



Occupational Health, Safety &
Environmental Consultants

OSHA Updates for April 1 – July 17, 2019

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

1.0 FINAL STATUTES AND RULEMAKINGS

Citations	Summary
<p>Title: Standards Improvement Project – Phase IV</p> <p>Publication Date: May 14, 2019</p> <p>Agency: Occupational Safety and Health Administration</p> <p>Document Type: Final Rule</p> <p>Document Citation: Federal Register Vol. 84, No. 93</p> <p>Pages: 21416-21574</p> <p>Effective Date: July 15, 2019</p>	<p>OSHA has made fourteen revisions to existing standards in the recordkeeping, general industry, maritime, and construction standards. The purpose of the Standards Improvement Project is to remove or revise outdated, duplicative, unnecessary, and inconsistent requirements in OSHA's safety and health standards, which will permit better compliance by employers and reduce costs and paperwork burdens where possible, without reducing employee protections. Some of the changes contained in the final rule that apply to General Industry are noted below:</p> <ol style="list-style-type: none"> 1) Revision to Occupational Injuries and Illnesses Recording and Reporting Standard (29 CFR Part 1904): OSHA revised 1904.10(b)(6) of the Recordkeeping rule with language that will assist employers to comply with requirements for recording hearing loss. 2) Revisions to General Industry Standards Subpart Z of Part 1910 Toxic and Hazardous Substances, Asbestos 29 CFR 1910.1001, Inorganic Arsenic 29 CFR 1910.1018, Cadmium 29 CFR 1910.1027, Coke Oven Emissions 29 CFR 1910.1029, and Acrylonitrile 29 CFR 1910.1045. OSHA removed the requirement in the standards that employers provide periodic chest X-rays to screen for lung cancer and to allow employers to use digital radiography and other reasonably-sized standard films for X-rays. 3) OSHA removed requirements in its standards to include employee social security numbers on exposure monitoring, medical surveillance, or other records in order to facilitate employers' efforts to safeguard employee privacy. 4) SUBPART Z OF PART 1910 - TOXIC AND HAZARDOUS SUBSTANCES, COTTON DUST IN 29 CFR 1910.1043. OSHA updated the lung-function testing requirements of its cotton-dust standard to align them with current practices and technology. <p>Some of the changes contained in the final rule that apply to the Construction Industry are noted below:</p> <ol style="list-style-type: none"> 1) SUBPART D OF PART 1926 - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS, MEDICAL SERVICES AND FIRST AID IN 29 CFR 1926.50. Under 29 CFR 1926.50, employers must provide specified medical services and first aid to employees to address serious injuries that may occur on the job. Since 1979, OSHA has required the posting of telephone numbers of physicians, hospitals, or ambulances for

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	<p>worksites located in areas where 911 emergency service is not available. OSHA adopted this requirement when 911 emergency service was still a relatively new concept, and was available only in certain parts of the country. The revisions made in the final rule address the problem of locating callers, usually cell-phone callers, in remote areas that do not have automatic-location capability. In such areas, the revisions require employers to post in a conspicuous location either the latitude and longitude of the worksite or other location-identification information that effectively communicates the location of the worksite. The proposed revisions also required employers to ensure that the communication system they use to contact ambulance service is effective.</p> <p>2) SUBPART D OF PART 1926 - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS, GASES, VAPORS, FUMES, DUSTS, AND MISTS IN 29 CFR 1926.55. The provisions of 1926.55 establish permissible exposure limits for numerous toxic chemicals used during construction activities. These provisions are the construction counterpart to the general industry standard at § 1910.1000. OSHA changed the phrase “threshold limit values” (TLV) to “permissible exposure limits” (PELs) and eliminated references to the American Conference of Governmental Industrial Hygienists (ACGIH). The final rule includes other formatting changes to clarify regulatory requirements.</p> <p>3) SUBPART D OF PART 1926 - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS, PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS IN 29 CFR 1926.64. To avoid unnecessary duplication, OSHA replaced the entire 31 pages of regulatory text for the Process Safety Management of Highly Hazardous Chemicals (PSM) Standard for construction at 1926.64 with a cross reference to the identical general industry standard at § 1910.119.</p> <p>4) SUBPART E OF PART 1926 - PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT, SAFETY BELTS, LIFELINES, AND LANYARDS IN 29 CFR 1926.104. The breaking strength of a lifeline is the maximum load that it can carry without failing or breaking. The minimum breaking-strength requirement for lifelines in the safety belts, lifelines, and lanyards standard, § 1926.104(c), has been 5,400 pounds. OSHA revised the minimum breaking-strength requirement for these lifelines from 5,400 to 5,000 pounds.</p> <p>5) SUBPART G OF PART 1926 - SIGNS, SIGNALS, AND BARRICADES. Subpart G has required that employers comply with Part 6 of the Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition, Revision 3, September 3, 1993 (“1988 Edition”) or December 2000 MUTCD (“Millennium Edition”). OSHA revised subpart G to update the incorporation by reference of Part 6 of the MUTCD to the November 4, 2009 MUTCD (“2009 Edition”), including Revision 1 and Revision 2, both dated May 2012. This version of the MUTCD aims to expedite traffic, promote uniformity, improve safety, and incorporate technology advances in traffic control device</p>

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	<p>application (74 FR 66730, 77 FR 28455, and 77 FR 28460).</p> <p>6) SUBPART H OF PART 1926 - MATERIALS HANDLING, STORAGE, USE, AND DISPOSAL, GENERAL REQUIREMENTS FOR STORAGE IN 29 CFR 1926.250. Subpart H of OSHA's construction standards governs the handling, storage, use, and disposal of construction materials on a work site. Section 1926.250 addresses safe storage of building materials inside buildings under construction, and 1926.250(a)(2) requires employers to post maximum safe load limits of floors in storage areas. However, requiring employers to post safe load limits is unnecessary in residential construction because employers do not place heavy materials in storage areas above floor or slab on grade. OSHA revised 1926.250(a)(2) to exclude all single-family residential structures and wood-framed multi-family residential structures from the posting requirement.</p> <p>7) SUBPART S OF PART 1926 - UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS AND COMPRESSED AIR, UNDERGROUND CONSTRUCTION IN 29 CFR 1926.800. OSHA has required, under § 1926.800(k)(10)(ii), that mobile diesel-powered equipment used in “other than gassy operations” underground be approved by the Mine Safety and Health Administration (MSHA) in accordance with the provisions of 30 CFR part 32, or that the employer can demonstrate that the equipment is “fully equivalent” to MSHA-approved equipment. In 1996, MSHA revoked part 32 and replaced it with updated provisions in 30 CFR part 7, subpart E, and 30 CFR 75.1909 Non-permissible diesel-powered equipment; [7] design and performance requirements, 75.1910 Non-permissible diesel-powered equipment; electrical system design and performance requirements, and 75.1911 Fire suppression systems for diesel-powered equipment and fuel transportation units (61 FR 55412). Those sections are rules for coal mines. In 2001, MSHA issued 30 CFR 57.5067, which permits operators in metal and nonmetal mines to use engines that meet Environmental Protection Administration (EPA) requirements for engines as an alternative to seeking MSHA approval under part 7, subpart E (66 FR 5706). Under 30 CFR 57.5067, all engines used in underground metal and nonmetal mines must have an affixed plate evidencing approval of the engine pursuant to 30 CFR part 7, subpart E, or meet or exceed the applicable requirements of the EPA listed in MSHA Table 57.5067-1. The final rule requires compliance only with § 57.5067, pertaining to underground metal and nonmetal mines, and not §§ 75.1909, 75.1910, and 75.1911(a) through (i), pertaining to underground coal mines. The final rule also contains minor technical changes to the proposed language.</p> <p>8) SUBPART W OF PART 1926 - ROLLOVER PROTECTIVE STRUCTURES; OVERHEAD PROTECTION. Provisions in subpart W specify minimum performance criteria for rollover protective structures (ROPS) and overhead protection on construction equipment. The agency</p>

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	<p>proposed to revise the existing standards in 29 CFR 1926.1000, 1926.1001, 1926.1002, and 1926.1003 by removing the provisions that specify the test procedures and performance requirements, and replacing those provisions with references to the underlying consensus standards from which they were derived. The substantive differences between the consensus standards and OSHA's standards are minimal. The agency also proposed to remove irrelevant text from 1926.1000. The final rule is identical to the proposed rule except for the addition of ISO 3471:2008 to § 1926.1002 and other technical corrections. While reviewing the incorporated material for this section OSHA found outdated references to former 29 CFR 1926.1501 in § 1926.6. OSHA removed those references in this final rule.</p> <p>9) SUBPART Z OF PART 1926 - TOXIC AND HAZARDOUS SUBSTANCES, COKE OVEN EMISSIONS IN 29 CFR 1926.1129. Section 1926.1129 regulates exposure to coke oven emissions in construction. In 1993, OSHA incorporated this standard into part 1926 (58 FR 35256, June 30, 1993) and in 1996 revised it to be just a reference to the identical general industry standard (29 CFR 1910.1029; 61 FR 31428, June 20, 1996). In neither rulemaking did OSHA discuss, in particular, the application of the coke oven standard to construction, as it was only one of many standards involved in each rulemaking. The provisions of the coke oven standard, however, do not fit construction work. OSHA thus deleted § 1926.1129.</p> <p>The final rule is available at: https://www.federalregister.gov/documents/2019/05/14/2019-07902/standards-improvement-project-phase-iv</p>

2.0 LETTERS OF INTERPRETATION

OSHA issued the following letters of interpretation since the last regulatory update:

May 23, 2019 - Clarification of soft tissue massage. [1904.7(b)(5)(ii)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-05-23>

May 6, 2019 - 29 CFR 1926.950(c); Subpart V; CPL 02-00-124; Multi-Employer Citation Policy. [1926.950]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-05-06-0>

April 3, 2019 - Clarification on how to count calendar days resulting in days away from work. [1904.7(b)(3)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-04-03>



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March 21, 2019 - Monitoring options under OSHA's Respirable Crystalline Silica standard. [1910.1053; 1910.1053(d)(2); 1910.1053(d)(3)(iv); 1910.1053(d)(4); 1910.1053(d)(6)(ii); 1910.1053(g)(1)(iii)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-03-21>

March 21, 2019 - OSHA's Noise Standard as it applies to Supra Aural Phones for audiometric testing. [1910.95(h)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-03-21-0>

March 6, 2019 - Foreign-Flag Vessels. [1904.7(b)(3)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-03-06>

March 3, 2019 - Silica in Construction, Integrated Water Delivery System, Exposure Assessment, Medical Surveillance, Respiratory Protection. [1926.1153(c)(1); 1926.1153(d)(2)(vi); 1926.1153(h)(1)(i)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-03-04>

January 25, 2019 - Testing Intervals for Rubber Insulating Gloves. [1910.137(c)(2)(viii)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-01-25-0>

3.0 RECENT NEWS AND DEVELOPMENTS

OSHA Requests Information on Possible Updates to the Lockout/Tagout Standard

OSHA is requesting comments on a possible update to the Control of Hazardous Energy (Lockout/Tagout) standard. The agency is seeking information on how employers have been using control circuit devices and new risks of increased worker contact with robots. Comments must be submitted before August 18. Read the news release for more information at <https://www.osha.gov/news/newsreleases/trade/05172019>.

Emergency Preparedness and Response

Natural disasters can create a variety of hazards for workers. Preparing for an emergency plays a vital role in ensuring that employers and workers have the necessary equipment, know where to go, and know how to stay safe when an emergency occurs. OSHA's recently updated Emergency Preparedness and Response page provides information on how to prepare and train for emergencies and the hazards to be aware of during cleanup and recovery operations. <https://www.osha.gov/SLTC/emergencypreparedness/>.

OSHA Issues New Alert on Forklift Safety

Forklift operators and employees working around these operations are at risk of hazards such as collisions, falls, tip-overs, and struck-by conditions. Tips on safe work practices on and around forklifts are available in OSHA's new safety alert bulletin available on their website at <https://www.osha.gov/Publications/OSHA3973.pdf>.



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New OSHA Alert Focuses on Working Safely in Hot Weather

A new OSHA Alert offers information and resources to protect workers from heat-related illness when performing activities in high temperatures and humid conditions. The latest in a series of alerts addresses safety hazards and solutions that are associated with specific equipment, events, or activities. The new alert is available at <https://www.osha.gov/Publications/OSHA3975.pdf>.