

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
REGULATORY UPDATES**

FINAL STATUTES AND RULEMAKING

CITATION	SUMMARY
<p>Title: Confined Spaces in Construction</p> <p>Publication Date: May 04, 2015</p> <p>Agencies: Department of Labor Occupational Safety and Health Administration</p> <p>Action: Final rule</p> <p>Dates: The final rule becomes effective on August 3, 2015</p> <p>Document Citation: 80 FR 25365 Page: 25365 –25526 (162 pages)</p> <p>CFR: 29 CFR 1926</p> <p>Agency/Docket Number: Docket ID-OSHA-2007-0026</p> <p>RIN: 1218-AB47</p> <p>Document Number: 2015-08843</p>	<p>OSHA has added a new subpart to their construction standard to provide protection to employees working in confined spaces. This new subpart replaces OSHA’s one training requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The final rule is similar in content and organization to the general industry confined spaces standard, but also incorporates several provisions from the proposed rule that address construction-specific hazards, accounts for advancements in technology, and improves enforceability of the requirements. A copy of the final rule is available on OSHA’s website at:</p> <div data-bbox="808 1142 1117 1199" style="text-align: center;"> <p>OSHA.gov</p> </div>

LETTERS OF INTERPRETATION

OSHA has published the following letters of interpretation since our last regulatory update:

June 8, 2015 - Recognized and generally accepted good engineering practices in process safety management enforcement (1910.119).

[OSHA.gov](#)

June 8, 2015 - Process safety management of highly hazardous chemicals and covered concentrations of listed Appendix A chemicals (1910.119).

[OSHA.gov](#)

April 13, 2015 - Clarification regarding the applicability of the recording criteria for an injury occurring while commuting to or from work (1904.5(b)).

[OSHA.gov](#)

April 7, 2015 - Clarification of the reporting requirements contained in 1904.39, regarding specific types of eye and tooth injuries (1904.39).

[OSHA.gov](#)

February 12, 2015 - Clarification regarding the applicability of the recording criteria involving restricted work (1904.7).

[OSHA.gov](#)

February 12, 2015 - Clarification of the applicability of the recording criteria for cases occurring while traveling to or from an airport for work-related travel (1904.5(b)).

[OSHA.gov](#)

LETTERS OF INTERPRETATION

OSHA has published the following letters of interpretation since our last regulatory update:

February 11, 2015 - Definition of secure for handling of compressed gases in containers (1910.101(b)).

[OSHA.gov](#)

February 11, 2015 - HBV and needlesticks in the textile industry (1910.1030(b)).

[OSHA.gov](#)

February 10, 2015 - Clarification regarding the jurisdiction of the applicability of the recording requirements in state territorial waters (1904.3).

[OSHA.gov](#)

February 10, 2015 - Asbestos medical surveillance requirements for Class III work performed less than 30 days per year (1926.1101(h); 1926.1101(m)).

[OSHA.gov](#)

February 10, 2015 - Use of multiple countries' information on labels of hazardous chemicals (1910.1200; 1910.1200(f)(1); 1910.1200(f)(2); 1910.1200(g)(1)).

[OSHA.gov](#)

February 10, 2015 - HCS classification and labeling requirements for products containing crystalline silica (1910.1200; 1910.1200(b)(2); 1910.1200(c)).

[OSHA.gov](#)

January 16, 2015 - HBV testing and vaccines, regulated medical waste, and sole proprietorship (1910.1030(f)(1); 1910.1030(f)(3)(iii); 1910.1030(d)(3)(xi)).

[OSHA.gov](#)

OTHER RECENT DEVELOPMENTS**OSHA's revised Hazard Communication requirements in effect as of June 1, 2015**

As of June 1, chemical manufacturers, importers, distributors and employers are required to provide a common approach to classifying chemicals and communicating hazard information on labels and safety data sheets (SDSs). Chemical manufacturers and importers must provide a label that includes a signal word, pictogram, hazard statement, and precautionary statement for each hazard class and category. Beginning in December, distributors may only ship containers labeled by the chemical manufacturer or importer if the labels meet these requirements. The June 1 deadline was established when OSHA aligned its Hazard Communication Standard in 2012 (HCS 2012) with the global standard for chemical product labeling. The provisions for labeling offer workers better protection from chemical hazards, while also reducing trade barriers and improving productivity for American businesses that regularly handle, store, and use hazardous chemicals. All employers must ensure that they have the current SDSs for their hazardous chemicals and products, and that the SDSs and labels are HCS 2012 compliant.

OSHA issues a new version of "It's the Law" poster to help prevent injuries and protect workers' rights

To help ensure that workers have a voice in their workplaces and the protection they deserve, OSHA issued a new version of its "Job Safety and Health – It's The Law!" poster. The poster informs workers of their rights, and employers of their responsibilities. The newly designed poster informs workers of their right to request an OSHA inspection of their workplaces, receive information and training on job hazards, report a work-related injury or illness, and raise safety and health concerns with their employer or OSHA without being retaliated against. The poster also informs employers of their legal obligation to provide a safe workplace. In addition, it has been updated to include the new reporting obligations for employers, who must now report every fatality and every hospitalization, amputation and loss of an eye. Employers must display the poster in a conspicuous place where workers can see it. Previous versions of the poster do not need to be replaced. The poster is free and can be downloaded online at:

[OSHA.gov Poster Publication](#)

OTHER RECENT DEVELOPMENTS**OSHA Publishes “Adding Inequality to Injury: The Costs of Failing to Protect Workers on the Job”**

In “Adding Inequality to Injury: The Costs of Failing to Protect Workers on the Job”, David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, discusses how the costs of workplace injuries are borne primarily by injured workers, their families, and taxpayer-supported components of the social safety net. Work injuries and illnesses exact a tremendous toll on society. Despite the decades-old legal requirement that employers provide workplaces free of serious hazards, every year, more than three million workers are seriously injured, and thousands more are killed on the job. The financial and social impacts of these injuries and illnesses are huge, with workers and their families and taxpayer-supported programs paying most of the costs. The publication is available at:

[DOL.gov OSHA Report for June, 2015](#)

OSHA seeks to prevent heat illness with revised Heat Safety Tool app

As summer approaches and outdoor temperatures begin to rise , OSHA is once again informing the public about its Heat Safety Tool app to help protect workers from heat illness. OSHA has updated the version for iPhones, which now offers full screen color alerts for all heat conditions, improved navigation and accessibility options, and compatibility upgrades. The heat app provides heat illness prevention guidance specific to the user's current outdoor workplace conditions using weather data provided by the National Oceanic and Atmospheric Administration. The new version provides the daily maximum heat index intended to help prepare for extreme heat and plan work schedules accordingly. OSHA's heat app was updated in-house and is fully open source, so app developers can access the code and contribute to or improve the app themselves. The heat app can be downloaded from OSHA at:

[OSHA.gov OSHA Heat Safety Tool](#)

OTHER RECENT DEVELOPMENTS**Respiratory Protection Toolkit: OSHA partners with NIOSH and Joint Commission to protect hospital workers from transmissible diseases**

OSHA and the National Institute for Occupational Safety and Health (NIOSH) have released a new toolkit to help health care employers protect hospital staff from respiratory hazards on the job. The Hospital Respiratory Protection Toolkit includes information provided by The Joint Commission, an accrediting body for more than 20,500 health care organizations and programs in the United States. Respirators are used to protect workers from exposures to airborne transmissible infectious diseases as well as chemicals and certain drugs that may be used in healthcare settings. OSHA's Respiratory Protection Standard requires health care employers to establish and maintain a respiratory protection program in workplaces where workers may be exposed to respiratory hazards. The toolkit is available at

[OSHA.gov OSHA 3767 \(PDF\)](#)

Lung-damaging silica, other toxic substances kill and sicken tens of thousands each year as regulation falters

As part of their series entitled Slow-motion Tragedy for American Workers, the Center for Public Integrity explores the human and economic costs of work-related disease in the United States, and how inadequate government regulations fail to protect employees from exposure to silica and other hazardous materials. OSHA puts the annual toll from work-related disease and illness at more than 50,000 deaths and 190,000 illnesses. According to the authors, the epidemic of occupational disease in America isn't merely the product of neglect or misconduct by employers. It is the predictable result of a bifurcated system of hazard regulation – one for the general public and another, far weaker, for workers. The on-going series of articles can be read at

[Publicintegrity.org 06/29/2015](#)