

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

**FINAL STATUTES AND RULEMAKING**

CITATION	SUMMARY
	There were not final statutes issued during the 4th quarter of 2015.

**LETTERS OF INTERPRETATION**

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

October 19, 2015 - Determining who is the responsible party to record an injury or illness [1904; 1904.31; 1904.31(a); 1904.31(b)(2); 1904.31(b)(3); 1904.31(b)(4)].

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

October 19, 2015 - Determining whether an injury or illness is work-related and recordable [1904; 1904.4(a) ; 1904.5(a); 1904.7(b)(1)(v); 1904.5(b)(2); 1904.5(b)(2)(ii); 1904.7(b)(5)(i); 1904.7(b)(6)].

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

November 6, 2015 - Clarification on the work-related exemption involving personal tasks outside the assigned working hours [1904.5].

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

November 12, 2015 - Clarification on the recording of injuries involving broken or chipped teeth [1904.7].

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

December 23, 2015 - PSM Retail Exemption Enforcement Delay Notice [1910.119(a)(2)(i)].

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

## OTHER RECENT DEVELOPMENTS

### **New Silica Exposure Standard Update**

OSHA's fall 2015 semiannual regulatory agenda projects that the final rule for occupational exposure to respirable crystalline silica (i.e., quartz, cristobalite and tridymite), which has been in development for more than 15 years, will be completed in February 2016. The final rule is expected to include two new exposure limits:

- Permissible Exposure Limit (PEL): 8-hour time weighted average (TWA) of 0.05 milligrams per cubic meter ( $\text{mg}/\text{m}^3$ ).
- Action Level: 8-hour TWA of  $0.025 \text{ mg}/\text{m}^3$ .

Employers will be required to identify tasks that may expose employees to silica and conduct initial exposure assessments to determine compliance with the new OSHA limits.

OSHA's final rule will likely include other ancillary provisions for employee protection such as preferred methods for controlling exposure, regulated work areas, written access control plans, respiratory protection, medical surveillance, hazard communication and training, housekeeping, and recordkeeping. OSHA is proposing two separate regulatory texts, one for general industry and maritime, and the other for construction, in order to tailor requirements to the circumstances found in these sectors.

### **OSHA Issues Updated Guide on Trenching and Excavation Safety**

Trench and excavation work are among the most hazardous operations. Because one cubic yard of soil can weigh as much as a car, an unprotected trench can lead to serious and sometimes fatal accidents. OSHA's updated guide to Trenching and Excavation Safety highlights key elements of the applicable workplace standards and describes safe practices that employers can follow to protect workers from cave-ins and other hazards. A new section in the updated guide addresses safety factors that an employer should consider. Expanded sections describe maintaining materials and equipment used for worker protection systems as well as additional hazards associated with excavations.

The guide is available on OSHA's website at:

[OSHA.gov - PDF](#)

**OTHER RECENT DEVELOPMENTS****Updated Webpage Consolidates Information Needed to Comply with OSHA's Hazard Communication Standard**

OSHA's newly updated Hazard Communication webpage incorporates drop-down tabs to all topics related to the revised standard, including access to letters of interpretation, the standard, guidance documents and frequently asked questions. The revised webpage also includes a new international tab with access to the Regulatory Cooperation Council information. Another new tab provides history and background on how OSHA's Hazard Communication Standard aligns with the United Nations Globally Harmonized System of Classification and Labelling of Chemicals.

[OSHA Hazard Communication Webpage](#)

**OSHA's Injury Reporting Webpage Simplified**

To help employers comply with new requirements to report severe worker injuries, OSHA has created a streamlined reporting webpage and now offers the option of reporting incidents online. The expanded requirements took effect in January 2015. Now, in addition to reporting any worker fatality within 8 hours, employers must report within 24 hours any severe injury – defined as an amputation, hospitalization or loss of an eye. In the first year of the new requirement, OSHA received about 12,000 reports. The agency plans to release complete numbers and a full analysis of the Year One reports soon.

The updated webpage is available at:

[OSHA. Report](#)

**New OSHA Bulletin provides Information on Explosion Hazards from Steelmaking Furnaces**

OSHA has posted a new Safety and Health Information Bulletin on Carbon Monoxide Explosion Hazards in Electric Arc Furnace Steelmaking Operations. The bulletin was developed after an electric arc furnace explosion severely burned three workers through their personal protective equipment. The bulletin describes electric arc furnace explosion causes, how to prevent them, and how to protect workers.

The bulletin is available at:

[OSHA.gov](#)