

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)  
REGULATORY UPDATES

FINAL STATUTES AND RULEMAKING

CITATION	SUMMARY
<p><b>Subject:</b> Delay of Enforcement of the Employee Rights Provisions Under 29 CFR 1904.35</p> <p><b>Publication Date:</b> 07/13/2016</p> <p><b>Effective Date:</b> 08/10/2016</p>	<p>OSHA is delaying enforcement of the anti-retaliation provisions in its new injury and illness tracking rule to conduct additional outreach and provide educational materials and guidance for employers. Originally scheduled to begin August 10, 2016, enforcement will now begin November 1, 2016. Under the rule, employers are required to inform workers of their right to report work-related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and employers are prohibited from retaliating against workers for reporting injuries and illnesses.</p> <p>A copy of the memorandum issued to OSHA Regional Administrators is available for review at:</p> <p style="text-align: center;"><a href="#">OSHA.gov (PDF)</a></p>

## LETTERS OF INTERPRETATION

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

August 4, 2016 - Fall protection requirements for a walking/working surface above a catch platform with a guardrail system [1926.500(b)(1)].

[OSHA.gov](#)

July 28, 2016 - Application of construction crane standard when handling precast components [1926.1400(c)(17)(i)].

[OSHA.gov](#)

July 18, 2016 - Process Safety Management of Highly Hazardous Chemicals and Covered Concentrations of Listed Appendix A Chemicals [1910.119].

[OSHA.gov](#)

July 14, 2016 - Clarification of OSHA requirements for dual-rated equipment meeting consensus standards for both aerial lifts and cranes [1926.1400; 1926.453].

[OSHA.gov](#)

July 14, 2016 - Whether handling of stones for foundation work is considered a construction activity; Clarification of whether a crane can be derated based on the load being lifted. [1926.32(g); 1926.1441].

[OSHA.gov](#)

July 27, 2016 - Clarification of whether the handling of propane tanks is considered construction [1926.1400(c)(17)].

[OSHA.gov](#)

June 23, 2016 - Whether uploading a pallet suspended by a crane is considered construction. [1926.1400(c)(17)].

[OSHA.gov](#)

## LETTERS OF INTERPRETATION

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

June 20, 2016 - Obligations of establishments that provide tattoos and body piercing under OSHA's Bloodborne Pathogens Standard [1910.1030(g)(2)].

[OSHA.gov](#)

June 20, 2016 - Responsible party's address and phone number on SDSs and labels [1910.1200(c)].

[OSHA.gov](#)

June 10, 2016 - Requirements for labeling of products shipped for export to domestic and international destinations, under the revised Hazard Communication Standard (HCS 2012) [1910.1200(f)(1)(i)].

[OSHA.gov](#)

May 25, 2016 - Recordkeeping Regulation contained in 29 CFR Part 1904 [1904.39(b)(11)].

[OSHA.gov](#)

**RECENT DEVELOPMENTS****New OSHA QuickCards offer guidance on protecting outdoor workers from Zika virus**

Outdoor workers may be at the greatest risk of exposure to Zika virus in areas where mosquitoes are spreading the disease. OSHA's new QuickCard provides information for workers about how to protect themselves from mosquito bites when working outside. The QuickCard offers tips on wearing clothing to cover skin, and using insect repellent on exposed skin. The new guidance also links to the most up-to-date information on Zika from the Centers for Disease Control and Prevention, such as potential health outcomes and reproductive effects.

The QuickCard is available at:

[OSHA.gov](http://OSHA.gov)

**NIOSH's Engineering Controls Database can help employers reduce risk of workplace illness and injuries**

The National Institute for Occupational Safety and Health's new Engineering Controls Database provides information on effective engineering controls that can protect workers by eliminating or reducing hazardous conditions. It is based on a hierarchy of controls ranked in order of effectiveness. Well-designed engineering controls can be highly effective in protecting workers and frequently lower operating costs over the longer term. The database can be searched at the link below by occupation or work process to find a solution that may work to control the exposure in your workplace.

[OSHA.gov](http://OSHA.gov)

**New OSHA resource highlights methylene chloride hazards**

A new addition to the OSHA's Fatal Facts series emphasizes how quickly methylene chloride vapors can reach life threatening levels when using common paint stripping products. This Fatal Fact sheet features the story of a temporary worker who died while using a paint stripper containing the chemical to remove the coating from a bathtub. The sheet is available at:

[OSHA.gov](http://OSHA.gov)

**OTHER RECENT DEVELOPMENTS****Two New OSHA bulletins address the responsibility of employers to protect temporary workers**

OSHA has issued two new bulletins in its series of guidance documents developed under the agency's Temporary Worker Initiative. This initiative focuses on compliance with safety and health requirements when temporary workers are employed under the joint employment of a staffing agency and a host employer.

The bulletins address bloodborne pathogens - <https://www.osha.gov/Publications/OSHA3888.pdf> and powered industrial truck training - <https://www.osha.gov/Publications/OSHA3889.pdf>. Both documents emphasize that temporary workers are entitled to the same protections under the OSH Act as all other covered workers and that the host employer and staffing agency are responsible for determining the conditions of employment and complying with the law.

**Two new fact sheets explain the importance of analysis in creating safer workplaces**

OSHA has released two fact sheets that stress the importance of tracking metrics and investigating potential hazards to prevent workplace injuries, illness and fatalities. The Use of Metrics in Process Safety Management Facilities - <https://www.osha.gov/Publications/OSHA3896.pdf> provides employers with a list metrics, or measurements, tracking by facilities in OSHA's Voluntary Protection Programs that handle highly hazardous chemicals. OSHA and the U.S. Environmental Protection Agency collaborated on The Importance of Root Cause Analysis During Incident Investigation - <https://www.osha.gov/Publications/OSHA3895.pdf>, which urges employers to investigate incidents that nearly led to a worker injury and find ways to prevent similar incidents.