

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

1.0 FINAL STATUTES AND RULEMAKINGS

Citations	Summary
<p>Title: Walking-Working Surfaces, Personal Protective Equipment (Fall Protection Systems), and Special Industries (Electric Power Generation, Transmission and Distribution); Corrections.</p> <p>Publication and Effective Date: December 17, 2019</p> <p>Agency: Occupational Safety and Health Administration</p> <p>Document Type: Rule</p> <p>Document Citation: 84 FR 68794, Pages 68794-68797</p>	<p>As summarized below, OSHA has corrected minor errors and clarified requirements in the Walking-Working Surfaces and Personal Protective Equipment standards.</p> <p><u>Ladders</u> - OSHA is revising 1910.23(d)(4) to state that 42 inches is the minimum - not the exact - measurement for fixed ladder side rail extensions.</p> <p><u>Stairways</u> - OSHA is clarifying that all articulated stairs (stairs that change pitch due to change in height at the point of attachment) used in general industry, not just those serving floating roof tanks, remain excluded from coverage by § 1910.25.</p> <p><u>Scaffolds and Rope Descent Systems</u> - In paragraph (b)(1)(i) of 1910.27, OSHA is correcting a typographical error in the metric parenthetical for 5,000 pounds. The parenthetical currently states the metric equivalent to 5,000 pounds is 268 kg. The correct metric equivalent is 2,268 kg.</p> <p><u>Fall Protection Systems and Falling Object Protection</u> - Criteria and Practices (1910.29) - OSHA is correcting Figure D-11 to include labels identifying the top rail and end post in the top diagram of the figure. The words “top rail” and “end post” were mistakenly omitted when the final rule was published.</p> <p><u>Personal Fall Protection Systems (1910.140)</u> - Currently, 1910.140(c)(8) requires D-rings, snaphooks, and carabiners to be proof tested to a minimum tensile load of 3,600 pounds without cracking, breaking, or incurring permanent deformation. The provision also requires the gate strength of snaphooks and carabiners to be proof tested to 3,600 pounds in all directions. In the November 18, 2016 final rule OSHA intended to be consistent with the ANSI/ASSE Z359.12-2009 consensus standard, Connecting Components for Personal Fall Arrest Systems. That consensus standard requires snaphooks, carabiners, and D-rings (and other hardware) to be proof tested to 3,600 pounds and requires the gate of snaphooks and carabiners to be capable of withstanding a minimum load of 3,600 pounds without the gate separating from the nose of the snaphook or carabiner body by more than 0.125 inches. OSHA correctly added the first requirement to the 2016 final rule - namely the requirement that snaphooks, carabiners, and D-rings be proof tested to 3,600 pounds. When it came to the gate strength requirement, OSHA mistakenly added the requirement that the gate strength of snaphooks and carabiners be proof tested to 3,600 pounds in all directions instead of adding the intended requirement that the gate of snaphooks and carabiners be capable of withstanding a minimum load of 3,600 pounds without the gate separating</p>

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	<p>from the nose of the snaphook or carabiner body by more than 0.125 inches. It should also be noted that proof testing of the gates of snaphooks and carabiners could be destructive to the equipment, rendering them unsafe for workers in the field. In this document, OSHA is correcting the gate strength provision to be consistent with the national consensus standard, as originally intended.</p> <p><u>Electric Power Generation, Transmission and Distribution (1910.269)</u> - Section 1910.269(h)(2) contains references to ladder standards (1910.25(d)(2)(i) and (iii) and 1910.26(c)(3)(iii)) that are not the correct references. OSHA is revising 1910.269(h)(2) by replacing the incorrect references with the correct references, which are 1910.23(c)(4) and (9).</p> <p>The complete rule is available at: https://www.federalregister.gov/documents/2019/12/17/2019-27114/walking-working-surfaces-personal-protective-equipment-fall-protection-systems-and-special</p>

2.0 LETTERS OF INTERPRETATION

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

October 18, 2019 - Personal Fall Arrest System or Ladder Safety System on Fixed Ladders, and Fixed Ladders Used on Grain Silos for Emergency Escape - [1910.23(a)(1); 1910.28(b)(9)(i)(B)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-10-18>

October 1, 2019 - Regarding the applicability of construction standards to certain commercial sign installation activities - [1926.32; 1926.1427]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-10-01>

September 23, 2019 - Heights of Handrail and Stair Rail Systems - [1910.29(f)(1)(i); 1910.29(f)(1)(ii)(B); 1910.29(f)(1)(iii)(A)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-23>

September 18, 2019 - Retention of Spirometry Records - [1910.1020(c)(6)(i)(B); 1910.1020(b)(3); 1910.1020(d); 1910.1053; 1910.1053(i)(6); 1926.1153; 1926.1153(h)(6); 1910.134(e)(6)(i)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-18>

September 11, 2019 – Precautionary statements in the Hazard Communication standard – [1910.1200; 1910.1200 App C]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-11>



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September 6, 2019 - Shipping Labels for Blood Contaminated Medical Devices - [1910.1030(d)(2)(xiv)(A); 1910.1030(g)(1)(i)(H)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-06>

September 6, 2019 – Use of Music Headphones on Construction Sites – [1926.52; 1926.101]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-06-0>

September 4, 2019 - Escape-only respirators - [1910.134; 1910.134(c)(1); 1910.134(e)(1); 1910.120]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-04-0>

September 4, 2019 - OSHA’s Noise Standard as it applies to temporary employees audiometric testing - [1910.95(g)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-09-04>

July 25, 2019 - Maintenance work in a manufacturing areas after silica-generating tasks have been stopped - [1910.1053; 1910.1053(d)(1); 1910.1053(e)(4); 1910.1053(g)(1)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-07-25-0>

July 25, 2019 – Types of construction work excluded from the Silica standard – [1926.1153; 1926.1153(a); 1926.1153(c)(1); 1926.1153(d); 1926.1153I; 1926.1153(f)(1); 1926.1153(h); 1926.1153(i)]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-07-25>

July 11, 2019 - Electronic worker training - [1910]

- <https://www.osha.gov/laws-regs/standardinterpretations/2019-07-11>

3.0 RECENT NEWS AND DEVELOPMENTS

OSHA Reporting Requirements for Form 300A

March 2, 2020 is the deadline for electronically reporting OSHA Form 300A, Summary of Work-Related Injuries and Illnesses, data for calendar year 2019. Collection will begin January 2, 2020. The collection of 2019 data and beyond will include the collection of establishments' Employer Identification Numbers (EIN). Not all establishments need to submit their OSHA 300A Data. Establishments that meet any of the following criteria do not have to send their information to OSHA. These criteria apply at the establishment level, not to the firm as a whole.

- The establishment's peak employment during the previous calendar year was 19 or fewer, regardless of the establishment's industry.
- The establishment's industry is on this list: (<https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>) regardless of the size of the establishment.



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- The establishment had a peak employment between 20 and 249 employees during the previous calendar year AND the establishment's industry is not on this list:
(<https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.html>).

Radiation Safety

In October, OSHA revised their website to provide employers and employees with information on how to recognize and control ionizing radiation hazards in the workplace. Changes include details on the sources and types of radiation that employees may be exposed to, possible health effects, applicable occupational exposure limits, and control methods. OSHA notes that workers can be exposed to ionizing radiation from radon gas, and when radon is present in a structure controlled by the employer the requirements of OSHA's Ionizing Radiation Standard, 29 CFR 1910.1096, apply and the employer must ensure that exposures do not exceed OSHA's radon exposure limit. The new webpage is available at:

<https://www.osha.gov/SLTC/radiationionizing/background.html>.

Preventing Cold Stress and Winter Weather Safety

OSHA has issued new guidance documents for protecting workers from severe winter weather. The new OSHA Quick Card titled Protecting Workers from Cold Stress discusses the common types of cold stress, associated risk factors, prevention options, emergency response and first aid. The Quick Card is available at <https://www.osha.gov/Publications/OSHA3156.pdf>. OSHA has also updated their website to include information and safety tips for other winter weather hazards such as winter driving, shoveling snow, using powered equipment such as snow blowers, slips and trips on ice covered parking lots and walkways, responding to downed power lines, removing downed trees, and clearing snow from roofs or other elevated structures. The webpage is available at https://www.osha.gov/dts/weather/winter_weather/hazards_precautions.html.

Crane Safety

To avoid confusion and potential disruptions of construction crane projects, OSHA issued an enforcement policy on November 26 for crane operator certifications issued by Crane Institute Certification (CIC). OSHA requires crane operators engaged in construction activity to be certified by an entity accredited by a nationally recognized accrediting agency. CIC no longer holds such accreditation. The policy explains that, although CIC-issued certifications are not compliant with OSHA's operator certification requirement, OSHA does not intend to cite employers for operating equipment that violates that requirement if their operators, in good faith, obtained CIC-issued certifications prior to December 2, 2019, with the belief the certifications met the standard's requirements. Until further notice, OSHA will not accept CIC certifications – including re-certifications – issued on or after December 2, 2019. A copy of the policy is available on the OSHA website at:

<https://www.osha.gov/memos/2019-11-25/temporary-enforcement-policy-certification-issued-crane-institute-certification>.

OSHA Emphasis Program on Amputations

OSHA has updated its national emphasis program on eliminating amputation hazards. The updated program describes policies and procedures for the continued implementation of the National Emphasis Program (NEP) to identify and reduce or eliminate amputation hazards in manufacturing industries. The expiration date of the program is five years from the new December 10, 2019 effective date. Significant changes to the program include the following:



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- Revises the coding requirements for all OSHA amputation inspections in the OSHA Information Systems (OIS).
- Revises the targeting methodology to include data from the amputation reporting requirement under 29 CFR § 1904.39.
- Removes Appendix A – Machinery and Equipment from the previous NEP on amputations.
- Removes Appendix B – Related American National Standards Institute (ANSI)/American Society of Mechanical Engineers (ASME) Standards from the previous NEP.
- Adds a new Appendix A – Amputations Targeting Methodology.
- Adds a new Appendix B – Covered North American Industry Classification System (NAICS) Codes.

Additional information on the NEP is available at:

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-022.pdf.