

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

FINAL STATUTES AND RULEMAKINGS

Citations	Summary
<p>Federal Register Volume 77, Number 121, Pages 37587-37600.</p> <p>29 CFR Parts 1910, 1915, 1917, 1918, and 1926</p> <p>Docket No. OSHA-2011-0184 RIN 1218-AC65</p> <p>Updating OSHA Standards Based on National Consensus Standards; Head Protection</p>	<p>OSHA has issued a direct final rule and a notice of proposed rulemaking to revise the personal protective equipment (PPE) sections of its general industry standard regarding requirements for head protection. OSHA's rulemaking actions will update references in its standards to recognize the 2009 edition of the American National Standard for Industrial Head Protection, and is deleting the 1986 edition of that national consensus standard because it is out of date. OSHA also is including the construction industry in this rulemaking to ensure consistency among the Agency's standards.</p> <p>The direct final rule will become effective on September 20, 2012.</p>
<p>Federal Register Volume 77 Pages: 40494 -40509 <u>Tuesday, July 10, 2012.</u></p> <p>Effective Date: 07/10/2012 Action: Final Rule. Docket Number: OSHA-2010-0006. RIN: <u>1218-AC47.</u> Document Number: 2012-16411</p> <p>Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008.</p>	<p>OSHA published a final rule on whistleblower retaliation complaints made under the Consumer Product Safety Improvement Act. Effective July 10, 2012 the Final Rule, among other provisions, ensures complainants receive copies of correspondence and evidence OSHA sends to respondents before ordering preliminary reinstatement, and that complainants have an opportunity to respond to the respondent's submissions during OSHA's investigation. The Final Rule also allows complainants to inform OSHA of their district court complaint by providing OSHA a copy up to seven days after filing, and allows complainants 14 days, rather than 10 business days, to petition for review by the Administrative Review Board. The rule incorporates edits made in response to comments received on the Interim Final Rule published in August 2010 and is consistent with the procedures published in the Sarbanes-Oxley Interim Final Rule, to the extent permissible by statute.</p>
<p>Federal Register Volume 77 Pages 44121 – 44139 <u>Friday, July 27, 2012.</u></p> <p>Effective Date: 07/27/2012 Action: Final Rule.</p> <p>Docket Number: OSHA-2008-0026</p>	<p>OSHA has published a Final Rule on the "Procedures for the Handling of Retaliation Complaints Under the Surface Transportation Assistance Act." Effective July 27 the Final Rule, among other provisions, clarifies that persons may not retaliate against workers covered by the Surface Transportation Assistance Act (STAA) for making oral or written complaints about violations of commercial motor vehicle safety or security regulations to government agencies, employers and others. The rule also ensures complainants have an opportunity to respond to the respondent's submissions during OSHA's investigation and receive copies of correspondence and evidence OSHA sends to respondents before ordering</p>

Citations	Summary
<p>RIN: <u>1218-AC36</u> Document Number: 2012-17994.</p> <p>Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982 (STAA).</p>	<p>preliminary reinstatement. The rule incorporates suggestions made in comments received on the Interim Final Rule published in August 2010 and is consistent with the procedures established in the recently published final Consumer Product Safety Improvement Act whistleblower rule, to the extent permitted by statute.</p>
<p>Federal Register Volume 77 Pages 49722 -49730. <u>August 17, 2012.</u></p> <p>Effective Date: 11/15/2012 Action: Final Rule. Agency/Docket Number: Docket ID-OSHA-2007-0066 RIN: <u>1218-AC61</u></p> <p>Cranes and Derricks in Construction: Demolition and Underground Construction.</p>	<p>OSHA has issued a direct final rule and notice of proposed rulemaking that applies the requirements of the August 2010 cranes and derricks in construction standard to demolition work and underground construction. The application of this rule will protect workers from hazards associated with hoisting equipment used during construction activities.</p> <p>The direct final rule will apply the same crane rules to underground construction and demolition that are already being used by other construction sectors, and will streamline OSHA's standards by eliminating the separate cranes and derricks standard currently used for underground and demolition work. The rulemaking also corrects several errors introduced in the 2010 rulemaking to make it easier for workers and employers to understand and implement these standards.</p>

Letters of Interpretation:

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

- Storage of compressed gas cylinders used in construction work. [1926.350; 1926.350(a)(9)]; Issued on May 21, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28370
- Clarification on the use of double connections at beams not framing into columns.[1926.756; 1926.756(a)(1); 1926.756(c)]. Issued on June 1, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28364
- Proof testing of lifting beams used to lift wind turbine components.[1926.251; 1926.251(a)(4)]. Issued on June 8, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28367

- Clarification on whether a forklift equipped with a designated forklift boom would be considered a crane.[1926.1400; 1926.1400(a)(1)]. Issued on June 21, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28361
- Temporary Enforcement Policy for Proximity Alarm and Insulating Link Use with Cranes and Derricks in Construction.[1926.1401; 1926.1407; 1926.1408; 1926.1409; 1926.1410]. Issued on June 25, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28313
- Acceptability of using a ramp to unload parts from a semi-trailer.[1926.501; 1926.501(b)(6)]. Issued on June 27, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28424
- Requirements for watertight longitudinal bulkheads on crane barges.[1926.1437; 1926.1437(n)(7)(ii); 1926.1437(m)(5)]. Issued on July 27, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28427
- Crane operator certification and whether a practical test is required for re-certification.[1926.1427; 1926.1427(a); 1926.1427(j)]. Issued on August 31, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28421

Other Recent Developments:

OSHA and NIOSH issue hazard alert on silica exposure from hydraulic fracturing operations

The hazard alert follows a cooperative study by NIOSH and industry partners that identified overexposure to silica as a health hazard to workers conducting hydraulic fracturing operations. Respirable silica is a hazard common to many industries and industrial processes, and large quantities of silica sand are used during hydraulic fracturing. Workers who breathe silica day after day are at greater risk of developing silicosis, a disease in which lung tissue reacts to trapped silica particles, causing inflammation and scarring, and reducing the lungs' ability to take in oxygen. Silica also can cause lung cancer and has been linked to other diseases, such as tuberculosis, chronic obstructive pulmonary disease, and kidney and autoimmune disease. The hazard alert is available on the OSHA website at:

http://www.osha.gov/dts/hazardalerts/hydraulic_frac_hazard_alert.html

Fall prevention training resources available from OSHA

OSHA has updated their website to include additional resources on fall prevention training. The information and training resources are available at: <http://www.osha.gov/stopfalls/trainingresources.html>

OSHA provides guidance on safe work practices when using cleaning chemicals

Workers who clean buildings and factories use a variety of cleaning chemicals that can pose health risks. Health effects from chemicals in cleaning products can range from skin rashes and burns to eye, nose and throat irritation, to cough and asthma. Many employers are switching to green cleaning products because they are thought to be less hazardous to workers and the environment. The new OSHA-NIOSH Infosheet, "Protecting Workers Who Use Cleaning Chemicals," provides employers with guidance on choosing safer cleaning products, safe work practices, worker training and better cleaning methods. The accompanying poster, "Protect Yourself: Cleaning Chemicals and Your Health," informs workers of the hazards of cleaning chemicals, symptoms and employer responsibilities. A copy of the Infosheet is available at: <http://www.osha.gov/Publications/OSHA3512.pdf>. The poster is available at: <http://www.osha.gov/Publications/3511-CleanChemPoster.pdf>

New educational resources on protecting workers from mercury exposure in fluorescent bulbs

OSHA has issued two new educational resources to help protect workers from mercury exposure. Fluorescent bulbs can release mercury and may expose workers when they are broken accidentally or crushed as part of the routine disposal or recycling process. A new OSHA QuickCard alerts employers and workers to the hazards of mercury and provides information on how to properly clean up accidentally broken fluorescent bulbs to minimize workers' exposures to mercury. In addition, a new fact sheet explains how workers may be exposed, what kinds of engineering controls and personal protective equipment they need, and how to use these controls and equipment properly. The QuickCard is available at: <http://www.osha.gov/Publications/osha3536.pdf>. The fact sheet is available at: http://www.osha.gov/Publications/mercuryexposure_fluorescentbulbs_factsheet.pdf

OSHA eTool helps employers prevent shock and electrocution hazards

To provide assistance to employers in complying with OSHA's Subpart S Electrical Standards for General Industry electrical installation standard, the agency has developed the new "Subpart S eTool". eTools are stand-alone, interactive, Web-based training tools on occupational safety and health topics. The eTool shows employers all of the Subpart S installation requirements that apply based on the time period in which an installation was built or last modified. Users select a requirement category and date range from a matrix, and the eTool displays the requirements applicable to an installation built or modified during that range. The standard, which became effective in 2007, is intended to reduce the risk of injury and death caused by unsafe electrical installations. The Subpart S eTool is available at: http://www.osha.gov/dsg/etools/subpartS/subpart_s_etool.html

New and revised online resources available to protect workers from combustible dust

OSHA has revised its webpage on the explosion hazards of combustible dust. Enhancements to this web page include additional links to reports issued by NIOSH and the U.S. Chemical Safety and Hazard Investigation Board. OSHA combustible dust webpage is available at: <http://www.osha.gov/dsg/combustibledust/index.html>