

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

**FINAL STATUTES AND RULEMAKINGS**

Citations	Summary
	No final rules issued during the 2 <sup>nd</sup> quarter of 2012.

**Letters of Interpretation:**

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

- Questions related to operational aids required by various standards for cranes and derricks in construction. [1926.1416; 1926.1416(e)(5)(i); 1926.1416(e)(5)(ii); 1926.1427; 1926.1427(a)]. Issued on March 13, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28271](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28271)
- Certification and qualification requirements for mechanics, inspectors, and testers under the Cranes and Derricks in Construction standards. [1926.1400; 1926.1404; 1926.1412; 1926.1427; 1926.1429]. Issued on March 13, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28274](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28274)
- Applicability of HAZWOPER to the clearing and rerailing of train cars after derailment situations. [1910.120; 1910.120(a)(2)(iv); 1910.120(q); 1910.120(q)(4); 1910.120(q)(6); 1910.120(q)(11)]. Issued on March 14, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28151](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28151)
- Identifying the work zone when a crane works near a power line. [1926.1408; 1926.1408(a)(1); 1926.1408(a)(2)]. Issued on March 29, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28256](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28256)
- Clarification on the use of safety monitors as a method of fall protection on a low-slope roof. [1926.501; 1926.501(b)(10); 1926.502; 1926.502(h); 1926.453; 1926.453(b)(2)(v)]. Issued on April 20, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28181](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28181)
- Enforcement of Steel Erection Subpart R. [1926.754; 1926.754(b)(3)]. Issued on May 21, 2012.
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=28181](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28181)

**Other Recent Developments:**

**OSHA memo on safety incentive and disincentive policies and practices**

In a March 12 memo to OSHA Regional Administrators and whistleblower investigative staff, OSHA's Deputy Assistant Secretary Richard Fairfax addressed workplace policies and practices that can discourage workers from reporting injuries and could constitute unlawful discrimination and a violation of section 11(c) of the OSH Act, or other whistleblower protection statutes. Some of these policies and practices may also violate OSHA's recordkeeping regulations, particularly the requirement that ensures workers can report work-related injuries and illnesses. Ensuring that workers can report injuries or illnesses without fear of retaliation is crucial to protecting worker safety and health. If workers do not feel free to report injuries or illnesses, an entire workforce is put at risk: Employers do not learn of and correct dangerous conditions that have resulted in injuries, and injured workers may not receive the proper medical attention or the workers' compensation benefits to which they are entitled. A copy of the memo is available at: <http://www.osha.gov/as/opa/whistleblowermemo.html>

**OSHA announces new National Emphasis Program (NEP) for nursing and residential care facilities**

On April 5, OSHA announced a new NEP for nursing and residential care facilities to protect workers from serious safety and health hazards that are common in medical industries. OSHA develops national emphasis programs to focus outreach efforts and inspections on specific hazards in an industry for a three-year period. Through this NEP, OSHA will target nursing homes and residential care facilities in an effort to reduce occupational illnesses and injuries. In 2010, according to the department's Bureau of Labor Statistics, nursing and residential care facilities experienced one of the highest rates of lost workdays due to injuries and illnesses of all major American industries. A copy of the directive is available at:

[http://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_03-00-016.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-016.pdf)

**NIOSH researchers find respirable crystalline silica hazard for workers engaged in hydraulic fracturing operations**

On April 30, NIOSH researchers presented preliminary data which suggest that gas and oil workers may be exposed to dangerously high levels of respirable crystalline silica while performing hydraulic fracturing operations. The researchers found that nearly half (47%) of the workers sampled were exposed to levels of silica above OSHA's permissible exposure limits with almost 80% of those sampled exposed above NIOSH's recommended exposure limits. Inhalation of respirable crystalline silica particles has long been known to cause silicosis, a disabling and sometimes fatal lung disease. Additional information on the NIOSH research is available at:

<http://iom.edu/~media/Files/Activity%20Files/Environment/EnvironmentalHealthRT/2012-Apr-30/Esswein.pdf>

On June 12, OSHA and NIOSH issued a joint hazard alert regarding the potential risks to workers. A copy of the hazard alert is available at: [http://www.osha.gov/dts/hazardalerts/hydraulic\\_frac\\_hazard\\_alert.html](http://www.osha.gov/dts/hazardalerts/hydraulic_frac_hazard_alert.html)

**Free smart phone app provides easy-to-access information on heat index and safety measures**

OSHA's newest addition to its heat illness prevention materials is the OSHA Heat Safety Tool smart phone app, with safety information to help keep outdoor workers safe from the heat. The app allows workers and supervisors to calculate the heat index for their worksite. Based on the heat index, the app displays a risk level to outdoor workers. With a simple "click," users can get reminders about the protective measures that should be taken at that risk level to protect workers from heat-related illness. The app is available at:

[http://www.osha.gov/SLTC/heatillness/heat\\_index/heat\\_app.html](http://www.osha.gov/SLTC/heatillness/heat_index/heat_app.html)

**NIOSH issues new guidance on working with nanomaterials in research labs**

In a new guidance document for workers who handle nanomaterials, NIOSH provides recommendations on engineering controls and safe practices for working with these engineered materials in laboratories and pilot scale operations. The NIOSH guide, *General Safe Practices for Working with Engineered Nanomaterials in Research Laboratories*, was designed to be used alongside well-established practices and a laboratory's chemical hygiene plan. Workers who use nanomaterials in research or production processes may be exposed to nanoparticles through inhalation, skin contact, or ingestion, depending on how the materials are used and handled. Although the potential health effects of such exposure are not fully understood at this time, scientific studies indicate that at least some of these materials are biologically active, may readily penetrate intact human skin, and have produced toxicological reactions in the lungs of exposed experimental animals. A copy of the guide is available at: <http://www.cdc.gov/niosh/docs/2012-147/pdfs/2012-147.pdf>