

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

FINAL STATUTES AND RULEMAKING

CITATION	SUMMARY
<p>Title: Clarification of Employer’s Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness.</p> <p>Publication Date: July 29, 2015</p> <p>Agency: Department of Labor Occupational Safety and Health Administration.</p> <p>Action: Notice of proposed rule.</p> <p>Dates: Public comments due October 28, 2015. Extended from September 28.</p> <p>Document Citation: 80 Federal Register 45116.</p> <p>Pages: 45116-45131</p> <p>CFR: 20 CFR 1904.</p> <p>Agency/Docket Number: Docket OSHA– 2015-0006</p> <p>RIN: 1218-AC84</p> <p>Document Number: 2015-18003</p>	<p>OSHA published a Notice of Proposed Rulemaking in the July 29, 2015 Federal Register that clarifies an employer's continuing obligation to make and maintain an accurate record of each recordable injury and illness throughout the five-year period during which the employer is required to keep the records.</p> <p>OSHA issued this proposed rule to clarify the agency's position that the duty to record an injury or illness continues for as long as the employer must keep records of the recordable injury or illness; the duty does not expire just because the employer fails to create the necessary records when first required to do so.</p> <p>The proposed amendments consist of revisions to the titles of some existing sections and subparts, and changes to the text of some existing provisions. The proposed amendments add no new compliance obligations; the proposal would not require employers to make records of any injuries or illnesses for which records are not already required. The proposed rule is available at:</p> <p style="text-align: center;">Federalregister.gov</p>

CITATION	SUMMARY
<p>Title: Occupational Exposure to Beryllium and Beryllium Compounds.</p> <p>Publication Date: August 7, 2015</p> <p>Agency: Department of Labor Occupational Safety and Health Administration.</p> <p>Action: Notice of proposed rule.</p> <p>Dates: Public comments due November 5, 2015.</p> <p>Document Citation: Federal Register 80, Number 152.</p> <p>Pages: 47565-47828</p> <p>CFR: 29 CFR 1910, 29 CFR 1915, 29 CFR 1926</p> <p>Agency/Docket Number: OSHA-H005C-2006-0870</p> <p>RIN: 1218-AB76</p> <p>Document Number: 2015-17596</p>	<p>OSHA is proposing a new standard that would lower workplace exposure to beryllium, a widely used material that can cause serious lung diseases. The proposal would apply to an estimated 35,000 workers covered by OSHA regulations.</p> <p>Currently, OSHA’s eight-hour Permissible Exposure Limit (PEL) for beryllium is 2.0 micrograms per cubic meter. OSHA’s proposed standard would reduce the eight-hour time weighted average (TWA) PEL to 0.2 micrograms per cubic meter. The proposed rule would also require additional protections, including personal protective equipment, medical exams, other medical surveillance and training.</p> <p>The majority of current worker exposures to beryllium occur in operations such as foundry and smelting operations, machining, beryllium oxide ceramics and composites manufacturing and dental lab work. The proposed rule would not cover some workers exposed to trace amounts of beryllium in raw materials, including those employed at coal-burning power plants and aluminum production facilities, and those performing abrasive blasting work with coal slag in the construction and shipyards industries. The proposed rule is available at::</p> <div data-bbox="857 1236 1162 1293" 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:

September 9, 2015 - Guarding requirements for 50 volts or more of direct current (DC) [1910.303(g)(2)(i)]

OSHA.gov

August 8, 2015 - Lockout/Tagout requirements for electrical hazards [1910.333(b)]

OSHA.gov

July 22, 2015 - Memorandum to Regional Administrators - PSM Retail Exemption Policy [1910.119(a)(2)(i)]

OSHA.gov

July 22, 2015 - PSM Retail Exemption Enforcement Delay Notice [1910.119(a)(2)(i)]

OSHA.gov

July 13, 2015 - - Selecting protective clothing based on the IEEE National Electrical Safety Code, C-2, 2012, Table 410-1. [1910.269(l)(8);1910.269(l)(8)(ii);1910.269(l)(8)(v);1926.960(g)(2);1926.960(g)(5)]

OSHA.gov

July 6, 2015 - Use of kinesiology tape is not considered medical treatment beyond first aid. [1904; 1904.7]

OSHA.gov

July 2, 2015 - Requirements for the use of flexible cords and cables. [1910.305(g); 1910.305(g)(1)(i); 1910.305(g)(1)(ii); 1910.305(g)(1)(iv)]

OSHA.gov

June 29, 2015 - Using non-electrical equipment in locations with hazardous atmospheres. [1910.307]

OSHA.gov

June 25, 2015 - How to maintain injury and illness logs for employees across multiple locations. [1904; 1904.30(a); 1904.30(b)(1); 1904.30(b)(2); 1904.35; 1904.40; 1904.46]

OSHA.gov

June 15, 2015 - Clarification on fixed ladders built to certain specifications for roof access. [1926.1053(a)(17);1910.27(c)(2)]

OSHA.gov

OTHER RECENT DEVELOPMENTS**Updated Comprehensive Guide to OSHA Training Requirements**

OSHA has posted a fully updated version of its guide to all agency training requirements to help employers comply with the law and keep workers safe. *Training Requirements in OSHA Standards* organizes the training requirements into five categories: General Industry, Maritime, Construction, Agriculture and Federal Employee Programs. The document is available at:

[OSHA.gov](https://www.osha-slc.gov)**OSHA Provides Guidance to Compliance Officers for Enforcing the Revised Hazard Communication Standard**

On July 9, 2015 OSHA issued instructions to compliance safety and health officers on how to ensure consistent enforcement of the revised Hazard Communication standard. This document outlines the revisions to the standard, such as the revised hazard classification of chemicals, standardizing label elements for containers of hazardous chemicals, and specifying the format and required content for safety data sheets. It explains how the revised standard is to be enforced during its transition period and after the standard is fully implemented on June 1, 2016.

Under the standard, employers were required to train workers on the new label elements and safety data sheets by December 1, 2013. Chemical manufacturers, importers and distributors had to comply with revised safety data sheet requirements by June 1, 2015. Manufacturers and importers had to comply with new labeling provisions by June 1, 2015. Distributors have until December 1, 2015, to comply with labeling provisions as long as they are not relabeling materials or creating safety data sheets, in which case they must comply with the June 1 deadline. The compliance document is available to the public at:

[OSHA.gov](https://www.osha-slc.gov)**New Resource on Contaminated Water in Eyewash Station**

OSHA has updated a resource to help employers understand the importance of flushing emergency eyewashes to prevent organisms from growing in the stagnant water. Eyewash stations are critical emergency safety equipment intended to lessen the severity of eye injuries from workplace exposure to irritants or biological agents. The revised document provides information about the organisms that can grow in stagnant water, how to prevent them from growing, and how to recognize infection signs and symptoms. The document is available at:

[OSHA.gov](https://www.osha-slc.gov)

OTHER RECENT DEVELOPMENTS**OSHA Updates National Emphasis Program on Amputations**

OSHA has issued an updated National Emphasis Program on Amputations. The NEP has been in existence since 2006 and is targeted to industries with high numbers and rates of amputations. As in the prior NEP, OSHA is using current enforcement data and Bureau of Labor Statistics injury data to assist with site selection targeting. According to the most recent BLS data, 2,000 workers suffered amputations in 2013. The rate of amputations in the manufacturing sector was more than twice that of all private industry. This updated directive applies to general industry workplaces in which any machinery or equipment likely to cause amputations are present. Inspections will include an evaluation of employee exposures during operations such as: clearing jams; cleaning, oiling or greasing machines or machine pans; and locking out machinery to prevent accidental start-up. The directive is available at:

OSHA.gov**OSHA Revises Publication to Protect Firefighters and Other Emergency Responders**

To better protect emergency responders, OSHA has revised its manual, *Fire Service Features of Buildings and Fire Protection Systems*. The manual explains how fire service operations can be affected by different building features, and it offers guidance for design professionals, code officials, fire service representatives, and building owners. Updates to the manual include more photos; new chapters on water supply and building phases; and new sections on energy conservation, emergency power, and numbering rooms and floors. The manual's information can help responders during fires and other emergencies such as hazardous material releases, emergency medical care, non-fire rescues and terrorist incidents. The manual is available at:

OSHA.gov**Guide Available on New Standard for Protecting Construction Workers from Hazards in Confined Spaces**

A guidance document is now available to help small businesses comply with OSHA's new Confined Spaces in Construction standard. The standard was issued in May to help better protect construction workers from serious injuries and life-threatening hazards. Chapters in *Protecting Construction Workers in Confined Spaces: Small Entity Compliance Guide* correspond to sections of the standard to help employers understand what they must do to protect their workers. The guidance document is available at:

OSHA.gov