

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

FINAL STATUTES, RULEMAKINGS, AND GUIDANCE

Citations	Summary
<p>OSHA Lead in Construction Standard Review</p> <p>29 CFR Part 1926</p> <p>[Docket No. OSHA-2007-0068]</p> <p>RIN 1218-AC18</p>	<p>The Occupational Safety and Health Administration (OSHA) has completed a review of its Lead in Construction Standard pursuant to Section 610 of the Regulatory Flexibility Act and Section 5 of Executive Order 12866 on Regulatory Planning and Review. The review found that the standard has reduced blood lead levels in construction workers thereby reducing lead-related disease. It also found that the standard has not had a negative economic impact on business, including small businesses in virtually all sectors affected, is not overly complex and does not conflict with other regulations. More information regarding the review is available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=19954</p> <p>It is important to note that OSHA does not recognize the US EPA definition of lead-based paint (i.e. greater than or equal to 0.5 percent lead by weight) as employee exposures can exceed OSHA exposure limits even when paint contains lead in concentrations below the EPA’s definition. Any amount of lead triggers the requirements of the OSHA Lead Standard.</p> <p>Employees can be exposed to lead during any activity that disturbs lead-containing paints, primers, and other materials. Employers must conduct exposure assessments for all activities that could expose workers to lead. Typically, the highest exposures occur during hot work (torch-cutting, welding, etc.) on steel surfaces coated with lead-containing paints or primers.</p>
<p>Employer Payment for Personal Protective Equipment; Final Rule</p> <p>29 CFR Parts 1910, 1915, 1917, 1918 and 1926</p> <p>[Docket No. OSHA-S042-2006-0667]</p>	<p>The provisions in OSHA standards that require personal protective equipment (PPE) generally state that the employer is to provide such PPE. However, some of these provisions do not specify that the employer is to provide such PPE at no cost to the employee. In this rulemaking, OSHA is requiring employers to pay for the PPE provided, with exceptions for specific items.</p> <p>Companies must provide and pay for the required PPE for its employees. Employers must implement the PPE payment requirements no later than May 15, 2008. A copy of the final rule is available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=20094</p>

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[RIN No. 1218-AB77]	<p>A summary of the new rule is available at: http://www.osha.gov/Publications/PPE-factsheet-final.pdf</p> <p>Examples of what PPE is covered under the Final Rule are provided at the end of this regulatory summary.</p>

Other Recent Developments:

OSHA Issues New General Industry Guidance on Selection and Use of Slings

A new guide on the selection and use of slings when handling and moving materials was recently issued. The document, [Guidance on Safe Sling Use](#), updates the 1975 standard by including information on synthetic round slings, and newer grade materials being used in alloy steel chain and wire rope slings. Improper selection and use of slings can result in sling failure or load slippage which can lead to injuries or death. According to OSHA accident data, there were four fatalities from 1994 to 1996 due to the misuse or failure of slings.

BLS Reports Workplace Injury and Illness Overall Rate Lowest Ever Recorded

The rate of workplace injuries and illnesses in private industry declined in 2006 for the fourth consecutive year, the Labor Department’s Bureau of Labor Statistics (BLS) [reported](#). Approximately 4.1 million injuries and illnesses occurred in 2006. The number translates to a rate of 4.4 cases per 100 full-time employees, slightly less than the 4.6 rate reported last year. Secretary of Labor Elaine L. Chao said that “workplace injuries and illnesses declined three percent in 2006 over the previous year against the backdrop that overall hours worked increased (two percent). The Department of Labor continues to focus on ensuring that workplace injury and illnesses rates continue to decline and that workers are healthy and safe on the job.”

New Fact Sheet Available for Healthcare Workers

The latest addition to OSHA’s ongoing series of safety and health fact sheets is [Seasonal Influenza Vaccination—Important Protection for Healthcare Workers](#). The document discusses the importance of employers encouraging influenza vaccination for their healthcare employees to help reduce the risk of contracting influenza and spreading the illness to their families and patients.

New OSHA Outreach Training Program Guidelines

OSHA has issued new [Construction and General Industry Outreach Training Program guidelines](#). The guidelines replace the 2003 versions and significantly change the training topics required in the OSHA 10- and 30-hour training programs. There are additional mandatory topic requirements, and the new report form requests additional training data. The guidelines affect an estimated 13,000 active outreach trainers in addition to many more thousands of eligible OSHA-authorized outreach trainers.

Four New OSHA Whistleblower Fact Sheets Available for Employees

Employees who file a complaint against their employer for unsafe or unhealthy workplaces will benefit from four new OSHA whistleblower fact sheets. In addition to “Your Rights as a Whistleblower,” which provides a general overview of whistleblower laws, the new fact sheets outline federal statutes covering employees in the [railroad](#), [trucking](#) and transportation industries ([transportation sector/public transportation agencies](#)). Employees will find information on the types of activities protected, personnel actions that may be in violation of the statute, and how to file a complaint.

OSHA Issues New Combustible Dust Instruction

OSHA has issued a new safety and health instruction that details OSHA policies and procedures for inspecting workplaces that handle combustible dusts and that may have the potential for a dust explosion. "With this National Emphasis Program, we will focus our efforts on the fire and explosion hazards that may exist at facilities where combustible dusts accumulate," said Assistant Secretary of Labor for OSHA Edwin G. Foulke, Jr.

Combustible dusts are often either organic or metal dusts that are finely ground into very small particles, fibers, chips, and/or flakes. These dusts can come from metal, wood, plastic and organic materials such as grain, flour, sugar, paper, soap and dried blood. Dusts can also come from textile materials. Some of the industries in which combustible dusts are particularly prevalent include agriculture, chemical, textile, forest and the furniture industry.

The instruction provides detailed information on OSHA's inspection scheduling, resource allocation, inspection resources and procedures. This information is particularly useful in educating businesses on how to achieve compliance with OSHA requirements in advance of any inspection. The instruction is available electronically on OSHA's Web site at http://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-006.pdf.

OSHA Issues Directive on Slide Locks

OSHA has issued a new directive entitled Slide-Locks – Enforcement Policy, Inspection Procedures and Performance Guidance Criteria. The document establishes enforcement policies and performance guideline criteria for the safe design, construction, installation, testing, maintenance and use of slide-locks used for the control of hazardous energy in machinery. A copy of the directive is available at http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-043.pdf

Employer-paid PPE what's covered? (FROM JJ KELLER)

The rule does not specify the method that employers must use to pay for PPE. Many employers use allowances or reimbursement systems, or maintain a stock of PPE and hand it out to their employees. All these methods are acceptable, as long as the employee receives the PPE at no cost.

Examples under the new rule

Employers do NOT have to pay for:

- Non-specialty safety-toe protective footwear (e.g., steel-toe shoes/ boots)
- Non-specialty prescription safety eyewear
- Sunglasses/sunscreen
- Sturdy work shoes
- Lineman's boots
- Ordinary cold weather gear (coats, parkas, cold weather gloves, winter boots)
- Logging boots required under Sec. 1910.266(d)(1)(v)
- Ordinary rain gear
- Back belts
- Long sleeve shirts
- Long pants
- Dust mask/respirators used under the voluntary use provisions in Sec.1910.134.

Employers DO have to pay for:

- Foot protection
- Special boots for longshoremen working logs
- Rubber boots with steel toes
- Shoe covers--toe caps and metatarsal guards
- Non-prescription eye protection
- Prescription eyewear inserts/lenses for full face respirators
- Prescription eyewear inserts/lenses for welding and diving helmets
- Goggles
- Face shields
- Laser safety goggles
- Fire fighting PPE (helmet, gloves, boots, proximity suits, full gear)
- Hard hats
- Hearing protection
- Welding PPE
- Items used in medical/laboratory settings to protect from exposure to infectious agents (aprons, lab coats, goggles, disposable gloves, shoe covers, etc).
- Non-specialty gloves: Payment is required if they are PPE, i.e. for protection from dermatitis or severe cuts/abrasions. Payment is not required if they are only for keeping clean or for cold weather (with no safety or health consideration).
- Rubber sleeves

- Aluminized gloves
- Chemical resistant gloves/aprons/clothing
- Barrier creams (unless used solely for weather-related protection)
- Rubber insulating gloves
- Mesh cut proof gloves, mesh, or leather apron