

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATORY UPDATES

FINAL STATUTES AND RULEMAKINGS

Citations	Summary
Publication Date of Final Rule: 12/05/2011 Federal Register No.: 76: 75782-75786 Standard No: 1910; 1910.6; 1910.102; 1911; 1953.5(a). Title: Revising Standards Referenced in the Acetylene Standard	OSHA published a revision to its Acetylene Standard in the December 5, 2011 Federal Register that replaces a reference to an outdated consensus standard (CGA G-1-2003) with an updated reference (CGA G-1-2009) that reflects current industry practices in the acetylene industry. The reference was originally updated in 2009 based on recommendations by the Compressed Gas Association (CGA) and the U.S. Chemical Safety Board. The current update is a continuation of the project intended to make OSHA regulations reflect state-of-the-art technology and current industry practice. The Direct Final Rule will take effect March 5, 2012, unless OSHA receives significant adverse comments within 30 days of publication. In that case, the accompanying Notice of Proposed Rulemaking will allow OSHA to continue the rulemaking as a "Notice and Comment" rulemaking. Individuals must submit comments on the Direct Final Rule and Notice of Proposed Rulemaking by January 4, 2012.

Letters of Interpretation:

OSHA has issued the following letters of interpretation since our last regulatory update. Links to the letters are provided below each reference.

- Clarification of the Chromium (VI) Standard - Change Rooms and Hygiene Practices.[1910.141; 1910.141(e); 1910.1026; 1910.1026(h)(1); 1910.1026(i)(1)]. Issued on September 2, 2011.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27749
- Clarification of utility owner/operator obligation to provide voltage information.[1926.1407; 1926.1407(e); 1926.1408]. Issued on October 13, 2011.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27743
- Clarification of Hazcom provision intended to preempt conflicting state regulatory actions, but not tort claims.[1910.1200; 1910.1200(a)(2)]. Issued on October 18, 2011.
 - http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27746

Other Recent Developments:

New guidance document aims to help employers prevent nail gun injuries

OSHA and the National Institute for Occupational Safety and Health (NIOSH) have developed a new guide for the safe use of nail guns to help employers and workers prevent work-related nail gun injuries, which are responsible for approximately 37,000 emergency room visits annually. Construction workers, particularly those in residential construction, use nail guns nearly every day. Although nail guns are easy to operate and increase productivity, injuries occur as a result of unintended nail discharge; nails that bounce off a hard surface or miss the work piece and become airborne; and disabling the gun's safety features, among other causes. Injury prevention is possible if contractors take steps such as using full sequential trigger nail guns. The new document is available at:

http://www.osha.gov/Publications/NailgunFinal_508_02_optimized.pdf

Preventing worker deaths from trench collapses is goal of new OSHA publications

OSHA has three new guidance products to educate employers and workers about the hazards in trenching operations. Unprotected trenches are among the deadliest hazards in the construction industry. Since 2003, more than 200 workers have died in trench cave-ins, and hundreds more have been seriously injured. The new products include a [fact sheet](#), [QuickCard](#) and a [poster](#). The three documents may be ordered from OSHA's Web site publications page:

<http://www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=213>

New Web page provides safety and health training resources for employers and workers

OSHA's new Safety and Health Training Resources Web page was developed to help users locate occupational safety and health training materials. The page provides links to materials developed by Susan Harwood Training Grant awardees, trainer materials, videos available through OSHA's Resource Center Loan Program, OSHA-developed materials and links to training resources by other organizations. All materials are free and many are available in several languages. Information on OSHA's training resources is available at: <http://www.osha.gov/dte/library/index.html>

OSHA publishes new educational materials to help protect workers from laboratory hazards

OSHA's new educational materials on laboratory safety provide information for laboratory managers on protecting their workers from exposure to chemical, biological and physical hazards. The new materials include the *Laboratory Safety Guidance* document, which describes how electrical, fire, explosions and falls, among other hazards, can be minimized or eliminated if employers use safety plans, worker training, engineering controls and personal protective equipment. New laboratory safety materials also include fact sheets that each focus on a specific hazard related to laboratory environments. Practices and precautions to protect laboratory personnel include safety guidance for using autoclaves, use of chemical fume hoods, labeling and transferring chemicals, and latex exposure. OSHA's laboratory safety documents are available at:

<http://www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=117>

New small businesses document explains OSHA's respiratory protection standard

OSHA's revised *Small Entity Compliance Guide for the Respiratory Protection Standard* is intended to help small businesses protect workers from respiratory hazards. The updated guide, directed at businesses with fewer than 250 workers, explains how to comply with OSHA's Respiratory Protection Standard. It provides instruction on how to select and fit test appropriate respirators to protect workers in many different industries. It includes new illustrations to help employers and workers identify different respirators, and describes how and where they should be used. The revised guide also explains how Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs) can help workers and employers assess the level of protection necessary in a given workplace. The document is available at: <http://www.osha.gov/Publications/3384small-entity-for-respiratory-protection-standard-rev.pdf>

Employers must neither require nor condone workers texting while driving

OSHA Assistant Secretary Dr. David Michaels sent a clear message in his Oct. 20 blog post that employers must neither require nor condone their workers sending or reading text or e-mail messages while driving. In 2009, distracted drivers contributed to more than 5,400 traffic fatalities, accounting for 16 percent of all traffic deaths that year. OSHA responded last year by partnering with the Department of Transportation (DOT) to launch an initiative to combat this deadly practice. Michaels reminded employers in his blog post, "Companies are in violation of the Occupational Safety and Health Act if, by policy or practice, they require texting while driving, or create incentives that encourage or condone it, or they structure work so that texting is a practical necessity for workers to carry out their job. When OSHA receives a credible complaint that an employer requires texting while driving or organizes work so that texting is a practical necessity, we will investigate and where necessary issue citations and penalties to end this practice."

OSHA educational videos show how to protect workers from construction hazards

OSHA has released 12 educational videos about potential hazards in the construction industry. The educational videos are brief, easy to understand, and geared to the needs of employers and workers. One in every five workers killed on the job nationwide is in construction—totaling nearly 800 construction worker deaths every year. The videos are based on real-life incidents and include detailed depictions of hazards and the safety measures that would have prevented these injuries and fatalities. OSHA's videos cover falls in construction, workers who are struck by vehicles and heavy equipment, sprains and strains, trenching and excavation hazards, and carbon monoxide poisoning. The videos are available at: <http://www.osha.gov/dts/vtools/construction.html>

OSHA issues new National Emphasis Program for chemical facilities

OSHA issued a new National Emphasis Program (NEP) for chemical facilities to protect workers from catastrophic releases of highly hazardous chemicals. The new NEP replaces OSHA's 2009 pilot Chemical Emphasis Program which covered several OSHA regions around the country. The program establishes policies and procedures for inspecting workplaces that are covered by OSHA's process safety management (PSM) standard. The program's inspection process includes detailed questions designed to gather facts related to PSM requirements and verification that employers' written and

implemented PSM programs are consistent. The intent of the NEP is to conduct quick inspections at a large number of facilities that will be randomly selected from a list of worksites likely to have highly hazardous chemicals in quantities covered by the standard. A copy of the program is available at: http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-06.pdf

New tire charts will help workers safely service single-piece and multi-piece rim wheels

OSHA has revised its tire servicing materials to address current hazards in the industry and help workers safely perform maintenance on large vehicle tires. The materials address OSHA's Materials Handling and Storage standard that protects workers who service single-piece and multi-piece rim wheels. Following recent talks with representatives from tire, rubber, and wheel manufacturers, OSHA determined a need for new materials with updates from sources such as the Tire Industry Association. The updated information is easier to access and use. OSHA's revised "Multi-piece Rim Matching Chart" provides an updated list of current and obsolete components and the old "Demounting and Mounting Procedures for Truck/Bus Tires" chart is now expanded into two charts that deal individually with tubeless and tube-type tires. The new materials are available at:

<http://www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=319>