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Updated OSHA agenda reflects Trump administration's focus on de-regulation

As expected under the new administration, potential regulatory action from OSHA has been cut by more than half, according to the Department of Labor's updated agenda released July 20.

The report, typically published twice a year, lists the statuses of and projected dates for all regulations. The updated agenda shows 14 OSHA regulations in three different stages – pre-rule, proposed rule and final rule – compared with 30 on the fall 2016 agenda.

Overall, 469 proposed federal regulations have been withdrawn and a combined 391 have been reclassified as “long-term” or “inactive” to allow for “further careful review.”

“This agenda represents the beginning of fundamental regulatory reform and a reorientation toward reducing unnecessary regulatory burden on the American people. By amending and eliminating regulations that are ineffective, duplicative and obsolete, the administration can promote economic growth and innovation, and protect individual liberty,” the agenda's preamble states.

President Donald Trump signed an Executive Order on Jan. 30 requiring

federal agencies to cut two existing regulations for every new one proposed. The White House published a guidance memo three days later clarifying that the Executive Order would apply only to regulations with a proposed cost of \$100 million or more.

The Natural Resources Defense Council, fellow watchdog organization Public Citizen and the Communications Workers of America labor union filed a lawsuit on Feb. 8, claiming the order “directs federal agencies to engage in unlawful actions that will harm countless Americans.”

Only one OSHA regulation, Standards Improvement Project IV, is listed as being in the final rule stage, in part because the Occupational Exposure to Beryllium final rule was moved back to the proposed rule stage on June 27. Under the new administration, OSHA is seeking to remove specific provisions regarding worker exposure in construction and shipyard industries.

The final rule on beryllium went into effect May 20. In the interim, OSHA stated that it would not be enforcing the rule in the two industries, and

sought comments on its new proposal until Aug. 28.

President Trump also signed a Congressional Review Act resolution on April 4 to strike down the “Volks” rule, which was published in December. That regulation allowed OSHA to issue citations for inadequate injury and illness recordkeeping for five-and-a-half years instead of the current six-month statute of limitations. In May, five legislators introduced the Accurate Workplace Injury and Illness Records Restoration Act, which would reinstitute the “Volks” rule, but at press time that bill remained in committee. Also removed from the regulatory agenda:

- Bloodborne Pathogens
- Combustible Dust
- Preventing Backover Injuries and Fatalities
- Revocation of Obsolete Permissible Exposure Limits (PELs)
- 1-Bromopropane (1-BP) Standard
- Noise in Construction
- Occupational Exposure to Styrene
- Updating Requirements for the Selection, Fit Testing and Use of Hearing Protection Devices

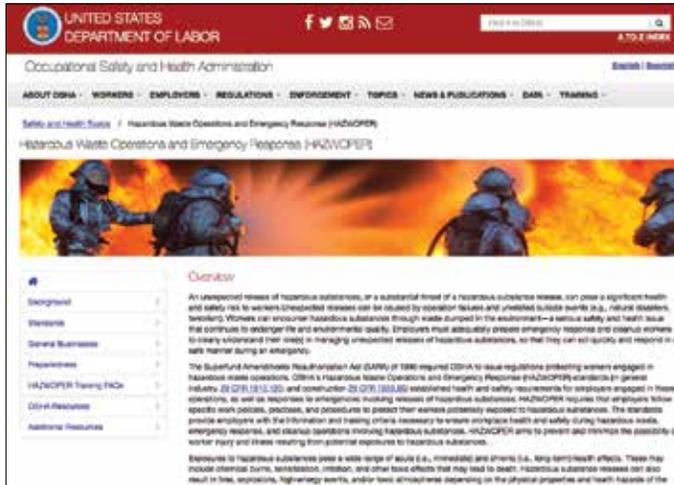
– article continues on p. 4

OSHA launches webpage on HAZWOPER

OSHA has created a webpage intended to help workers and employers comply with the agency's Hazardous Waste Operations and Emergency Response Standard (1910.120) for construction and general industry.

The page includes links to background information on HAZWOPER and corresponding OSHA standards, as well as resources for general businesses, worker preparedness and training.

The Superfund Amendments Reauthorization Act required OSHA to establish regulations protecting workers involved in hazardous waste procedures.



Workers exposed to hazardous substances may experience various immediate and long-term health effects, including chemical burns, sensitization, irritation and other potentially fatal toxic

effects, OSHA notes. In addition, unexpected releases of hazardous substances may trigger fires, explosions, high-energy events and/or toxic atmospheres.

“Employers must adequately prepare emergency response and cleanup workers to clearly understand their role(s) in managing unexpected releases of hazardous substances, so they can act quickly and respond in a safe manner during an emergency,” the webpage states.

To access the webpage, go to www.osha.gov/SLTC/emergencypreparedness/hazwoper/index.html.

Photo: OSHA

ASK THE EXPERT

with Rick Kaletsky

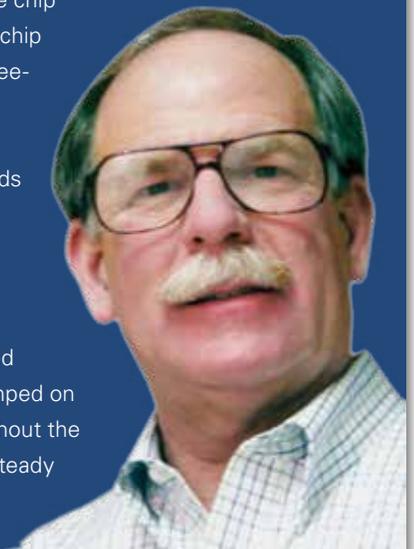
Q: Must we guard drill press bits?

A: OSHA doesn't have a specific standard requiring such guarding. It could cite 29 CFR 1910.212, relating to general machine guarding, but that seldom has been done unless involving a bank of automatic drill presses, or there were exacerbating factors. For instance, OSHA would be on more solid ground to cite if the cutters/fins are pronounced, there is a significantly protruding set screw, and/or the machine is positioned so that the bit is closer to the operator than is conventional.

OSHA acknowledges difficulties in drill bit guarding. Nevertheless, there are available see-through “space age” plastic guards that can provide a good measure of protection (they are not designed to preclude entry into the danger zone),

while being reasonably practical. A main concern regarding practicality is the matter of ease of safe chip removal, tied in with avoiding extreme chip accumulation. There are cylindrical, three-sided and flat-faced guards that can be flipped up, or slid up, to facilitate cleaning/brushing/blowing. Some guards are of the telescopic variety and/or can rest on worked pieces secured to the bed.

In any case, the power transmission drive (1910.219) must be totally guarded and pieces being drilled should be clamped on or reliably prevented from spinning without the need for the operator's hand to try to steady the piece.



Former OSHA inspector turned consultant **Rick Kaletsky** is a 46-year veteran of the safety industry. He is the author of “OSHA Inspections: Preparation and Response,” published by the National Safety Council. Now in its 2nd edition, the book has been updated and expanded in 2016. Order a copy at www.nsc.org.

In Other News...

OSHA announces temporary enforcement policy on monorail hoists in construction

OSHA will not issue citations to employers whose monorail hoists fail to comply with requirements in the Crane and Derricks in Construction Standard as long as they adhere to other regulations, the agency announced in a recent memorandum.

OSHA issued the temporary enforcement policy June 30, saying stakeholders identified gaps in the standard regarding monorail hoists, which typically are mounted on scaffolding systems, trucks or trailers. They are used to lift items such as mechanical equipment, precast concrete components and oil/propane storage tanks.

Employers still need to comply with the agency's overhead hoist and general training standards. General industry requirements for monorail hoists remain in effect.

OSHA guide addresses silica rule compliance for general industry, maritime

OSHA has published a guide intended to help small businesses comply with the agency's standard on worker exposure to respirable crystalline silica for general industry and maritime.

The document details the required steps employers must take to protect employees, including assessing workplace exposures and using engineering and work practice controls to keep exposures at a safe level.

Download the guide at www.osha.gov/Publications/OSHA3911.pdf.

OSHA STANDARD INTERPRETATIONS

OSHA requirements are set by statute, standards and regulations. Interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. Enforcement guidance may be affected by changes to OSHA rules.

OSHA's Respiratory Protection Standard

Standard: 1910.134(f), 1910.134(f)(2) and 1910.134(k)

Date of response: Feb. 8, 2016

Question: *Does OSHA's Respiratory Protection standard require a separate fit test for each harness when respirator wearers are required to use different harnesses, depending on their job task?*

Response: The Respiratory Protection standard requires employees to be fit tested before the initial use of a respirator, and whenever a different respirator facepiece (size, style, model or make) is used. See 29 CFR 1910.134(f)(2). Many respirator manufacturers have product lines offering a number of different models, but having the same elastomeric face seal. Different models can have different variations in harnesses and features on the body of the respirator facepiece, such as dual-inhalation ports versus a single-inhalation port, or mask composition (e.g., neoprene, silicone or rubber). These variations all can affect respirator fit, and therefore require separate fit tests.

Each respirator model needs to be fit tested separately for each different harness. The harness and facepiece configuration used during the job task must be the same type as used during the fit test. Harness material of different composition or configurations (e.g., buckles with pull-through straps compared to belt-type straps) may be dissimilar in ways such as the length, thickness and cross sectional area, that may affect the forces used to create the needed pressure in the face seal area. Some straps require low strap tension to create enough pressure to get an adequate fit factor, while other strap material with the same tension may create too much pressure, thereby actually inducing leakage. Also, attaching a five-point head harness on a facepiece that only has four attachment points would require the facepiece to be donned and doffed differently from the four-point head harness that was used in the fit test.

The strap type is important during training and the fit test because the user must determine the level of tightness that the head harness requires to provide the best seal and most secure fit. This is not possible if only one type of harness is used during the fit test but others are used in the job task.

Sincerely,
Thomas Galassi, Director
Directorate of Enforcement Programs

Excerpted from www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=30605.

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- Now listed under “long-term actions”:
- Update to the Hazard Communication Standard
 - Amendments to the Cranes and Derricks in Construction Standard
 - Process Safety Management and Prevention of Major Chemical Accidents
 - Shipyard Fall Protection – Scaffolds, Ladders and Other Working Surfaces
 - Emergency Response and Preparedness
 - Infectious Diseases
 - Tree Care Standard
 - Prevention of Workplace Violence in Health Care and Social Assistance
 - Occupational Injury and Illness Recording and Reporting Requirements – Musculoskeletal Disorders (MSD) Column
 - Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records

“In his first speech as President of the United States, Donald Trump pledged that every decision he made would be to benefit the nation’s workers,” Christine Owens, executive director of the National Employment Law Project, said in a July 20 statement. “The administration’s Spring Regulatory Agenda reflects yet again just how hollow the president’s promise has been.”

Along with the rulemaking on beryllium, proposed rules carried over

from fall 2016 or added to the agenda include:

- Quantitative Fit Testing Protocol: Amendment to the Final Rule on Respiratory Protection
- Crane Operator Qualification in Construction
- Cranes and Derricks in Construction: Exemption Expansions for Railroad Roadway Work
- Technical Corrections to 16 OSHA Standards
- Puerto Rico State Plan
- Tracking of Workplace Injuries and Illnesses
- Improve Tracking of Workplace Injuries and Illnesses

Five regulations remain in the pre-rule stage, a decrease from 16 this past fall: Communication Tower Safety, Mechanical Power Presses Update, Powered Industrial Trucks, Lock-Out/Tag-Out Update, and Blood Lead Level for Medical Removal.

Much of the agency’s Walking-Working Surfaces and Personal Fall Protection Systems final rule, issued in November 2016 under the Obama administration, has gone into effect since January, and three of its six remaining provisions are scheduled to be phased in by the end of this year.

To read the full agenda, go to www.reginfo.gov/public/doleAgendaMain.