

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

### FINAL STATUTES, RULEMAKINGS, AND GUIDANCE

Citations	Summary
<b>Revising Standards Referenced in the Acetylene Standard</b>  <b>Federal Register No.:</b> 74:57883-57884  Standard No. 1910; 1910.102; 1910.102(a); 1910.253  <b>Effective Date:</b> 11/09/09	The final rule revising OSHA's Acetylene Standard became effective Nov. 9. The rule replaces references to outdated industry standards with updated references reflecting current industry practices. A copy of the Federal Register notice is available at: <a href="http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&amp;p_id=21182">http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&amp;p_id=21182</a>  The revised standard requires that in-plant transfer, handling, storage and use of acetylene cylinders comply with Compressed Gas Association Pamphlet G-1-2003, titled <i>Acetylene</i> . The revised standard also updates references for the provisions addressing piping systems, as well as acetylene generators and filling acetylene cylinders.
<b>Injury and Illness Recordkeeping National Emphasis Program</b>  <b>Directive No.:</b> 09-08(CPL 02)  <b>Effective Date:</b> 09/30/09	On September 30, OSHA issued a National Emphasis Program (NEP) that establishes procedures for OSHA when inspecting occupational injury and illness records prepared by businesses and enforcing regulatory requirements when employers are found to be under-recording injuries and illnesses. A copy of the directive is available at: <a href="http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf">http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf</a>

### Letters of Interpretations:

Since the last regulatory update, OSHA has issued the following letters of interpretation:

- 11/10/2009 Confidentiality of employee post-exposure evaluations as it pertains to the Bloodborne Pathogens Standard; use of portable fans in phlebotomy collection rooms.[1910.1030; 1910.1030(f)(3); 1910.303; 1910.303(b)(2)]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27269](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27269)
- 10/27/2009 Painting or placement of adhesive stickers on protective helmet shell.[1910.132; 1910.132(a); 1910.135]

- [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27272](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27272)
- 10/19/2009 The use of clevis pins and cotterpins to attach slings and hooks; use of latches on sling hooks.[1910.184(e)(2)(i); 1910.184(e)(2)(ii); 1910.184(f)(6)]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27266](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27266)
- 10/06/2009 Using the Globally Harmonized System (GHS) to comply with OSHA's Hazard Communication Standard.[1910.1200; 1910.1200(f)]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27218](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27218)
- 09/29/2009 - Guarding of access openings to fixed ladders. [1910.23; 1910.23(a)(2); 1910.27]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27215](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27215)
- 09/28/2009 OSHA's position on complying with an updated national consensus standard.[1910.261]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27224](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27224)
- 08/31/2009 Use of physical versus mailing address of the responsible party listed on the MSDS.[1910.1200; 1910.1200(g)(2)(xii)]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27206](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27206)
- 08/21/2009 Amending OSHA's penalty adjustment factors.[1903]
  - [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27221](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27221)

## **Other Recent Developments:**

### **Proposed Rule Regarding Changes to the Hazard Communication Standard**

On September 30, OSHA published a proposed rule to align the Hazard Communication Standard (HCS) with the Globally Harmonized System (GHS) of Classification and Labeling of Chemicals. The primary benefit of the GHS is to increase the quality and consistency of information provided to workers, employers and chemical users by adopting a standardized approach to hazard classification, labels and safety data. The GHS provides a single set of harmonized criteria for classifying chemicals according to their health and physical hazards and specifies hazard communication elements for labeling and safety data sheets. Under the GHS, labels would include signal words, pictograms, and hazard and precautionary statements and safety data sheets would have standardized format. This system was agreed on at an international level by governments, industry, and labor, and adopted by the

UN in 2002 with a goal of 2008 for implementation. OSHA's proposal to adopt the GHS will not change the framework and scope of the current HCS but will help ensure improved quality and more consistency in the classification and labeling of all chemicals. This will enhance worker comprehension, resulting in appropriate handling and use of chemicals. The harmonized format of the safety data sheets will enable workers to access the information more efficiently. In addition, currently multiple labels and safety data sheets must often be developed for the same product when shipped to different countries. This creates a major compliance burden for chemical manufacturers and those involved in international trade, increasing the cost of providing hazard information. The adoption of GHS will minimize this burden. Detailed information is available at:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=21110](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21110)

### **OSHA Revises Enforcement Policies for Fall Protection during Steel Erection**

OSHA revised the steel erection compliance directive for the agency's Steel Erection Standard to change two enforcement policies related to tripping hazards and installation of nets or floors during steel erection. The purpose of the revised enforcement policy is to rescind OSHA's de minimis policy relating to requirements regarding: (1) fully planked or decked floors or nets, which was announced in Question and Answer #23 in OSHA Instruction CPL 02-01-034 (formerly CPL 2-1.34), issued March 22, 2002, and (2) the use of pre-installed shear connectors during steel erection, which was announced in Question and Answer #25 in OSHA Instruction CPL 02-01-034 (formerly CPL 2-1.34), issued March 22, 2002. A copy of the directive is available at:

[http://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-01-046.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-046.pdf)

### **NIOSH Offers Guidance on Controlling Silica Exposure**

The National Institute for Occupational Safety and Health, the federal research agency for workplace safety and health, recently published guidance for reducing exposure to crystalline silica dust during construction activities. The guidance suggests using a water-spray attachment to suppress dust when operating construction equipment such as a jackhammer. Silica is known to cause the lung disease silicosis. A copy of the document is available at:

<http://www.cdc.gov/niosh/topics/silica/jackhammer.html>

### **Free Safety Training Video for Temporary Workers Raises Workplace Safety Awareness**

Temporary workers could benefit from a new video that provides occupational safety and health training. The video includes a general safety orientation and six modules focusing on indentifying hazards at construction, landscaping, manufacturing and food distribution sites, warehouses and offices. It is a product of an alliance among OSHA's Columbus, Ohio, Area Office, and the Ohio Bureau of Workers' Compensation. The video is available for review at:

<http://www.ohiobwc.com/basics/videos/SafetyVideoArchive.asp>

### **OSHA Addresses Need for Combustible Dust Standard**

OSHA published an advance notice of proposed rulemaking Oct. 21 as an initial step in developing a standard to address combustible dust hazards. See the Oct. 21 Federal Register for more information:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=21152](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21152)

### **OSHA Issues Compliance Directive to Address Flu Prevention for Health Care Workers**

OSHA issued a compliance directive Nov. 20 to ensure uniform procedures when conducting inspections to identify and minimize or eliminate high to very high risk occupational exposures to the 2009 H1N1 influenza A virus. The directive closely follows the Centers for Disease Control and Prevention's "Interim Guidance on Infection Control Measures for 2009 H1N1 Influenza in Healthcare Settings, Including Protection of Healthcare Personnel." The directive is available at:

[http://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02\\_02-075.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_02-075.pdf)

### **OSHA Promotes H1N1 Worker Precaution and Protection**

OSHA issued fact sheets about H1N1 that employers and workers can use to promote safety during the current H1N1 flu outbreak. The fact sheets offer ways to minimize work-related risks of exposure to the H1N1 virus. Visit the OSHA's Workplace Safety and H1N1 Web page for more details:

<http://www.osha.gov/h1n1/index.html>

### **OSHA Issues Guidance Document on Training and PPE for Emergency Medical Responders**

Ensuring the safety and health of emergency medical services responders assisting patients at hazardous substance release sites is the focus of a new OSHA publication. Best Practices for Protecting EMS Responders during Treatment and Transport of Victims of Hazardous Substance Releases is a companion document to OSHA's Best Practices for Hospital-Based First Receivers. The new document is available at: <https://www.osha.gov/Publications/OSHA3370-protecting-EMS-respondersSM.pdf>