility. As compliance and safety professionals, we all share a common goal of creating safer products and safer work environments to help prevent accidents and injuries. Adopting the new OSHA rule change that embraces the ANSI Z535 standards for your workplace will help your organization to accomplish this worthy objective. 



*Examples of old OSHA-style safety signs (left) beside the corresponding new OSHA 2013/ANSI Z535-2011 safety signs (right). (New designs ©Clarion Safety Systems.)*