

Welcome

How to Reduce Your EMR and Impress Your Boss!

Will begin at 10:30am

Presented by:

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Questions

Chat is open to submit questions.

We will be answering questions through this chat feature. If due to the technical nature of the question a more thorough response is required, we will post the answer on our website within seven days of the webinar.

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Disclaimer

IMPORTANT NOTICE: This risk control training program provided by PMA Companies is intended to help support your loss prevention efforts. It is not intended to be complete or definitive in discovering or identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related or other laws or regulations. You are encouraged to address the specific hazards of your business and have your legal counsel review all of your plans and company policies.



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Special Thanks

David Weightman, CPCU, ARM, CSP

Risk Control Manager, Risk Control Fee Services

PMA Companies



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Learning Objectives

- Gain an understanding of the Workers' Compensation Insurance System
 - History
 - Coverage
 - Benefits
- Gain an understanding of the financial mechanics of workers' compensation costs
- Review strategies for reducing or controlling workers' compensation cost
- Questions and open discussion

mine
disaster
7/1/04

7 O'CLOCK EDITION
CONTENTS: NEWS, SPORTS, LOCAL, ADVERTISING

The Hillsburg Dispatch.

7 O'CLOCK EDITION
CONTENTS: NEWS, SPORTS, LOCAL, ADVERTISING

APPALLING DISASTER ENDS LIVES OF 200 MINERS: JOHNSTOWN EXPLOSION MAKES HOMES DESOLATE

Fated City Has Its Second Awful Calamity Within Two Decades—Gas and Afterdamp the Deadly Agents Which Bring Disaster in the Cambria Steel Company's Mine Under Westmont Hill—Rescuing Parties Driven Back—Pathetic Scenes in Hundreds of Homes—Bodies of Many Victims Removed Early This Morning—Men Brought Out Alive Revived With Great Difficulty—Grief and Excitement in Stricken Community.

MINERS' PAIN
HIDDEN DEATH
KNOWS TO THEM

By Western Hill the
First Explosion
Overlooked
RECAUSE
MANY KILLED
THAT NIGHT
IN THE MINE
FIRST NEWS
LAST NIGHT
MAY BE
MAY BE
MAY BE

RELATIVES AND FRIENDS OF ENTOMBED MINERS AT ENTRANCE TO THE MINE

RELATIVES AND FRIENDS OF ENTOMBED MINERS AT ENTRANCE TO THE MINE



GAS CAUSED
THE DEATHS
AND INJURIES

The Present Is Not
In Dangerous
State of Affairs

WAS CAUSED
BY THE MINE

Now It Is Not
In Danger of
Collapse

CHIEF INSPECTOR

Workers' Compensation – A Little History

Pre-1911: Based in European common law principles.

Common Law System - employees had to sue their employer and prove negligence to receive compensation for a work-related injury.

Result:

- » Employees – uncompensated, injured and unemployed
- » Employer – unpredictable system and incident costs
- » Litigation



Workers' Compensation – A Little History

Common Law System/Employer Defenses:

- **Contributory negligence** - The employer wouldn't be held liable if the worker was responsible for his own injury, regardless of how hazardous the machinery or work environment was
- **The “fellow servant” rule** - If a fellow employee caused the worker's injuries, employers were not held liable
- **Assumption of risk** - this doctrine held that employees accepted the hazards of their work when they signed their contracts

WC Insurance – History State Statutes

- Replaced the common law system (early 1900s)
- No-fault system – no need to prove negligence
- Sole/Exclusive Remedy
 - Employers must provide coverage (statutory)
 - Employees waive right to sue employer in exchange for coverage for lost wages and medical costs
- Result:
 - Employees – compensation for lost wages and medical costs
 - Employers – predictable system
 - A more efficient system

Workers' Compensation Insurance - Coverage

- Section 1 – Workers' Compensation Insurance – provides coverage for statutory requirements of each state
- Section 2 – Employers' Liability Insurance – provides liability coverage for an employer for any liability action against it by an employee

Exceptions to Exclusive Remedy...for another time.

What Makes an Injury Compensable?

Most states have 4 legal tests of compensability:

1. Personal Injury

- » An injury of some kind
- » Some states – mental disorders excluded (stress)

2. Resulted from an accident

- » Not intentional (criminal)
- » Occupational injuries – excluded in some states
 - Natural degeneration of body
 - Diseases

Compensability: Four Legal Tests (cont.)

3. Arising out of employment

- » Related to the job
- » Promoting employer interests
 - Broadly interpreted
 - Example - employees fighting over work practices

4. In the course of employment

- » Normally – on the employer's premises and during working hours
- » Interpretation varies
 - Example: Maintenance person driving to get parts, stops for coffee...

Workers' Compensation Insurance – Benefits

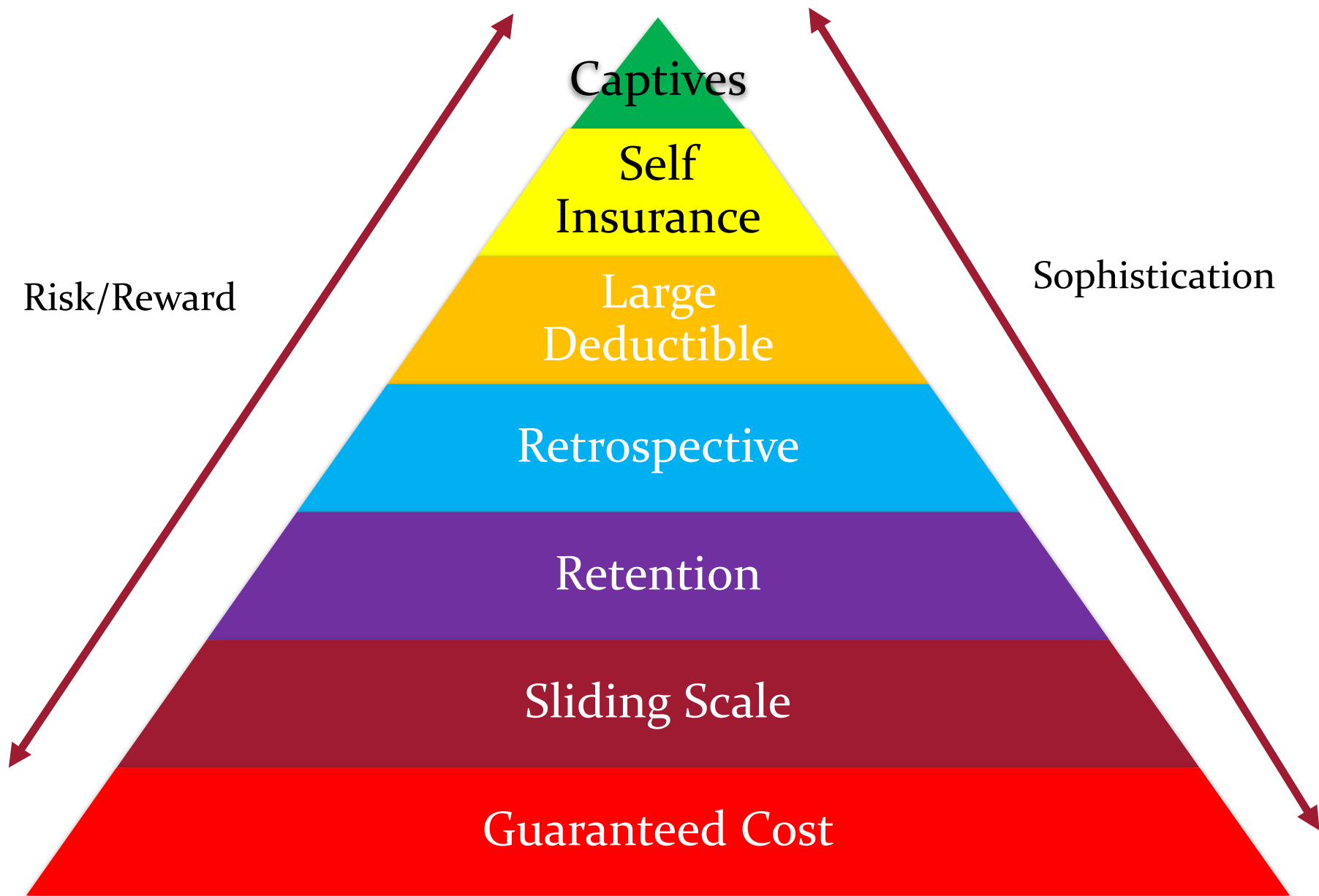
- **Medical Benefits** – treatment, drugs, surgery, rehabilitation (no limit)

- **Wage Replacement** – payments to the injured worker (or survivor) to replace wages lost during work-related disability. Based on:
 - Waiting Period – (3-7 days)
 - Extent of Disability – Total or Partial (scheduled)
 - Length of Disability – Temporary or Permanent (2/3 of lost wages up to maximum)
 - Death Benefit – survivor benefits

- **Vocational Rehabilitation** (some states) – retraining for job placement and changes

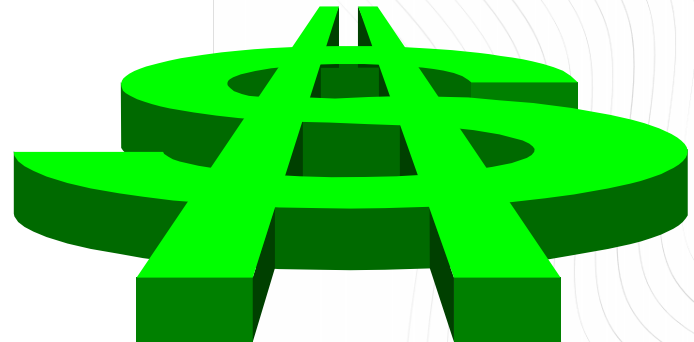
Financial Mechanics of Workers' Compensation Programs

- Money is the language of business
- If safety and risk management personnel can't demonstrate the ability to contribute to the bottom line, they may be seen as hindering it
- Many workers' compensation programs offer financial incentives for positive performance and penalties for poor performance



Losses Impact an Organization in a Number of Ways:

- Experience Modification Factor
- Hidden Costs/Non-Ledger Costs
- Ability to compete with other “like” businesses
- Can’t maximize profit (or minimize operating expenses)!



PREMIUM



$$\text{PREMIUM} = \text{RATE} \times \text{PAYROLL} \times \text{EMR}$$

(SET BY STATE)

(PER \$100)

EMR

RATE = The rate is a dollar amount set by the state. It is the base price that insurance companies charge to provide Workers' Compensation coverage for a specific operation. The rate is based upon the degree of risk involved in performing exposure of the particular job.

PAYROLL = The rate is expressed as so many dollars per \$100 of payroll. For example, an employer with annual payroll of \$1,000,000 and a rate of \$5.00 will produce a premium of \$50,000. (\$1,000,000 / 100 x \$5.00)



Introduction to Experience Modification Rating



Experience Modification Rating

- Compares an employer to others in the same business.
- All “like” PA businesses charged the same basic rate, regardless of carrier.
- Based on incurred costs, not the number of claims (Severity not Frequency)
- Uses three previous policy years, not including the most recent
- 2021 Mod uses losses from the 2017 to 2020 policy years
- Our history helps or hurts us, but also predicts our future.



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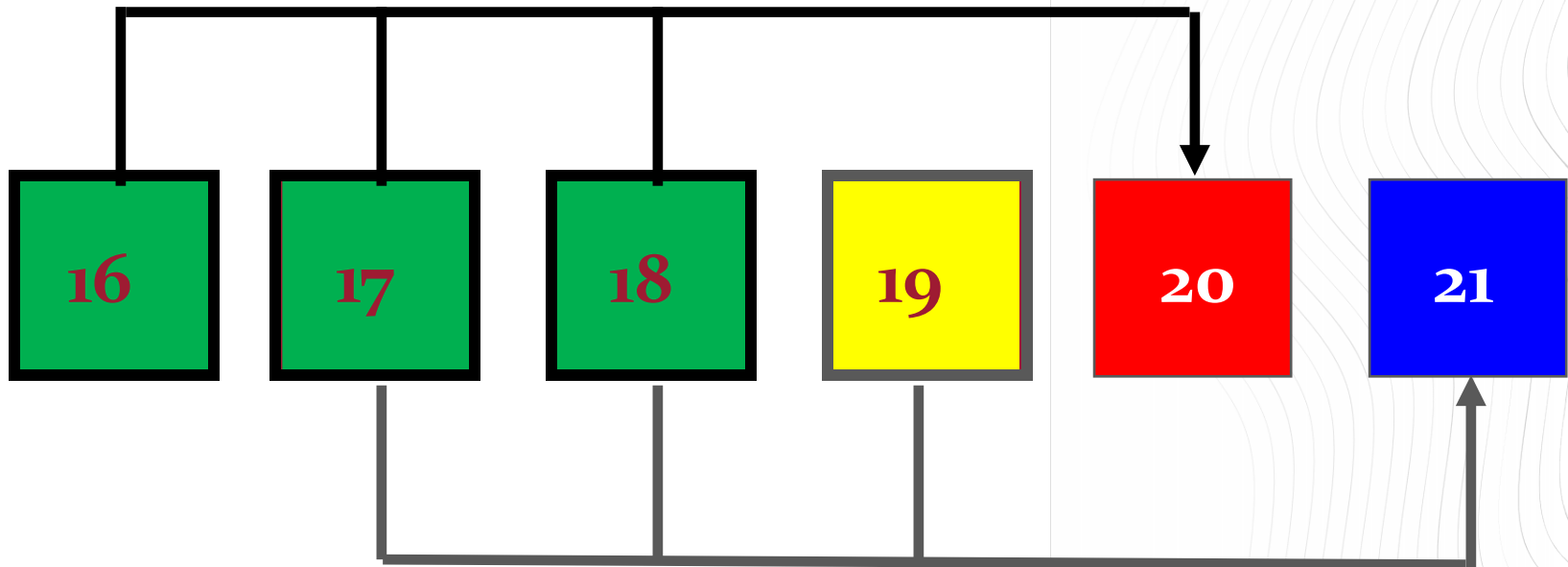
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The Experience Modification Factor (EMR)

$$\text{EMR} = \frac{\text{*Your Actual Losses}}{\text{*Class Code Expected Losses}}$$

- * Three Years of Losses excluding the most recent year
- * Developed by State Workers' Compensation Bureau for your industry classifications

Experience Modifier Development



Experience Modification Factors

GOOD

.500

AVERAGE

1.000

POOR

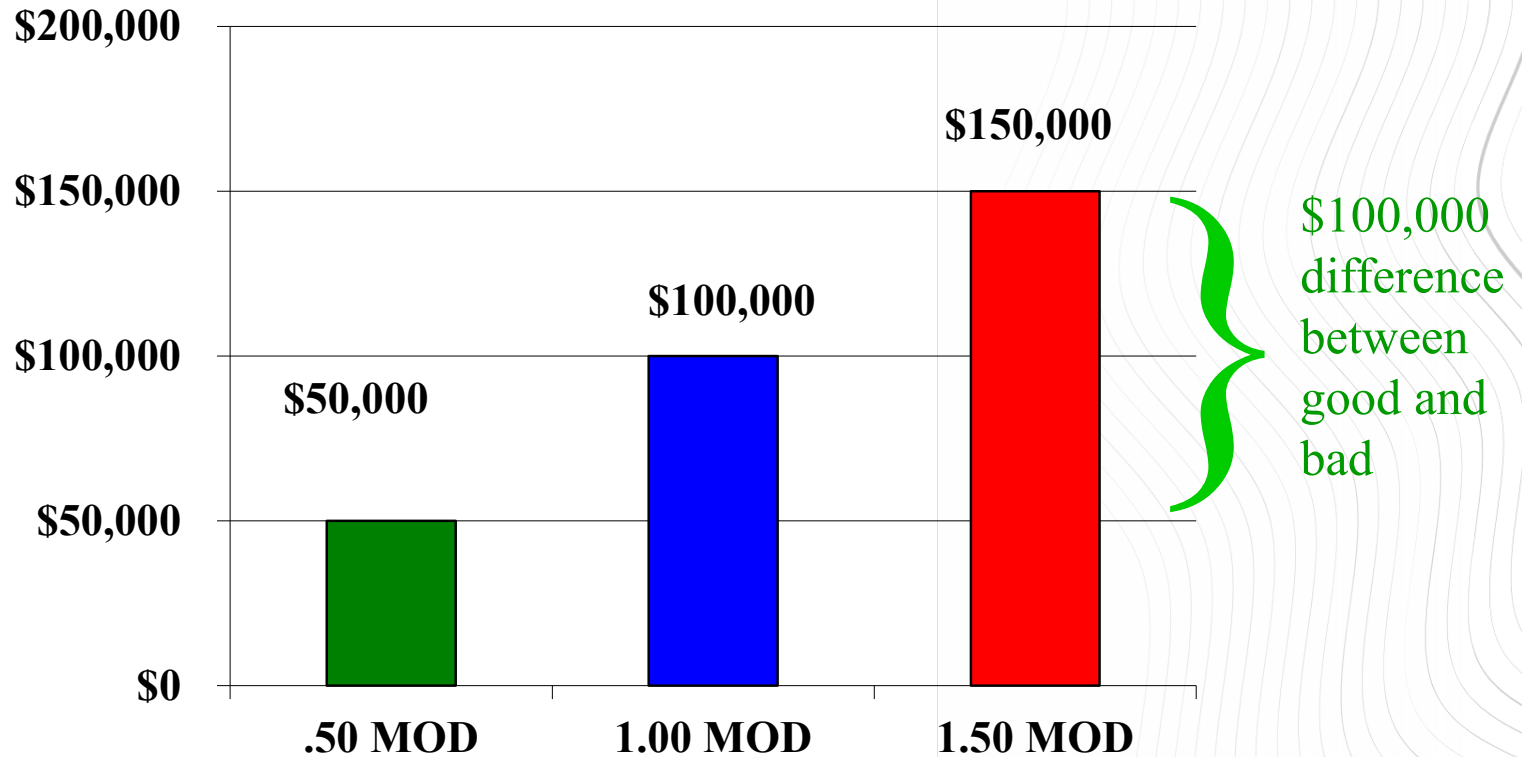
1.500

Three Companies and the EMF

- * Company A - Effective Safety Program
- * Company B - Average Safety Program
- * Company C - Ineffective Safety Program

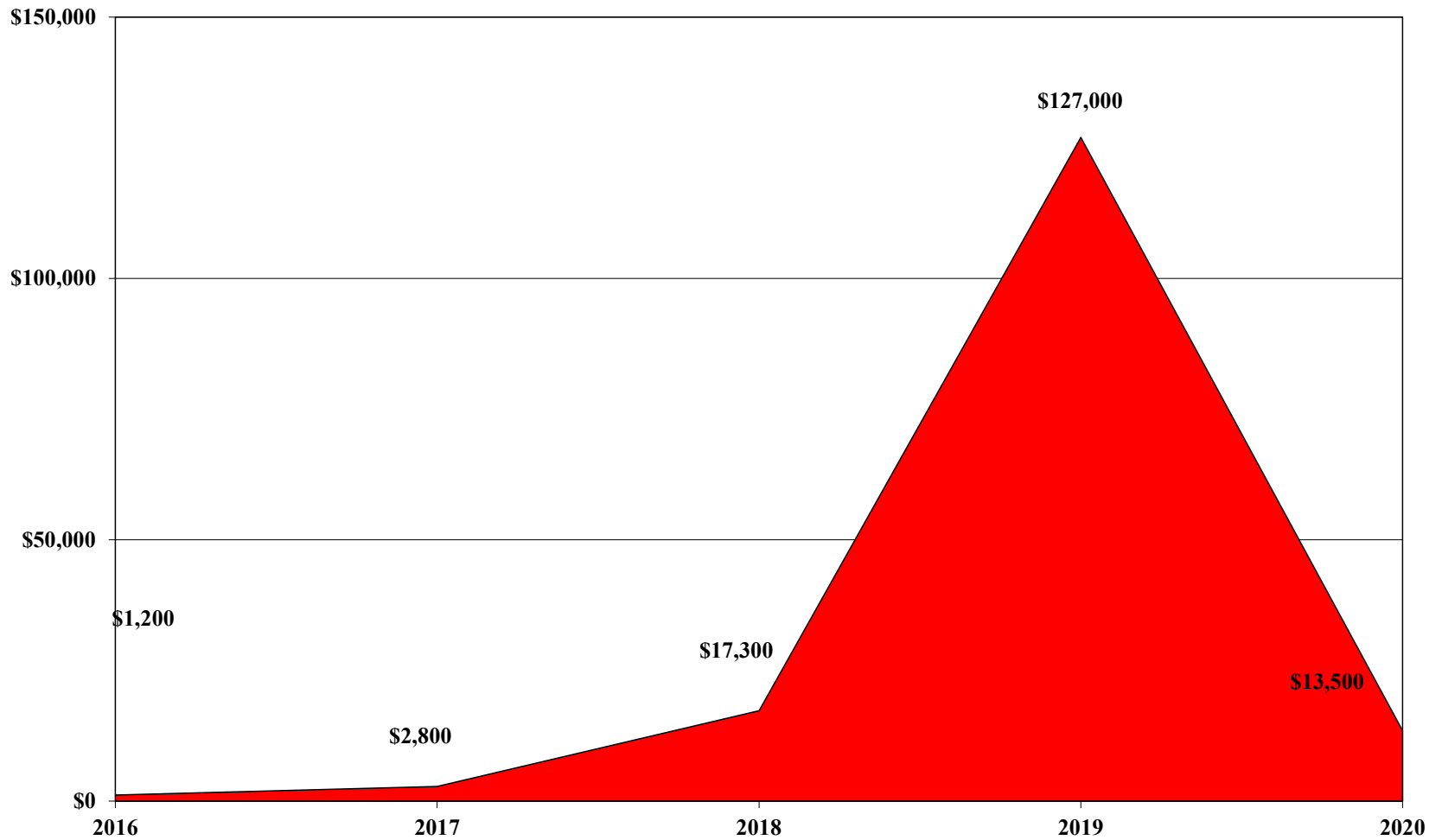
<u>Costs</u>	<u>Co. A</u>	<u>Co. B</u>	<u>Co. C</u>
Manual Prem.	100,000	100,000	100,000
EMF (X)	0.500	1.000	1.500
Standard Prem.	\$50,000	\$100,000	\$150,000
	“Credit Mod”		“Debit Mod”

EMR Impact on WC Premium

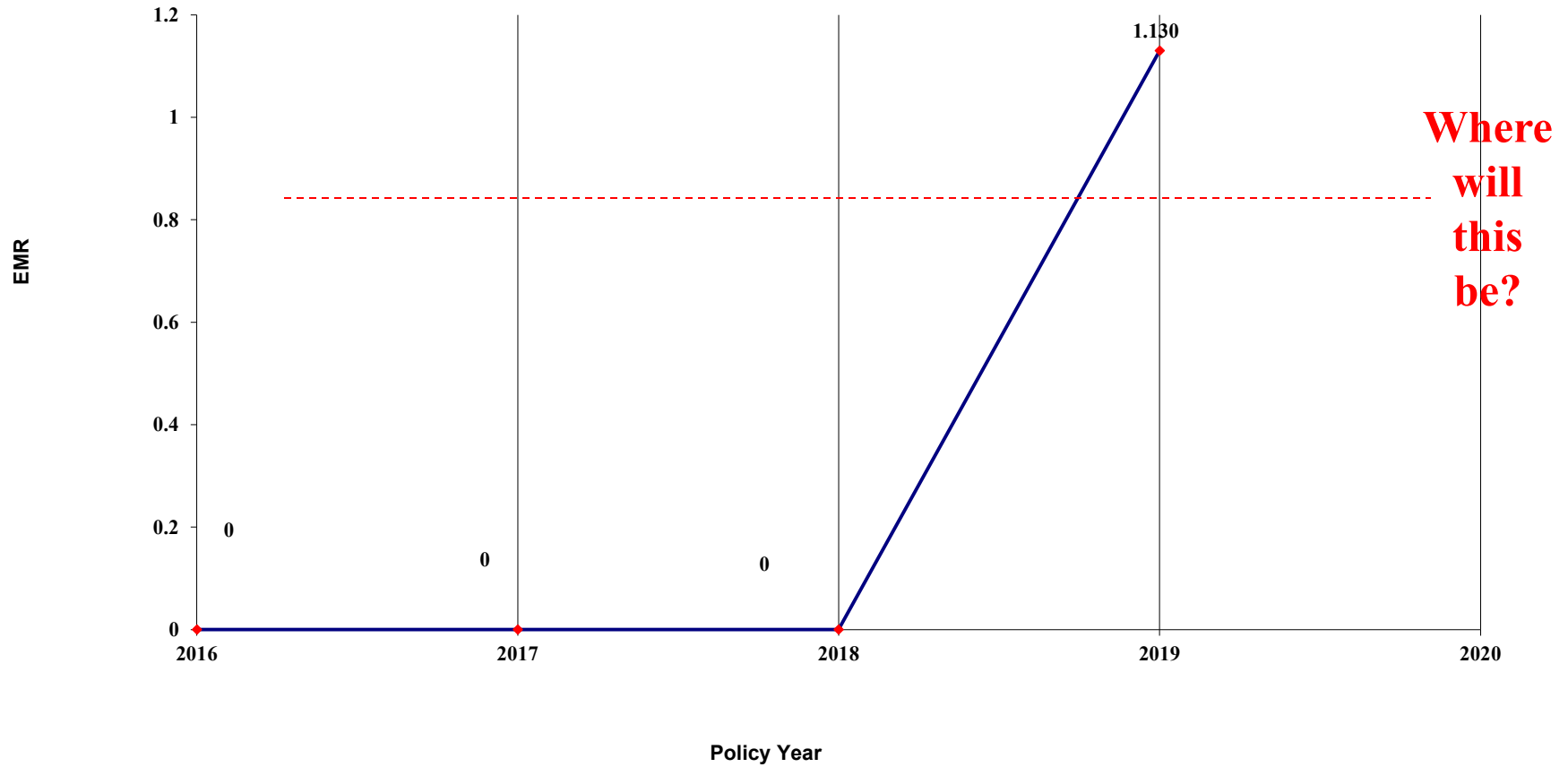


* This is a \$100,000 difference between insurance premium for two similar companies!

Workers' Compensation Losses

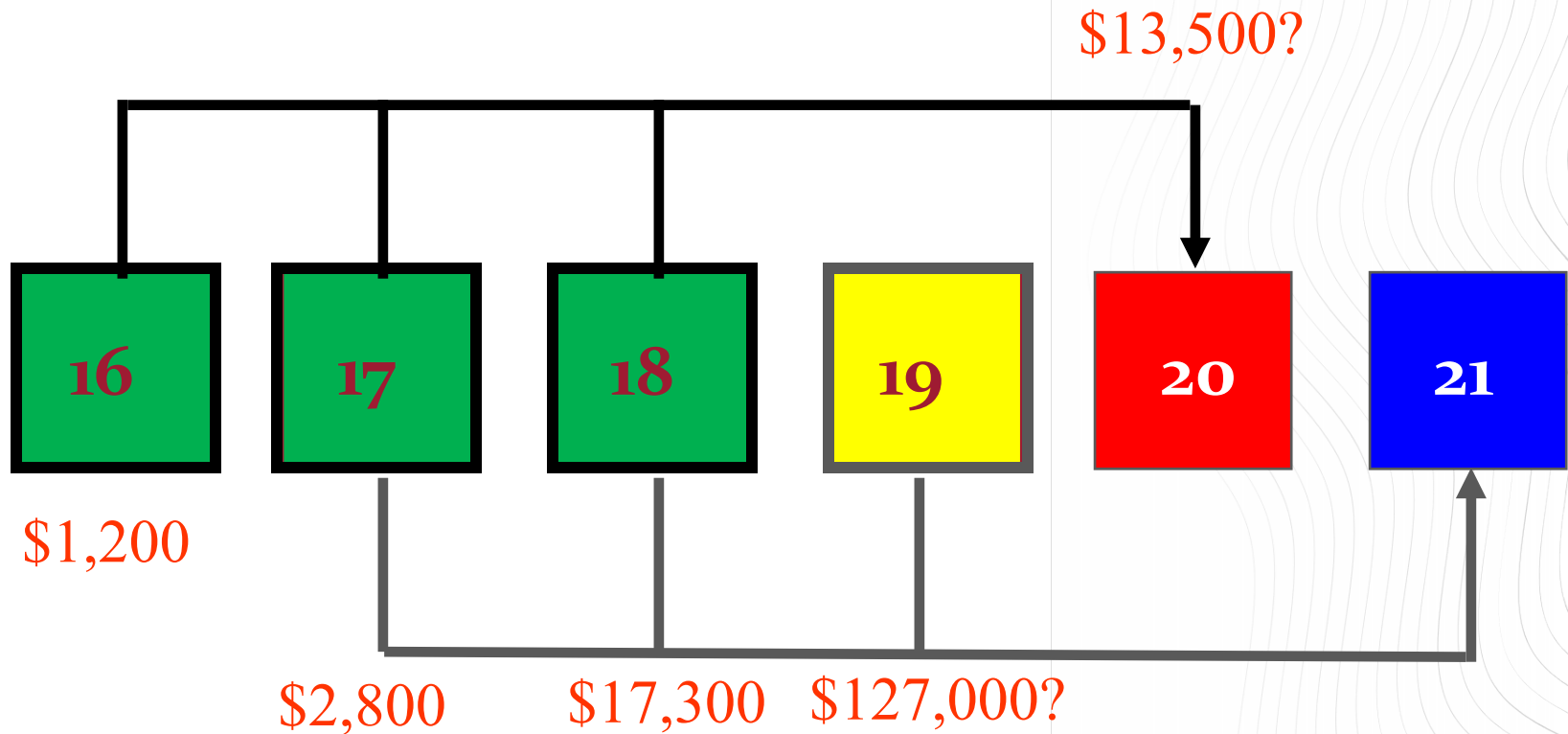


EMR History



Experience Modifier Development

Any ideas what will happen here?



WC Manual Premium Calculation

Code	Class	Exposure/payroll	Rate	Premium
653	MASONRY	5.25		\$3937
659	ROOFING - ALL	11.36		\$340,800
951	SALES-OUT	.20		\$480
953	OFFICE	.08		\$96
Manual Premium =				\$345,313

9890 .05 SAFETY COMMITTEE CREDIT (5%) -\$17,265

* Rates are established by state rating bureau.



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PA EXPERIENCE RATING MODIFICATION

File Number:

County:

Experience Mod: 0.632

Address:

XREF:

Issue Date: 03/27/2019

Effective Term:

Card Number: 1

Governing Class Code: 0659

Modification History

Effective Date

0.636

05/01/2018

0.637

05/01/2017

0.672

05/01/2016

0.685

05/01/2015

Governing Class Code

Rating Value

Description

653

5.25

MASONRY

659

11.36

ROOFING - ALL KINDS

951

.20

SALESPERSON - OUTSIDE

953

.08

OFFICE

9890

.05

SAFETY COMMITTEE CREDIT (5%)

WC Manual Premium Calculation

Code	Class	Exposure/payroll	Rate	Premium
653	MASONRY	5.25		\$3937
659	ROOFING - ALL	11.36		\$340,800
951	SALES-OUT	.20		\$480
953	OFFICE	.08		\$96
Manual Premium =				\$345,313

EMR .632 **Modified Premium = \$218,237**

9890 .05 SAFETY COMMITTEE CREDIT (5%) -\$17,265

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The Experience Modification Rating EMR

$$\text{EMR} = \frac{\text{Actual Losses}}{\text{Expected Losses}}$$

Three Years of Losses Excluding the most recent year (*i.e., 2020 EMF is based on losses in 2016, 2017, 2018*)

Average = 1.0 (actual losses = expected losses)

< 1.0 – Better than average

> 1.0 – Worse than average

Developed by State Workers' Compensation Rating Bureau or NCCI by pooling losses of all companies in a class code to determine average/expected losses.

What can you do?

Stop the injury from occurring (proactive)

- Safety programs
- Effective hiring practices
- Provide equipment
- Etc.

Cost containment once an injury occurs (reactive)

- Establish a process
- Prompt claim reporting
- Stay at work programs
- Etc.



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Speaking of Stay at Work Programs

Option 1 - Bring back employee on Modified Duty at full pay
Daily Cost = \$100.00

Option 2 - Leave Employee on WC (66 2/3%)
Daily Cost = \$66.67

* Daily Cost of Bringing Employee
Back on Modified Duty = \$33.33

**** Management Decision:*** Will I get \$33.33 worth of production a day from my employee on Modified Duty or do I pay them to sit at home?



Pre-injury wage	\$600
WC weekly benefit	\$400
Returns for 20 hours/week (employee earnings)	\$300
Loss of Earnings is	\$300
New weekly benefit	\$200
WC + weekly wage =	\$500
Actual loss of	\$100/week

Employee continues to contribute, stays in routine and keeps moving.
Employer savings are lost wages, work performed, impact on incurred loss levels, etc.

What can they do?

- Work normal, within restrictions
- Pandemic Safety Officer
- Driver/deliveries
- Be mentored
- Safety inspections (ALL KINDS)
- Audit safety supplies/first aid
- Audit/update SDS
- Update emergency plans
- Inspect equipment (cords, fall protection, etc.)
- Security
- Quality control
- Participate in training
- Etc.

ROOFING WORK FOREMAN'S DAILY SAFETY CHECKLIST/REPORT

Leader:	Date:
Location:	Emergency Phone #s:
Toolbox Talk Topic:	Number of Employees:
Weather (circle): Sunny Cloudy Snow Rain Windy	
Heat Stress Risk Level (Min., Low, Mod., H, or EXT): Start Mid-day End	
Controls Implemented:	
General Description of Work Performed:	
Subs: (Firm name and number of Employees):	Equipment:

Safety Checklist:

1. Have you advised the crew of deck conditions (rain, frost, dew, etc.)?	Y / N
2. Is public protection provided and adequate?	Y / N
3. Is fall protection adequate?	Y / N
4. Access areas established with controls?	Y / N / NA
5. Guardrail Systems in place and cattle-chutes (proper post spacing)?	Y / N / NA
6. Horizontal Lifelines in place? Model&S/N	Y / N / NA
7. Personal Fall Arrest Systems used – swing fall controlled?	Y / N / NA
8. Warning Line Systems used (6' normally, 10' with motorized equipment)?	Y / N / NA
9. Covers used on all openings?	Y / N / NA
10. Are ladders properly secured from movement?	Y / N / NA
11. Do ladders extend 36" above the roof edge?	Y / N / NA
12. Are fire extinguishers inspected/operational?	Y / N
13. Are first aid supplies present/adequate?	Y / N
14. Are adequate heat stress supplies available – including water?	Y / N
15. Are SDS sheets available for all hazardous chemicals/materials?	Y / N
16. Are electrical cords in good condition?	Y / N / NA
17. Is GFI provided and in use?	Y / N / NA
18. Are employees protected from electrical hazards (building service lines)?	Y / N
19. Is scaffolding safe and approved by a competent person?	Y / N / NA
20. Is vehicle and equipment on ground secured from theft/vandalism?	Y / N
21. Is appropriate personal protective equipment in use?	Y / N

Were any injuries reported? What is the status?
(Have you notified the office?)



MORE Things you can do

1. Senior management commitment
2. Establish risk improvement goals and track performance
3. Manager and employee safety and risk management training
4. Target historic loss trends/Identify and manage severity exposures
5. Define processes and behaviors (policies, procedures)
6. Claim management process
 - Timely claim reporting
 - Stay at work/return to work programs
 - Directing and managing medical care (where possible)
7. Investigate incidents/root cause analysis
8. Incorporate Risk Management Controls, i.e., safety committees, safety audits, safety programs, etc.

1. Obtaining Senior Management Commitment



Obtaining Senior Management Commitment

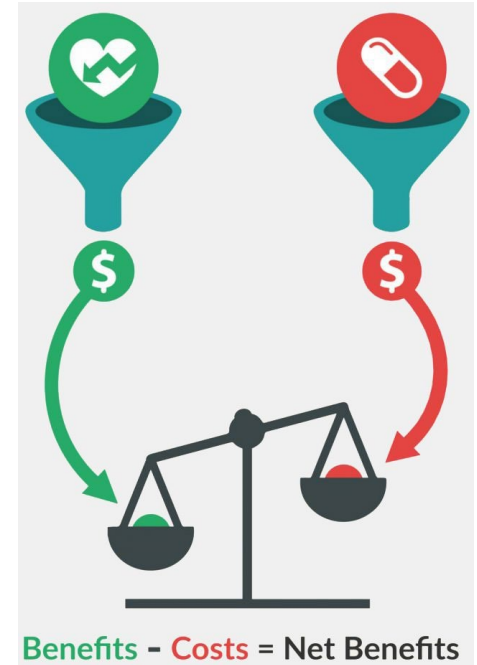
Cost Benefit Analysis of Risk Control Actions

Process:

- What is the cost of the action or inaction?
- What are the estimated potential savings of action or inaction?
- What are the net costs or savings of the action?
 - What is pay back period?
 - Can you relate to production measures?
 - Should you position your analysis as a present value analysis (capital improvements)?

Examples:

- Bring an Employee Back on Modified Duty
- Purchase Material Handling Equipment
- Hire a Safety Manager (Full or Part Time)



The Hidden Cost of Incidents

What are Ultimate Net Costs?

Indirect to
Direct Cost
4:1 - 50:1?

Direct Costs

- Indemnity Payments
- Medical Costs

Indirect Costs

Lost Time and production:

- | | | |
|--------------------|------------------------|-------------------------------|
| • Injured Employee | • Lack of productivity | • Turnover issues |
| • Fellow Workers | • Equipment repairs | • Training New Employees |
| • Supervisor | • Unhappy Customers | • Overhead Costs |
| • Safety director | • Spoiled Product | • Legal Fees |
| | • Clean-up Time | • Increase In Insurance Costs |
| | • Schedule Delays | |

- Tracking Indirect Costs Associated with a "MIS-ACT" / Incident

Costs Associated with the Injured Worker

Wages spent on employee after injury occurs (balance of shift)

Lost efficiency / downtime

_____ rate X _____ hours = _____
 _____ rate x _____ hrs. x _____ employees = _____

Costs Associated with Co-Worker(s) Involvement / Replacement of Injured Worker

Wages paid to replace injured worker

Call-In Pay for replacement worker

Wages to train replacement worker

Wages of third employee to train replacement worker

Time away from normal duties to respond to incident

_____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____

Costs Associated with Supervisor(s) Involvement in Incident Follow-Up & Investigation

Time to document incident

Time to Investigat Incident

Time to call in replacement(s)

Time to train new replacement(s)

Time to communicate incident to management

Time away from normal duties (consider all supervisors involved)

Time to transport injured worker to medical attention

_____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____
 _____ rate x _____ hrs. x _____ employees = _____

Costs Absorbed by the company

Lost Production

Damaged product / off-quality

Wages for on-site medical response team (X number of responders?)

Supplies used to care for injured worker (1st Aid supplies, ice packs, towels, etc.)

_____ cost x _____ pieces = _____
 _____ cost x _____ pieces = _____
 _____ cost x _____ pieces = _____

\$ -



The Profit Margin Formula...

$$\frac{\text{Loss}}{\text{Profit Margin}} = \text{Revenues needed to offset cost of loss}$$



Revenue Needed to Make Up for Costs of Accidents if Your Profit Margin is:

ACCIDENT COSTS	1%	2%	3%	4%	5%
\$ 1,000	\$ 100,000	\$ 50,000	\$ 33,334	\$ 25,000	\$ 20,000
\$ 5,000	\$ 500,000	\$ 250,000	\$ 166,667	\$ 125,000	\$ 100,000
\$ 10,000	\$ 1,000,000	\$ 500,000	\$ 333,334	\$ 250,000	\$ 200,000
\$ 25,000	\$ 2,500,000	\$ 1,250,000	\$ 833,334	\$ 625,000	\$ 500,000
\$ 50,000	\$ 5,000,000	\$ 2,500,000	\$1,666,667	\$1,250,000	\$1,000,000
\$ 100,000	\$10,000,000	\$ 5,000,000	\$3,333,334	\$2,500,000	\$2,000,000
\$ 200,000	\$20,000,000	\$10,000,000	\$6,666,667	\$5,000,000	\$4,000,000

A \$1,000 accident is not “paid for” until a company with a 3% profit margin sells \$33,334 worth of goods or services. **COST/PROFIT MARGIN = REVENUES NEEDED TO RECOUP LOSS.**



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Obtaining Senior Management Commitment

Example: \$100,000 claim

2% percent profit margin

\$5,000,000 in sales

$5,000,000 \times .02 = \$100,000$ PROFIT

So if your Fetzer Valve is sold for \$1,000 you need to sell 5,000 just to cover this one claim.

(You only make \$20 pure profit on each one, so hopefully this makes sense!)

Risk Management Cost Allocation

Are we measuring and allocating risk management costs?

- Are performance bonuses tied to production or profit ... are safety and insurance costs considered?
- Are safety and insurance costs measured and allocated to the cost of jobs or profit centers or grouped as a general expense (someone else's responsibility)?
- What gets measured gets done – know what you want done!
- Charge/allocate insurance costs and/or losses to jobs or profit centers
- Capture insurance and loss costs on profit and loss reports
- Ensure performance bonuses measure profit and not simply production

2. Establish Risk Improvement Goals and Track Performance

Number of safety training sessions attended

90% minimum score on safety audits

of hazards corrected each period (reported)

Safety meetings attended

of safety suggestions submitted

toolbox talks returned/learning assessments submitted

% reduction in identified problems

Tracking metrics



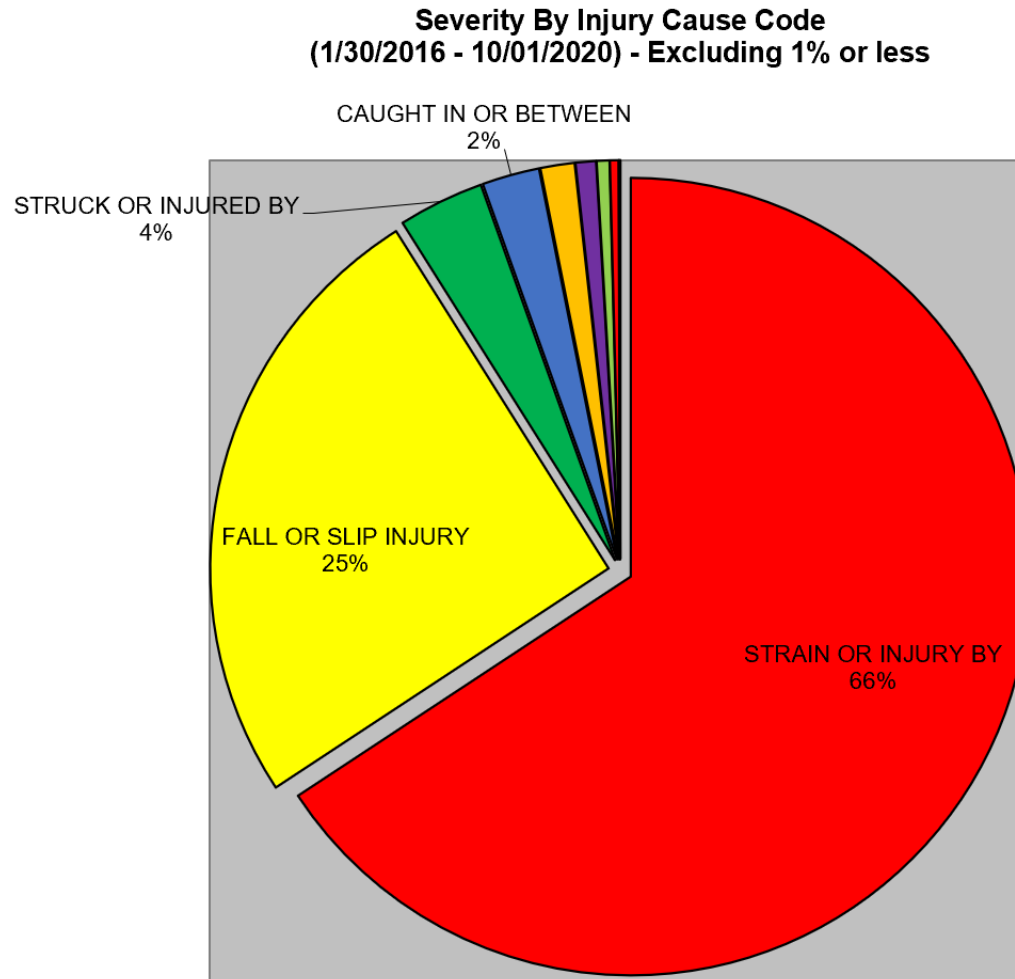
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3. Manager/employee safety/risk management training

<https://www.osha.gov/Publications/osh2254.pdf>



4. Target Historic Loss Trends/Identify and Manage Severity



Special Note: Recordable VS Compensable

OSHA is a Federal agency whose rules apply to most US private sector employers. They have their own criteria for recordability that requires compliance. The focus is identifying injury experience for employers.

Workers' Compensation is regulated at the state level and involves varying contractual agreements between insurance carriers and employers. The focus here is providing insurance coverage to pay for medical expenses, lost wages and expenses related to workplace injuries.

Workers' Compensation determinations do NOT impact OSHA recordability.

Some cases may be OSHA recordable and compensable.

Some cases may be compensable, but not OSHA recordable.

Some cases may be OSHA recordable, but not compensable.

When Could a Workers' Compensation Claim Not Be OSHA Recordable?

- Employers with low claim reporting thresholds may report cases to Workers' Compensation which OSHA does not consider recordable, such as “notice, only”-type events involving pain or other symptom that does not necessarily result in medical referral or lost or restricted work. Employers who practice this “report everything” approach are usually trying to avoid late reporting consequences that can increase the cost of a claim. These cases are normally not captured by the OSHA Recordkeeping system, unless they develop into more consequential events.
- OSHA excludes from its understanding of “work-related” nine listed circumstances, including:
 - When an employee is injured doing personal tasks
 - Participating in a volunteer activity
 - Acting in the role of a member of the public
 - Suffering from an idiopathic condition/illness
 - Parking lot injuries if the employee is commuting at the time of a motor vehicle accident.
- Whether any of these circumstances would be compensable under Workers' Compensation varies by jurisdiction. OSHA and Workers' Compensation may also diverge in regard to applicability to travel status, working from home, and degree of aggravation of a pre-existing injury.

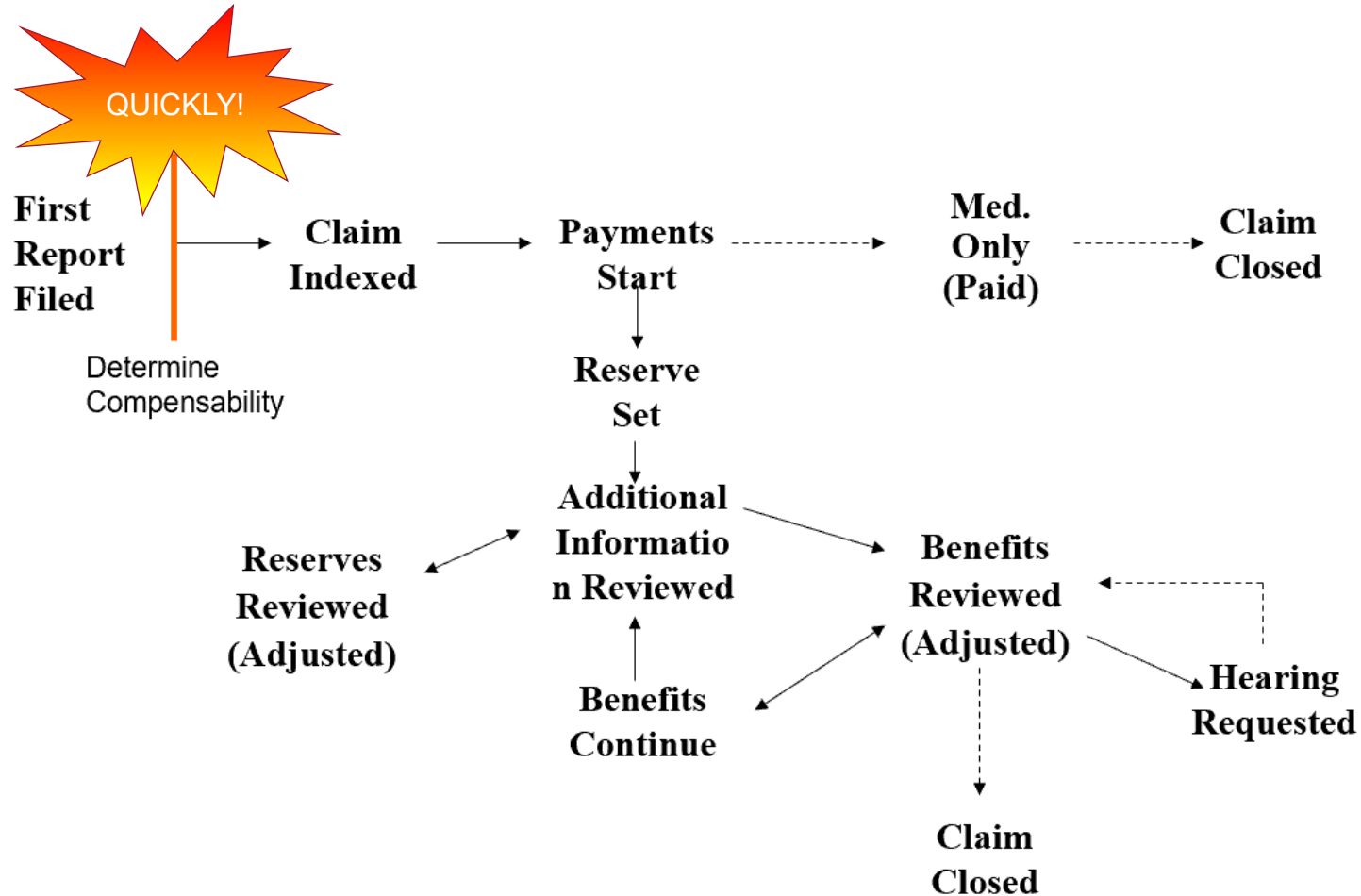
5. Define Processes and Behaviors (Policies, Procedures)

Just a few examples

- Hiring practices
- Purchasing process
- Engineering procedures
- Maintenance and Cleaning procedures (facility and equipment)
- Access and egress
- Process flow
- Periodic reviews at all levels
- Many more...

6. Claim Management Process

Including timely claim reporting, Stay at Work Programs and Directing and managing medical care



7. Investigate Incidents/Root Cause Analysis



**“Those who cannot
remember the past
are condemned
to repeat it.”**

George Santayana

EmpiresandGenerals.com

8. Incorporate Additional Risk Management Controls

- Safety Committees
- Safety audits
- More safety programs as identified
- Drug testing
- Appropriate incentives
- What other creative ideas?

How do We Reduce the EMR?

... and impress your boss?

Understand:

- Leading vs. Lagging indicators

What are you doing to prevent injuries vs. What has happened based on what was in place?

- Short-term vs. Long-term
- Culture changes take time
- Consider it as only one measurement. There are better ones:

Claims frequency?

Program audits and improvements?

Number of training programs vs./percentage of attendance

Etc.



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Questions?

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