

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

FINAL STATUTES AND RULEMAKINGS

| Citations | Summary |
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| <p>Federal Register Volume 77, Number 218, Pages 67270-67276.</p> <p>Date: 11/09/2012. 29 CFR Part 1926</p> <p>Docket ID-OSHA-2012-0025 RIN 1218-AC75</p> <p>Revising the exemption for digger derricks in the Cranes and Derricks in Construction Standard.</p> <p>Action: Direct final rule.</p> | <p>OSHA has published a final rule that broadens the current exemption for digger derricks used in the electric-utility industry. Digger derricks are pieces of equipment used to drill holes for utility poles. These digger derricks are commonly used by companies to place poles inside holes and attach transformers and other items to the poles.</p> <p>The digger derricks exemption is part of the Cranes and Derricks final standard that was issued on August 9, 2010. After publication of this standard, OSHA received comments about the scope of the exemption. Upon review of these comments, OSHA decided to revise the current exemption for digger derricks to cover all digger-derrick use in the electric-utility industry.</p> <p>The rule will become effective February 7, 2013, unless OSHA receives significant adverse comment. See the Federal Register notice for more details at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=23516</p> |

Letters of Interpretation:

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

- Applicability of the Bloodborne Pathogens standard during transection of the umbilical cord. [1910.1030; 1910.1030(c)(2); 1910.1030(c)(1)(v); 1910.1030(d)(2)(i); 1910.1030(g)(2)(vii)(F)]. Issued on July 13, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28574
- Clarification of OSHA training requirements for basic first aid and cardiopulmonary resuscitation (CPR). [1910.151; 1910.146; 1910.266; 1910.269; 1910.410; 1926.950]. Issued on August 2, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28541
- OSHA's position on the acceptability of digital radiography in place of traditional chest roentgenograms. [1910.1001; 1910.1001(l)(2)(ii); 1926.1101; 1926.1101(m)(2)(ii)(C); 1915.1001; 1915.1001(m)(2)(ii)(C)]. Issued on September 24, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28583

- Clarification of the lockout/tags-plus standard for maritime employment. [1915.80; 1915.81(b)(2); 1915.82; 1915.84; 1915.89; 1915.89(c)(7); 1915.89(k)(2); 1915.89(m)]. Issued on November 20, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=28481
- Clarification concerning fall protection and vertical walled trenches with depth of 6 feet or greater and use of controlled access zones. [1926.501(b)(7); 1926.501(b)(7)(i); 1926.501(b)(7)(ii); 1926.501(b)(2); 1926.501(b)(9); 1926.502(k); 1926.651(f)]. Issued on December 5, 2012.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=24371

Other Recent Developments:

OSHA webinar on GHS Standard (i.e. revised Hazard Communication Standard)

OSHA and the Society of Chemical Hazard Communication (SCHC) hosted a free webinar to help employers understand the requirements of OSHA's revised Hazard Communication Standard in the United States. The webinar explained changes to the Hazard Communication Standard to align with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Topics included changes expected in training, labeling, and safety data sheets and compliance assistance opportunities. The webinar has been archived and is available for viewing. To access the webinar, click <https://goto.webcasts.com/starthere.jsp?ei=1006847> and submit the required information.

Updated OSHA brochure provides workers and employers with information on the risks of distracted driving

More workers are killed every year in motor vehicle crashes than any other cause. Distracted driving dramatically increases the risk of such crashes. OSHA's revised brochure explains the dangers of texting while driving on the job, and makes recommendations about what employers can do to keep workers safe. The brochure is available at: <http://www.osha.gov/Publications/3416distracted-driving-flyer.pdf>

Updated training and educational resources available from OSHA's fall prevention website

OSHA's fall prevention website provides several training resources and educational resources to assist workers and employers in preventing falls from ladders, scaffolds and roofs. The resources have been updated with additional materials from OSHA's campaign partners, including new Spanish-language resources on ladders and other equipment. The information is available at: <http://www.osha.gov/stopfalls/index.html>

OSHA publishes confirmation notice of direct final rule updating national consensus standards in its head protection standards

OSHA has published a notice confirming the effective date of the direct final rule for OSHA's head protection standards. This final rule updates the incorporation by reference of national consensus standards to include the latest edition of the consensus standard. It updates references in OSHA's standards to recognize the 2009 edition of the American National Standard for Industrial Head Protection, and deletes the 1986 edition of that national consensus standard because it is out of date. The final rule applies to the personal protective equipment provisions of its general industry, shipyard employment, longshoring, marine terminals, and construction standards that detail requirements for head protection.

OSHA releases update to the General Industry Digest

OSHA's updated General Industry Digest is now available at the link below. The booklet summarizes general industry safety and health standards to help employers, supervisors, workers, health and safety committee members, and safety and health personnel learn about OSHA standards in the workplace. The digest includes updated information on revisions to General Industry standards since the digest was last published in 2001.

<http://www.osha.gov/pls/publications/publication.searchResults?pSearch=General%20Industry%20Digest>

Work-related injuries from All-Terrain Vehicles

A recently published review by the National Institute for Occupational Safety and Health of hazards related to all-terrain vehicle use shows that work-related injuries are on the rise. NIOSH estimates that 11 million of these vehicles were in use in 2010 (for both recreational and work-related purposes). **Forty-one** workers were killed using ATVs in the final year of the NIOSH study. OSHA has published a Safety and Health Information Bulletin on hazards of ATV use in the workplace that provides information on the operating conditions and specific activities that most often lead to ATV-related injuries and fatalities; the guidelines and training an employer can use to help protect employees; and the work practices that workers can follow to reduce the potential for ATV-related accidents. The document is available at:

<http://www.osha.gov/dts/shib/shib080306.html>

New OSHA website provides information on preventing backover incidents in construction

According to the Bureau of Labor Statistics, over 70 workers died from backover incidents in 2011. A backover incident occurs when a backing vehicle strikes a worker who is standing, walking, or kneeling behind the vehicle. OSHA has published a new Preventing Backovers webpage (<http://www.osha.gov/doc/topics/backover/index.html>) that provides information about the hazards of backovers; solutions that can reduce the risk or frequency of these incidents; articles and resources; and references to existing regulations and letters of interpretation.

OSHA releases fact sheet on internal combustion engines as ignition sources

Investigations by OSHA and the U.S. Chemical Safety Board (CSB) have documented a history of fires and explosions at workplaces (oilfields, refineries, chemical plants, and other facilities) where an internal combustion engine was identified as or suspected to be the source of ignition. Internal combustion engines present an ignition hazard when used in facilities processing flammable liquids and gases. If flammable vapors or gases are released in these facilities, an internal combustion engine could ignite the flammable materials with catastrophic consequences. OSHA's new Internal Combustion Engines as Ignition Sources Fact Sheet helps employers and workers understand the risks involved in the use of internal combustion engines, as well as some of the control strategies that should be used to prevent such catastrophic events. The fact sheet is available at:

<http://www.osha.gov/Publications/osha3589.pdf>

Center for Construction Research and Training launches online resource to help workers and employers identify and control silica dust

A new online resource from the Center for Construction Research and Training provides information and tools to help identify silica hazards, understand the health risk, and easily find equipment and methods to control the dust. The site also features a "Create a Plan" tool that generates job-specific silica control plans based on user responses to a series of questions about the tasks that will be performed and the materials that will be used. The new resource is available at: <http://www.silica-safe.org/>

OSHA continues enforcement of fall protection in residential construction, extends temporary enforcement measures

OSHA will extend for three months its temporary enforcement measures in residential construction. The temporary enforcement measures, extended through March 15, 2013, include priority free on-site compliance assistance, penalty reductions, extended abatement dates, measures to ensure consistency, and increased outreach. Fatalities from falls are the number one cause of workplace death in construction.

OSHA Site-Specific Targeting Program aims to reduce injuries and illnesses in high-hazard workplaces

OSHA has issued its annual inspection plan under the Site-Specific Targeting 2012 program to direct enforcement resources to workplaces where the highest rates of injuries and illnesses occur. The SST program is one of OSHA's main programmed inspection plans for high-hazard, non-construction workplaces that have 20 or more workers. The SST plan is based on data collected from a survey of 80,000 establishments in high-hazard industries. For the 2012 SST, OSHA's Nursing and Personal Care Facilities National Emphasis Program will conduct programmed inspections of nursing and personal care establishments, unlike previous years when these inspections fell under the SST program. Information on the program is available at: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-13-01.pdf