

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

FINAL STATUTES, RULEMAKINGS, AND GUIDANCE

Citations	Summary
<p>OSHA Issues New National Emphasis Program for Lead in General Industry</p> <p>29 CFR Part 1910</p> <p>Directive CPL-03-009</p> <p>August 14, 2008</p>	<p>OSHA recently issued a directive, CPL 03-00-009 that implements a National Emphasis Program (NEP) to reduce occupational exposures to lead. This document supersedes the 2001 OSHA National Emphasis Program on Lead (CPL 02-00-130). The new NEP directive contains a list of industries included to assist OSHA’s field offices in determining industries for targeting. Under the NEP, OSHA will direct resources towards inspections of industries in which lead exposures occur. Subsequent to an initial inspection, follow-up site visits will be conducted in all establishments where exposures were measured at or above the permissible exposure limit (PEL) or above the action level where the employer has not taken preventive/corrective action (as required by the standard).</p> <p>Employee exposure to airborne lead will be sampled, whenever possible, during both the initial and follow-up inspection. Medical surveillance records will be reviewed, whenever available, by Compliance Officers during NEP lead inspections. In addition, during both the initial and follow-up inspections, Compliance Officers will evaluate training, use of personal protective equipment, surface concentrations of lead and the availability of hygiene facilities, work practices, and engineering controls. The directive is available at: http://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-0009.pdf</p>

Other Recent Developments:

NIOSH Issues Respiratory Protection Recommendations for Crystalline Silica Exposure

A new document describes the National Institute for Occupational Safety and Health (NIOSH) policy for respiratory protection against airborne exposures to crystalline silica. NIOSH recommends the use of half-facepiece particulate respirators with N95 or better filters for airborne exposures to crystalline silica at concentrations less than or equal to 0.5 mg/m³. OSHA also specifies the use of at least a 95-rated filter efficiency. The recommendation for a 95-rated filter efficiency reflects the improved filter efficiency of N95 filters over the earlier dust and mist (DM) filters. For more information, visit: www.cdc.gov/niosh/docs/2008-140/pdfs/2008-140.pdf

OSHA Clarifies Rules on Tree Trimming and Removal

In a guidance document for its regional and area offices, OSHA explains changes to how it applies federal standards to tree-trimming and tree-removal operations. The agency said tree-removal operations may have characteristics of tree-trimming or traditional tree-felling operations, or both. The directive clarifies the appropriate application of OSHA general industry standards to tree trimming and tree removal, and includes new definitions and practical examples, the agency said. When tree-removal operations have characteristics that involve hazards present in both traditional tree felling and tree trimming, the employer will have the option of following either the agency's logging operations standard or an alternative compliance strategy.

Latest OSHA Resources Focus on Metal Scrap Recycling and Hazardous Waste Operations

Employers and employees in the metal scrap recycling industry stand to benefit from a new publication produced by OSHA known as *Guidance for the Identification and Control of Safety and Health Hazards in Metal Scrap Recycling*. The document offers ways to recognize and manage the hazards associated with exposure to various metals and processing chemicals and with related processes and equipment used in metal scrap recycling operations. The document is available at:

<http://www.osha.gov/Publications/OSHA3348-metal-scrap-recycling.pdf>

OSHA revised its *Hazardous Waste Operations and Emergency Response* booklet highlighting the requirements for hazardous waste operations and emergency response at uncontrolled hazardous waste sites and treatment, storage and disposal facilities. It also discusses the steps an employer must take to protect the health and safety of employees in these environments. The document is available at:

<http://www.osha.gov/Publications/OSHA3114/OSHA-3114-hazwoper.pdf>

Bureau of Labor Statistics Releases 2007 Workplace Fatality Data

A preliminary total of 5,488 fatal work injuries were recorded in the United States in 2007, a decrease of 6 percent from the revised total of 5,840 fatal work injuries reported for 2006. Based on these counts, the rate of fatal injury for U.S. employees last year was 3.7 fatal work injuries per 100,000 employees, down from the final rate of 4.0 recorded for 2006, and the lowest annual fatality rate ever reported by the BLS fatality census. The final results for 2007 will be released in April 2009.

OSHA Publishes Proposed Rule on PPE and Training Standards

OSHA announced in the Aug. 19 Federal Register that it is accepting public comments on a Notice of Proposed Rulemaking on personal protective equipment (PPE) and training standards. The proposal clarifies that when an OSHA standard requires an employer to provide PPE or training to employees, the employer must do so for each employee subject to the requirement, and that each employee not protected may be considered a violation for penalty purposes. For more information on the proposal and details on how to submit comments, refer to the Federal Register notice:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21055

New OSHA Guidance Document on Working with Portland Cement

Portland cement is a generic term used to describe a variety of building materials valued for their strong adhesive properties when mixed with water. Employees who work with portland cement are at risk of developing skin problems, ranging from mild and brief to severe and chronic. OSHA recently released a new guidance document, *Preventing Skin Problems from Working with Portland Cement*, aimed at helping employers and employees understand the hazards associated with portland cement and the applicable OSHA regulations. The document is available at:

<http://www.osha.gov/dsg/guidance/cement-guidance.html>

New Emphasis Programs Target Cranes and Hexavalent Chromium

OSHA's Dallas region launched a Regional Emphasis Program (REP) covering employees operating cranes in the construction industry. Safety inspections will occur in Texas, Arkansas, Louisiana, Oklahoma, and at New Mexico worksites under federal OSHA jurisdiction. The REP was established as an enforcement initiative for the inspection of cranes, with the goal of preventing serious and fatal injuries to employees working on or around them. It is available at:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16448

OSHA's Kansas City, Mo., region started a Local Emphasis Program in Kansas and Eastern Missouri to help reduce workplace health hazards affiliated with exposure to hexavalent chromium in general industry and construction. Regional and local emphasis programs are intended to address hazards or industries that pose particular risks to employees within an OSHA regional or area office jurisdiction. The program is available at:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16469

OSHA Issues New Powered Industrial Trucks eTool

Employers who use forklifts in their workplaces have a new resource to help keep their employees safe on the job. The Powered Industrial Trucks (Forklift) eTool is the latest Web-based training tool unveiled by OSHA. The eTool, which focuses on forklifts commonly used in general industry, provides a review of potential hazards and a summary of key OSHA requirements and industry-recommended practices for forklift operations. It includes four modules examining the types of forklifts, safe operating practices, workplace conditions affecting operation and operator training. The eTool is available at: <http://www.osha.gov/dcsp/products/etools/pit/index.html>