



IMPACT

PRESENTED BY DQS INC.

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OHSAS Enforcement Discretion during the pandemic

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“For more information, please refer to [osha.gov/enforcementmemos](https://www.osha.gov/enforcementmemos)”

Near the onset of the COVID19 pandemic, the US Department of Labor Occupational Safety and Health Administration recognized the some employers may face some difficulties in complying with OSHA standards during these unprecedented times.

OSHA published a memo relating to the use of discretion in enforcement when considering an employer’s good faith efforts during the pandemic. EHS auditors should be aware of these allowances when auditing environmental or health & safety management systems.

Widespread business closures, restrictions on travel, limitations on group sizes, facility visitor prohibitions, and stay-at-home or shelter-in-place requirements may limit the availability of employees, consultants, or contractors who normally provide training, auditing, equipment inspections, testing, and other essential safety and industrial hygiene services. Business closures and other restrictions and limitations may also preclude employee participation in training even when trainers are available.

For example, the American College of Occupational and Environmental Medicine issued a [recommendation](#) that occupational spirometry testing be suspended because of concerns about spreading droplets containing the COVID-19 virus during spirometry maneuvers. In addition, the Council for Accreditation in Occupational Hearing Conservation issued a [recommendation](#) that audiometric evaluations be suspended until normal operations have resumed, in order to minimize the risk to healthcare workers and conserve personal protective equipment.

In instances where an employer is unable to comply with OSHA-mandated training, audit, assessment,

inspection, or testing requirements because local authorities required the workplace to close, the employer should demonstrate a good faith attempt to meet the applicable requirements as soon as possible following the re-opening of the workplace.

Some additional examples where OSHA citation enforcement is being considered Annual audiograms, Process Safety Management Requirements (Process Hazard Analysis (PHA) Revalidation, Review of Operating Procedures, and Refresher Training), Hazardous Waste Operations Training, Respirator Fit Testing and Training

Where the employer cannot demonstrate any efforts to comply, a citation may be issued as appropriate under existing enforcement policy. However, where an employer has made attempts to comply in good faith, regulatory authorities shall take such efforts into strong consideration in determining whether to cite a violation.

In order to ensure that corrective actions have been taken once normal activities resume, OSHA will develop a program to conduct monitoring inspections from a randomized sampling of cases where violations were noted but not cited.

While, of course, third party registrars do not issue citations, EHS auditors may consider any efforts that a company has made to comply with requirements, and established plans for completing the requirements once normal activity resumes. Non-conformances (action requests) should still be noted where warranted, keeping in mind that there may be a longer period required to fully implement long term corrective actions.

Candace Orbaugh – Director of Sustainability Programs

Recent Highlights - Safe Quality Food Institute (SQFI)

SQF Extending Certifications:

SQF has in place a means to defer certification due to extenuating circumstances, allowing for a one-time six-month extension, aligning with GFSI. We've updated our procedure on approving date change requests, referencing the IAF Informative Document for Management of Extraordinary Events or Circumstances Affecting ABs, CABs and Certified Organizations. Certifying bodies (CBs) are required to conduct a risk assessment to determine if a certificate extension is needed.

Remote Audit Guidance:

Remote Activities for Audit Process Guidance are in compliance with the requirements outlined in GFSI 2020.1, SQFI has updated their audit policy to allow for remote activities using Information and Communication Technologies (ICT) during the audit process, effective June 25, 2020. This approach will allow the auditor to focus on a risk-based approach to the audit. Sites and Certification Bodies (CB) interested in using ICT for the audit process must follow the SQFI policy in conjunction to the guidelines and best practices laid down in the IAF MD 4:2018- IAF Mandatory document for the use of information and communication technology (ICT) for auditing / assessment purposes.

The revised SQF Audit Process Policy allows for remote activities to be conducted for all SQF Codes, including the SQF Fundamentals Program, and all

audit types except for unannounced audits. Remote activities can only account for up to 50% of the audit duration; a minimum of 50% of the audit still needs to be held on-site. The on-site audit needs to be conducted within 30 days of the remote activity barring extenuating circumstances. This timeline can be extended following an extenuating circumstance by contacting your CB.

As part of the audit process, relevant guidance, and training for the use of ICT are available through DQS Inc. The site and our CB will need to mutually agree on the procedures, schedules, and selected ICT technology before starting the audit process. Additionally, DQS Inc. will inform the site of all requirements prior to the start of remote activities to allow for sufficient preparation.

SQFI General Provisions 2020-2021:

The unannounced audit policy has been waived for all audits scheduled to be conducted on or before December 31, 2020.

SQF Code Edition 9 has been introduced and published on the SQFI website (SQFI.com). Edition 9 will be implemented for audits beginning May 24, 2021. Please check the SQFI website for additional information relative revisions from edition 8.1, targeted focus for improved food safety management systems and simplifications.

Edition 9 unannounced audit guidance:

All audits occurring prior to May 24, 2021 are required to be completed to edition 8.1. All audits occurring after that date are required to be to edition 9 unless it is a surveillance which must follow the code to which the "C" rating was achieved.

The unannounced protocol for edition 9 now being 1 in 3 audits and not audit cycles. For clarification, edition 9 does not "reset" the unannounced audit schedule. Sites that are audited to edition 8.1 at the start of 2021 must meet the edition 8.1 requirement of 1 unannounced during their 3-year audit cycle. For sites audited in 2021 under edition 9.0 they must meet the requirement of one in every three years. If it has been greater than 3 years since the site's last unannounced due to the way their audit cycle falls then 2021 will need to be unannounced. Those sites that were mandatory for an unannounced in 2020 but waived that due to the pandemic are required to have an unannounced in 2021 regardless of the edition they are audited to.

If you have questions or need clarification on any aspect of SQFI standards / modules, please contact DQS Inc. For additional information, SQFI offers informative webinar series that address many important stakeholder topics. Please check their website for the latest information / news.



CMMC WEBINAR

In November, DQS hosted a DoD Interim Rule for CMMC Webinar – A Two Part Rule for Contractor Evaluation. The webinar with Subrata Guha, Director of IT Services at DQS Inc., provided an overview of NIST800-171 requirements and DoD self-assessment method. He also discussed scoring criteria and required evidences for the SPRS database. The recording of the webinar can be found at <https://dqsus.com/dod-interim-rule-for-cmmc-webinar/>.

Virtual 20 Year Plaque Presentations

The latest venture in the new normal for DQS Inc. was figuring out how to conduct a 20 year plaque presentation for our clients who are due for one. It’s a great honor to have customers who stick with their registration and DQS Inc. as the certification body for that period of time (and longer). Our first one due was long-time clients East River Metals, Inc. and Custom Manufacturing Services, Inc.

In October, we were able to have a short virtual presentation with them to congratulate them on their hard work and success.

East River Metals, Inc. was founded in 1979 to develop metal enclosures for its sister company, American Mine Research, Inc. but soon began fabricating parts for

other companies as well. Then in 1995, Custom Manufacturing Services, Inc. was founded to combine the knowledge and experience of metal fabrication and electro-mechanical assembly.

The companies believe they have succeeded due to their employees, products and customers. Because their customers demand their best, the quality policy is to meet or exceed customer expectations. They are confident in their equipment in their three modern facilities, employees, and their ISO 9001:2015 certification process to produce on time quality products at an economical price.

Congratulations East River Metals, Inc. and Custom Manufacturing Services, Inc.!

