

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATORY UPDATES

FINAL STATUTES, RULEMAKINGS, AND GUIDANCE

Citations	Summary
Pilot National Emphasis Program (NEP) – Process Safety Management Directive No.: 09-06 (CPL 02) Effective Date: 07/27/09	This NEP establishes policies, procedures, clarifications, and compliance guidance for enforcement of the Process Safety Management (PSM) of Highly Hazardous Chemicals Standard 29 CFR 1910.119. In the past, inspections were resource intensive and, therefore, OSHA would perform only a limited number each year. This NEP outlines a new approach for inspecting PSM covered facilities. This approach allows for a greater number of inspections by better allocation of OSHA's resources. This NEP will be effective for one year. The NEP will apply to un-programmed inspections related to employer PSM-covered processes OSHA-wide. Programmed inspections under this NEP will take place in Regions I, VII and X. After one year, this pilot NEP will be evaluated and considered for renewal and expansion to other regions.
Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment Federal Register No.: 74:46350-46361 Effective Date: 10/09/09	OSHA is issuing this final rule to revise the personal protective equipment (PPE) sections of its general industry, shipyard employment, longshoring, and marine terminals standards regarding requirements for eye- and face-protective devices, head protection, and foot protection. OSHA is updating the references in its regulations to recognize more recent editions of the applicable national consensus standards, and is deleting editions of the national consensus standards that PPE must meet if purchased before a specified date. In addition, OSHA is amending its provision that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard, and a provision that requires filter lenses and plates in eye-protective equipment to meet a test for transmission of radiant energy specified by another ANSI standard. In amending these paragraphs, OSHA will require this safety equipment to comply with the applicable PPE design provisions. These revisions are a continuation of OSHA's effort to update or remove references to specific consensus and industry standards located throughout its standards. A copy of the final rule is available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21092
Revising Standards Referenced in the Acetylene Standard Federal Register No.: 74:40441-40447 Effective Date: 11/09/09*	OSHA has revised its acetylene standard 29 CFR 1910.102 by replacing references to outdated consensus standards with updated references reflecting current acetylene industry work practices. The direct final rule is available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21026 *Unless significant adverse comments are received by 09/10/09

Letters of Interpretations:

For the second and third quarters of 2009, OSHA has issued the following letters of interpretation:

[08/18/2009] Medical exams and chest roentgenograms (x-rays) under OSHA's Asbestos standards. [1910.1001; 1910.1001(l)(2)(ii); 1915.1001; 1926.1101; 1926.1101(m)(2)(ii)(C)].

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27107

[08/05/2009] Whether use of high-visibility warning garments by construction workers in highway work zones is required.[1926.200; 1926.200(g)(2); 1926.201; 1926.201(a)]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27155

[07/13/2009] Clarification on number of employees required for asbestos glovebag removal operations.[1926.1101; 1926.1101(g)(5)(ii)(B)(9)]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27104

[06/29/2009] OSHA has no authority to ban use of hexavalent chromium.[1910.1026; 1915.1026; 1926.1126]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27086

[06/22/2009] Health impacts from shared office equipment.[1904.7; 1904.11]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27101

[06/12/2009] Comprehensive building/facility/vessel surveys for asbestos.[1910.1001; 1926.1101; 1915.1001]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27098

[06/02/2009] Disposal of blood and other potentially infectious materials (OPIM).[1910.1030; 1910.1030(d)(4)(iii)(B)(1)(iii); 1910.1030(d)(4)(iii)(C)]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27092

[06/02/2009] Maintenance of medical evaluation and fit test records as required by the Respiratory Protection Standard.[1910.134; 1910.134(m); 1910.1020]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27095

[06/01/2009] Requirements for eyewash and shower facilities.[1910.151; 1910.151(c)]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27089

[05/19/2009] Application of OSHA PEL for nitric oxide as 8-hr TWA to pregnant employees.[1910.1000; 1910.1200; 1910.1200(e); 1910.1200(f); 1910.1200(g); 1910.1200(h)]
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27017

[04/03/2009] Whether a multiple lift of pre-cast concrete members is permissible.[1926.550(a)(19);1926.704(e);1926.753;1926.753(e)]

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27026

Other Recent Developments:

Asbestos-Contaminated Vermiculite Insulation Poses Health Hazard

In July, OSHA noted on their website that the U.S. Environmental Protection Agency is warning the public and electricians, plumbers and other contractors who perform work in attics about the potential risks of asbestos exposure from contaminated vermiculite insulation. Vermiculite from a Libby, Montana, mine containing asbestos was sold from 1919 to 1990 and used in the majority of vermiculite insulation in the United States. EPA's guidance document on the contaminated vermiculite is available at: http://www.epa.gov/asbestos/pubs/vermiculite_message_to_the_public.pdf

Latest OSHA Guidance Document Focuses on Combustible Dust Hazards

OSHA published a new document titled *Hazard Communication Guidance for Combustible Dusts* that helps chemical manufacturers and importers recognize the potential for dust explosions, identify appropriate protective measures, and fulfill the requirements for disseminating this information on material safety data sheets and labels. A copy of the document is available at: <http://www.osha.gov/Publications/3371combustible-dust.pdf>

Standup Forklift Hazard is Focus of New OSHA Safety and Health Information Bulletin

OSHA has published a new Safety and Health Information Bulletin (SHIB) addressing a crushing hazard to standup forklift operators associated with "under-ride" that occurs in a warehouse when an operator backs up too far beneath a storage rack's horizontal cross bar and protrudes into the operator's compartment. Forklift truck operators must look in the direction of travel and keep the forklift under control at all times. One of the potential hazards is the crushing hazard that can arise when traveling, with the forks trailing, in a warehouse near a storage rack or similar obstruction. The risk is that a horizontal rack beam (crossbar) or similar obstruction might enter the operator's compartment in a situation referred to as "under-ride." Awareness of the precautions and safety measures highlighted in this SHIB can help prevent serious injuries and fatalities related to warehouse operations. A copy of the SHIB is available at: <http://www.osha.gov/dts/shib/shib072709.html>

OSHA's Targeted Inspection List

Nearly 4,000 high-hazard worksites are scheduled for comprehensive safety inspections under OSHA's 2009 Site-Specific Targeting Program. The program helps the agency direct enforcement resources to

workplaces where the highest rate of injuries and illnesses occur. A copy of the OSHA press release is available at:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16338