

TerranearPMC Safety Share

Week of July 6, 2015 – OSHA’s New Confined Space Regulation for the Construction Industry

Back in 1993, the Occupational Safety and Health Administration (OSHA) issued a regulation for confined spaces for those employees working within a general industry environment (as well as for those working in the shipyard industries). The general industry regulation, 29 CFR 1910.146 requires employers to determine whether a confined space needs to be classified as “permit-required” while implementing specific procedures for the safety of those that enter them.

Meanwhile the safety and health of those working in confined spaces within construction industry have been performing such tasks with minimum requirements to ensure their well-being. While the “permit-required confined space” regulation for general industry is many pages, OSHA’s construction counterpart is 2 small paragraphs under “Safety Training and Education” (29 CFR 1926.21): Paragraphs 1926.21(b)(6)(i) and(ii). The first paragraph states:

“All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.”

The second paragraph merely defines what a *confined or enclosed space* is, providing a number of examples (storage tanks, underground utility vaults, etc).

Starting on August 3, 2015, the construction industry will have a new regulation for which workers shall be protected in the same manner that workers in other industries are already protected. The new standard will be located within Subpart AA of 29 CFR 1926. (29 CFR 1926 1200-1213).

According to The Assistant Secretary of labor, Dr. David Michaels, confined spaces in the construction industry differs from most general industry worksites, “...as construction sites are continually evolving, with the number and characteristics of confined spaces changing as work progresses. This rule emphasizes training, continuous worksite evaluation and communication requirements to further protect workers’ safety and health.”

Under this regulation, employers would be required to first determine whether there is a confined space at the job site. If there is a confined space, the employer would then assess the area for existing or potential hazards within the space. If there are such hazards, the employer would then classify the space according to the physical and atmospheric hazards identified. There are four classifications and are:

- Isolated-Hazard Confined Space
- Controlled-Atmosphere Confined Space
- Permit-Required Confined Space (this is one similar to the existing type in General Industry)
- Continuous System-Permit-Required Confined Space



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The proposed requirements for each type of confined space are tailored to control the different types of hazards.

There are 5 key provisions within the new construction rule, as well as several areas where OSHA has clarified existing requirements. The five new requirements include:

1. More detailed provisions requiring coordinated activities when there are multiple employers at the worksite. This will ensure hazards are not introduced into a confined space by workers performing tasks outside the space. An example would be a generator running near the entrance of a confined space causing a buildup of carbon monoxide within the space.
2. Requiring a competent person to evaluate the work site and identify confined spaces, including permit spaces.
3. Requiring continuous atmospheric monitoring whenever possible.
4. Requiring continuous monitoring of engulfment hazards. For example, when workers are performing work in a storm sewer, a storm upstream from the workers could cause flash flooding. An electronic sensor or observer posted upstream from the work site could alert workers in the space at the first sign of the hazard, giving the workers time to evacuate the space safely.
5. Allowing for the suspension of a permit, instead of cancellation, in the event of changes from the entry conditions list on the permit or an unexpected event requiring evacuation of the space. The space must be returned to the entry conditions listed on the permit before re-entry.

In addition, OSHA has added provisions to the new rule that clarifies existing requirements in the General Industry standard. These include:

1. Requiring that employers who direct workers to enter a space without using a complete permit system prevent workers' exposure to physical hazards through elimination of the hazard or isolation methods such as lockout/tagout.
2. Requiring that employers who are relying on local emergency services for emergency services arrange for responders to give the employer advance notice if they will be unable to respond for a period of time (because they are responding to another emergency, attending department-wide training, etc.).
3. Requiring employers to provide training in a language and vocabulary that the worker understands.

The new standard also has several terms have been added to the definitions for the construction rule, such as "entry employer" to describe the employer who directs workers to enter a space, and "entry rescue", added to clarify the differences in the types of rescue employers can use. In addition, Controlling contractors and host employers must discuss spaces on the site and their hazards with entry employers and each other before and after entry. Similar to the General Industry Requirements, a written program will be required. For more information visit the OSHA webpage at:

<https://www.osha.gov/confinedspaces/faq.html>.

Avoiding a fight is a mark of honor; only fools insist on quarreling

Proverbs 20:3

