

## Occupation Safety and Health Administration (OSHA) Regulatory Updates

### FINAL STATUTES AND RULEMAKING

Citation	Summary
<p>Federal Register Volume 78, Number 78 (Tuesday, April 23, 2013)</p> <p>Cranes and Derricks in Construction: Underground Construction and Demolition</p> <p>29 CFR Part 1926. Docket No. OSHA-2007-0066 RIN No. 1218-AC61</p> <p>Agency: Occupational Safety and Health Administration (OSHA), Labor. Action: Final rule.</p>	<p>OSHA has issued a final rule that applies requirements of the August 2010 cranes and derricks in construction standard to demolition work and underground construction. Application of this rule will protect workers from hazards associated with hoisting equipment used during construction activities. This final rule applies the same crane rules to underground construction and demolition that are already being used by other construction sectors, and streamlines OSHA's standards by eliminating the separate cranes and derricks standard currently used for underground and demolition work. The rule also corrects errors made to the underground construction and demolition standards in the 2010 rulemaking.</p> <p>The final rule became effective on May 23, 2013. A copy of the final rule is available at:</p> <p><b>Final Rule Cranes and Derricks in Underground Construction and Demolition</b></p>

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Citation	Summary
<p>Federal Register Volume 78, Number 103 (Wednesday, May 29, 2013)</p> <p>Cranes and Derricks in Construction: Revising the Exemption for Digger Derricks</p> <p>29 CFR Part 1926. Docket No. OSHA-2012-0025 RIN No. 1218-AC75</p> <p>Agency: OSHA, Labor. Action: Final rule.</p>	<p>OSHA has issued a final rule that broadens the current exemption for digger derricks used in the electric-utility industry. The exemption has been expanded to include telecommunications work in addition to electric-utility work. This final rule provides a complete exemption from having to follow the requirements of Subpart CC of the Cranes and Derricks in Construction standard. The digger derricks exemption is part of the Cranes and Derricks final standard that was issued Aug. 9, 2010.</p> <p>Digger derricks are pieces of equipment used to drill holes for utility poles. These digger derricks are commonly used by companies to place poles inside holes and attach transformers and other items to the poles. The rule became effective on June 28, 2013.</p> <p>The final rule is available at:</p>

#### Final Rule Exemption for Digger Derricks

#### Important Reminder:

As noted in previous regulatory updates, OSHA's Hazard Communication Standard is now aligned with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. The first deadline in the implementation phase of the revised standard is Dec. 1, 2013. By this date, employers must train workers on the new label elements and safety data sheet format (SDS).

For additional information, email Colden Corporation at [colden@colden.com](mailto:colden@colden.com) for assistance in providing the new training.

## Letters of Interpretation

OSHA has issued the following letter of interpretation since our last regulatory summary update.  
Protecting the Safety and Health of Temporary Workers. Issued on April 29, 2013.

[Click Here](#)

## Other Recent Developments

### **OSHA announces new National Emphasis Program for occupational exposure to isocyanates**

In June, OSHA issued a new National Emphasis Program (NEP) to protect workers from the serious health effects from occupational exposure to isocyanates. OSHA develops national emphasis programs to focus outreach efforts and inspections on specific hazards in an industry for a three-year period. Through this NEP, OSHA will focus on workplaces in general, construction and maritime industries that use isocyanate compounds in an effort to reduce occupational illnesses and deaths. Isocyanates are chemicals that can cause occupational asthma, irritation of the skin, eyes, nose and throat, and cancer. Deaths have occurred due to both asthma and hypersensitivity pneumonitis from isocyanates exposure. Respiratory illnesses also can be caused by isocyanates exposure to the skin. Isocyanates are used in materials including paints, varnishes, auto body repair, and building insulation. Jobs that involve exposure to isocyanates include spray-on polyurethane manufacturing, products such as mattresses and car seats and protective coatings for truck beds, boats, and decks.

Contact Michael Howe at [howe@colden.com](mailto:howe@colden.com) for assistance in addressing isocyanate exposures at your facilities.

## **New OSHA publications available: Toluene fact sheet, spirometry guidance document for health professionals, hexavalent chromium and welding fumes**

OSHA has published a new InfoSheet on toluene safety in the workplace. Toluene, also known as “methylbenzene”, “phenylmethane” or “toluol,” is a clear, colorless liquid used in paints, thinners, lacquers, metal cleaners, glues and other products. The chemical is highly flammable and may catch fire if exposed to heat or flames. The InfoSheet is available at:

### **OSHA Toluene InfoSheet**

OSHA has developed a spirometry guidance document for occupational health professionals. Spirometry measures lung function, and is commonly used to evaluate workers’ respiratory health and their ability to perform certain tasks or use personal protective equipment. The guidance document is available at:

### **Spirometry Testing in Occupational Health Programs**

Three new OSHA fact sheets on hexavalent chromium exposure describe operations in which workers may be exposed to hexavalent chromium, summarize the known health effects, and provide recommendations for control measures to reduce worker exposures. The fact sheets are available in three industries:

- **Aerospace/Air Transport**
- **Bridge Painting**
- **Electroplating**

OSHA has also released a new fact sheet on welding fume that describes the types of welding, hazardous components of welding fume, health effects associated with exposure to welding fume and steps employers and workers can take to reduce exposure to welding fume. The welding fact sheet is available at:

### **Controlling Hazardous Fume and Gases during Welding**

Colden routinely helps clients with assessing and controlling chemical exposures in the workplace, including those involving hexavalent chromium and welding fumes.

Contact Chris Wesley at [wesley@colden.com](mailto:wesley@colden.com) for more information on how Colden can help you protect your workers from hexavalent chromium and welding fume exposures in the workplace.

## **Former safety manager at TVA nuclear sites sentenced to 78 months in prison for major fraud: Injuries hidden to obtain \$2.5 million in safety bonuses**

A former safety manager was sentenced to 78 months in prison for deliberately falsifying records of workplace injuries. The employee used the false injury reports to claim bonuses of more than \$2.5 million. Dr. David Michaels, assistant secretary of labor for occupational safety and health stated that “this case shows the destructive consequences that purely rate-based incentive programs can have. Far from promoting safety, the bonus led to a systematic effort to conceal injuries. Injured workers were denied or delayed medical treatment. Underlying workplace safety issues went unaddressed”.

## **New Fall Prevention Resource Available**

OSHA has published a new booklet on safe ladder use, “Falling off Ladders Can Kill: Use Them Safely”. The booklet provides clear, easy-to-follow information about ladder hazards and using ladders safely, featuring simple illustrations and plain language writing. Falls are the leading cause of death in construction, and OSHA is working with the National Institute for Occupational Safety and Health and the National Occupational Research Agenda to get the word out about how to plan, provide, and train to prevent fatal falls. The document is available at:

**OSHA Ladder Safety Booklet**

## **OSHA reminds inspectors to ensure exit doors are unlocked, exit routes unobstructed**

OSHA has reminded their compliance officers to check for adequate means of egress at all workplaces. This follows the recent fire and explosion that killed at least 119 workers on June 4, 2013, at a poultry processing plant in China. A memorandum sent to the agency’s regional administrators and state plan designees directs field inspectors, when conducting inspections, to be mindful of whether employers have provided and maintained adequate means of egress from work areas. This includes checking that an adequate number of exit routes are provided, that the exit routes are free and unobstructed, and that exit doors are not locked.