October 3, 1997

Donald L. Struminger, P.E.
President
Virginia Linen Service, Inc.
P. O. Box 189
Petersburg, Virginia 23803

Dear Mr. Struminger:

This responds to your letter dated May 12, 1997 to Mr. Richard Angell regarding a variance for guardrail heights on ladders in the wash wheel areas of your establishment.

The standard has specific requirements for stair rails in the general industry setting. 1910.23(e)(2) specifies A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread . §1910.23(e)(6) requires at least three inches between the railing and any other object.

The photographs provided for inspection number 125453308 on March 11,1997 indicate sufficient clearance to bring the top rail into the proper height required by the standard and to adjust the mid rails to half the distance between the top rail and the toe of the tread risers. Based on the information and photographs provided, there seems to be no compelling reason to not bring the railings into compliance with the standard. Therefore, a variance to this requirement is not favorably considered.

If I may be of may be of further assistance, please contact me at (804) 786-2391 or Warren Rice of my staff at (8040 786-7984.

Sincerely,

William R. Crawford
Director, Safety Compliance

CC: Deputy Commissioner
Office of Legal Support
Supervisor, Consultation Services

September 8, 1993

Albert Enders
VP Engineering/Corporate
C. M. Offray & Son, Inc.
Hagerstown, MD 21740

Dear Mr. Enders:

Your letter to Mr. Burge requesting information on photo electric cells was referred to me for reply. You asked if the Square D class 9006, Model TE9RAN photo electric cell is an approved unit. You also requested a list of approved photo electric cells.

The Virginia Department of Labor and Industry does not approve or disapprove items of equipment. In your case, if the photo electric cell has been tested, certified and labeled by a Nationally Recognized Testing Laboratory it is acceptable by Virginia Occupational Safety and Health Enforcement. Although there are a number of Nationally Recognized Testing Laboratories, Underwriter's Laboratories (UL) does the vast majority of approvals.

There are two methods that can be utilized to determine if an item is approved:

1. Look-up the item in the UL publication "Electrical Construction Materials Directory" available in some libraries or from UL.

2. Contact UL at 708-272-8800 and request verification of approval. They should be able to indicate what the equipment is approved for.

I hope this information is helpful. If I can be of further assistance, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

cc: Assistant Commissioner for Enforcement

August 10, 1993

W. E. Stader
25 Franklin Road
Roanoke, Virginia 24011

Dear Mr. Stader:

This is in response to your letter dated July 13, 1993 requesting an interpretation of the standard covering office equipment such as clocks, calculators and typewriters. Your question was; does equipment of this nature used in an office setting have to be double insulated or contain a third wire ground plug?

When the items you referenced are used in an office environment they are considered as "In Residential Occupancies" (Article 250-45 NEC) as defined in the 1993 National Electrical Code (NEC). Article 250-45(c) lists those items of equipment in a residential occupancy that must be double insulated or have a ground plug (copy attached).

In 1972 Federal OSHA published an interpretation that concluded grounding was not required unless the conditions of Article 250-45(a), (b) or (d) were met. VOSH continues to recognize that interpretation. You may use this letter as your authority since your questions are not specifically addressed in the standards.

I hope this information is helpful. If I can be of any further assistance, please call me.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

CC: Assistant Commissioner for Enforcement
Safety Enforcement Region Supervisors

September 8, 1997

W. E. Stader
President
Safety Consulting Services, Inc.
P. O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This response is to your letter of August 29, 1997 requesting guidance with regard to instructing non-English speaking workers in safe work practices.

This problem has affected many industrial and construction workplaces that must rely on migrant workers and also, in some cases, local persons who can t read or write but are productive employees. The burden of this responsibility is placed on the employer to assure that employees understand the safe work practices in their specific job, are trained in specific requirements, and are able to demonstrate they understand these requirements. The employer may choose to hire an interpreter or this could be accomplished by a competent person assigned by the employer who is able to communicate the requirements to these workers and understand the feedback that the employees understand the subjects taught. This competent person could be **any** person including a fellow employee who has demonstrated the ability to communicate in the language and work with these employees in this training.

If I may be of further assistance, please contact me at (804) 785-2391 or Warren Rice of my Staff at (804) 786-7984.

Sincerely,

William R. Crawford
Director, Compliance Programs

cc: Region Directors/Compliance Managers
File

June 3, 1997

Patricia H. Falls
Chief Executive Officer
Firstline Safety Management, Inc.
P.O. Box 3069
Winchester, VA 22604

Subject: Request for Interpretation Concerning Multi-Employer Worksite Policy

Dear Ms. Falls:

In response to your letter of May 13, 1997, I have attached an explanation of our multi-employer worksite policy for your information. The specific fact situation you describe concerning a school district that hires a construction manager to oversee its construction projects and also has each contractor report directly to the school district, raises the distinct possibility that the school district could be considered to be functioning in the same manner as a general contractor does on a private sector construction site. If the facts and contract language resulted in such a finding by the Department, the School District could be considered a general contractor and subject to citations under the multi-employer worksite policy. However, I will stress that such a determination is fact specific, with our main area of interest being the amount of control exercised by the School District and its construction manager over the project.

If you have any questions, please give me a call at 804-786-2391.

Sincerely,

William R. Crawford,
Occupational Safety Compliance Director

CC: Tom Pope

March 24, 1995

Mark Falls
Safety Specialist
HSN Fulfillment of Virginia, Inc.
115 Brand Road
Salem, Virginia 24156

Dear Mr. Falls:

This is in response to your letter dated March 3, 1995 requesting information on hearing impaired employees.

I am enclosing a recent Federal OSHA interpretation on OSHA regulations governing the employment of individuals with disabilities. This interpretation, which Virginia enforces, essentially places the decision of where to employ persons with disabilities upon the employer. If the hearing impaired individual you reference in your letter can operate the material handling equipment safely, there is no objection from VOSH.

Thank you for your concern about safety in the workplace. If you need any additional information, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

Enclosure

January 14, 1992

Mr. Rick Moneymaker
Quality Assurance Manager
Brown & Root Braun
P.O. Box 400
Waynesboro, Virginia 22980

Dear Mr. Moneymaker:

This is in response to your letter dated January 7, 1992 requesting information pertaining any exemptions from OSHA rules and regulations for the National Electrical Code or National Electrical Safety Code.

Specific articles and sections of the National Electrical Code and the National Electrical Safety Code are referenced in the OSHA AND VOSH General Industry (1910) and Construction (1926) Standards. When a violation of a specifically referenced article or section is noted, it will be cited under that applicable standard.

The National Electrical Code and National Electrical Safety Codes are a consensus of opinions that establish the industry standard. Therefore, any recognized standard pertaining to safety and health of employees is subject to be referenced by the Virginia Labor Law 40.1-51.1a, known as the General Duty Clause, when an unsafe condition is found to exist.

Virginia and Federal Occupational Safety and Health Standards do not exclude or exempt any recognized standard or procedure where employee safety is concerned. Therefore, all of the National Electrical Code and National Electrical Safety Code as well as all other recognized consensus standards such as ANSI and NFPA are subject to OSHA standards.

I hope this information is helpful. If you have any further questions please do not hesitate to contact me.

Sincerely,

W. F. Dillon, Jr.
Assistant Commissioner for Enforcement

cc: Commissioner of Labor and Industry
Director, Safety Enforcement Division

May 20, 1996

W. E. Stader
Safety Consulting Services, Incorporated
P.O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This letter is in response to your inquiry of May 2, 1996 regarding the Confined Space Standard in Construction as it relates to the installation of an elevated Bag House and a Cyclone Collector.

Q. Does the installation of an elevated bag house fall under Confined Space Standard when being erected? Usually there is a 2'6" X 3' door at the top and bottom of the bag house and employees are required to work inside during erection.

A. This operation would be considered construction and covered under the Virginia Confined Space Standard for the Construction Industry, Cnsp.146 (See attachment), and not the §1910.146 General Industry Standard. To be considered a confined space under Cnsp.146 a space must meet the following criteria. A space must not be intended for continuous employee occupancy, and has a limited means of egress and which is also subject to either the accumulation of an actual or potential hazardous atmosphere. The bag house appears to meet the first to items but it would need to have an actual or potential hazardous atmosphere such as welding, chemical use, painting or other construction activities which would create a hazardous atmosphere to be considered a confined space. This would have to be determined by a competent person trained to recognize these hazards at the site.

Q. The Cyclone Collector is fabricated in a shop and contains a tapered opening at the bottom and large opening at the top. The top is not enclosed until all the required tubing is welded in place inside the collector by employees. Should all of the Confined Space standards apply while employees are located inside the collector?

A. Again, this installation is considered construction and covered by the Virginia Confined

space Standard for the Construction Industry, CNSP.146 and must meet the same criteria as mentioned above. It appears that all areas are met in this installation including a hazardous atmosphere and requirements for safeguarding and rescues must be undertaken when an IDLH atmosphere is present as referenced in Cnsp.146 § 9 on page 13 of the standard.

If I may be of further assistance please do not hesitate to call me at 804/786-7984.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Commissioner
Deputy Commissioner
VOSH Training and Consultation

December 12, 1994

W. E. Stader
Safety Consulting Services, Inc.
P.O. Box 13968
25 Franklin Road
Roanoke, Virginia 24038

Dear Mr. Stader:

This is in response to your letter dated December 2, 1994 requesting information on how §1926.500 - 1926-503 apply to the modular home manufacturing trade.

Modular homes assembled onsite are covered by the referenced standards. Employers must provide fall protection for their employees when exposed to a fall of six feet or more. The rule applies to all construction activities unless another construction standard specifically requires fall protection, such as for steel erection of buildings and for scaffolds.

The new rule gives employers the flexibility to choose from various options to provide fall protection. For example, during roofing work on low-sloped roofs with unprotected sides above six feet, guardrails, safety nets, personal fall arrest system, or a combination of a warning line system and these systems, or a warning line and safety monitoring system will be allowed. In some cases, the use of a safety monitoring system alone is permitted.

I hope this information is helpful, if you need any additional information please let me know.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

February 20, 1997

Frank L Kollman
Kollman & Sheehan, P.A.
Sum Life Building
20 South Charles Street
Baltimore, Maryland 21301

Dear Mr. Kollman:

This is in response to your letter dated February 11, 1997 and our telephone conversation concerning Christmas treeing steel. You requested clarification of Virginia s position on the use of multiple lift rigging of steel in view of the various litigation and other developments concerning Christmas treeing steel since my letter August 20, 1993 to Centex-Simpson Construction Company.

Since the 1993 letter you reference, a draft proposal of Subpart R, Steel Erection, has been developed by the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC) for the U.S. Department of Labor and has been accepted by federal OSHA as a guide until the final version is published. Federal OSHA s position on Christmas treeing is, if the employer complies with the provisions of the SENRAC proposal no citations will be issued. The Commonwealth of Virginia will honor federal OSHA s interim policy of compliance with the SENRAC proposal. Also, in Virginia the provisions of §1926.550(a)(1) pertaining to compliance with the crane manufacturer s specifications and limitations apply to lifting steel.

Although I am sure your are familiar with the SENRAC proposal, I am including a copy of the portion of SENRAC pertaining to §1926.753 Hoisting and Rigging. If I can be of any further assistance, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director of Safety Compliance

cc: Deputy Commissioner
Region Directors
Office of Legal Support

June 15, 1993

Mr. Mohammad Ayub
Office of Construction & Engineering
U. S. Department of Labor - OSHA
Francis Perkens Building, Room N3427
200 Constitution Avenue N.W.
Washington, DC 20210

SUBJECT: Request for interpretation of 1926.706(b)

Dear Mr. Ayub:

Recently Virginia Occupational Safety and Health inspectors have cited several companies for not having masonry walls over eight feet in height braced. Several of these companies are claiming that they are constructing the walls in accordance with (IAW) their contract. The contracts call for construction meeting the requirements of ACI 530-88. They further state that when constructed IAW ACI 530-88, the walls are "adequately supported" as required by 1926.706(b).

I have enclosed correspondence from two cases and request you review them to determine if they meet the intent of the standard. In one case a Professional Engineer, Mr. Harry W. Baylor, has certified that bracing of a wall is not required.

To expedite an interpretation, this request is submitted directly to your office and not through the Region office in Philadelphia. This was coordinated with Mr. John McFee in the Region Technical Support Office. If you have any questions, please call me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

Enclosures: J.D. Hammond, Inc letter
Harry W. Baylor, P.E. letter

cc: Mr. John McFee, Region III Technical Support

August 16, 1995

Robert B. Woodward
President
SEE, inc.
P.O. Box 866
Merrifield, Virginia 22116

Dear Mr.Woodward:

Thank you for your recent letter regarding the U. S. Department of Labor s June 30, 1995 suspension of 29 CFR 1926.652 as it relates to house foundation/basement excavations. Commissioner Bell asked me to respond to your question.

The Virginia Department of Labor and Industry has been using the Federal recommendations relating to the application of the provisions of 29 CFR 1926.652 to house foundations/basement excavations since April of this year. The June 30, 1995 memorandum from Mr. James Stanley, Deputy Assistant Secretary, OSHA has been adopted by Virginia. As noted in the memorandum, the suspension is not applicable to those excavations which fail to meet certain conditions or to utility excavations. Virginia companies performing house foundation/basement excavation activities in which the specified conditions are present may operate under this policy.

Again, thank you for writing. If you have any questions or need additional information, please let me know.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: Commissioner Bell

January 2, 1991

Mr.Gary M. Andrew
JDA Enterprises, Inc.
2395 Vassar Drive
Boulder, Colorado 80303

Dear Mr. Andrew:

Your letter to the Commissioner of Labor and Industry requesting information on Virginia's excavation standards was referred to Safety Enforcement Division for a response.

On November 15, 1989, The Commonwealth of Virginia adopted a substantially identical version of Federal OSHA's Amendment to the Excavations Standard, 29 CFR 1926.650 to .652 published in the Federal Register on October 31, 1989(54 Fed. Reg. 45894). The Federal version was amended to reference the additional requirements contained in the Virginia Occupational Safety and Health (VOSH) Confined Space Standard for General Industry and the Construction Industry, 1910.146.

The amendments were adopted to assure consistency and uniformity between the requirements for work in excavations (where there is a potential for the accumulation of a hazardous atmosphere) contained in 1926.650 to .652, and the already existing 1910.146 which applies to "open top spaces of more than 4 feet in depth" (where there is a potential for a hazardous atmosphere).

In summary, Virginia has no special requirements for safety equipment before such equipment may be sold in the state nor do the requirements for excavation and trench shoring exceed Federal OSHA's specifications.

If I can be of any further assistance please do not hesitate to contact me.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

cc: Commissioner for Labor and Industry
Assistant Commissioner for Enforcement

September 9, 1991

Mr. Riley H. Mayhall, Jr.
M & M Consulting
14130 Old Columbia Pike
Burtonsville, MD 20866

Dear Mr. Mayhall:

This is in response to your letter requesting clarification of the requirements of CFR 29, Part 1926.601(b)(11) as it applies to positive latches on controls for end dump trucks.

You specifically wanted to know if the requirements of 1926.601(b)(11) applied to all controls e.g. Power Take Offs (PTO), hoist control valves, and the end gate control? Controls that affect the hoisting or dumping operation of an end dump truck must have a latch or other device that will prevent accidental starting or engagement of the control. Other controls that do not affect the hoisting or dumping operation may not require such devices. An example of this would be a Power Take Off that requires the clutch to be depressed before the PTO control can be engaged.

I hope this information is helpful and if you have additional questions please feel free to contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

cc: Assistant Commissioner for Enforcement

July 29, 1991

Mr. Riley H. Mayhall, Jr.
M & M Consulting
14130 Old Columbia Pike
Burtonsville, MD 20866

Dear Mr. Mayhall:

This is in response to your letter requesting clarification of the requirements of CFR 29, Part 1926.601 as it applies to end dump trucks.

You specifically requested answers to three questions: (1) Do all end dump trucks operating between jobsites on the public highways have to comply with the subject regulation when they enter an off-highway jobsite? (2) If so, do all of the (b) General requirements apply including (b)(11)? and (3) Examples of what will comply with the (b)(11) term "other device".

The answer to (1) and (2) is Yes. Only vehicles and equipment listed in 1926.602 are not required to meet the provisions of 1926.601 therefore all dump trucks operating on the highway must meet the provisions of the 1926.601 standard. The term "other device" could be one of several methods of safely dumping the load. This could be a ring with a secured chain to be placed over the lever, a hydraulic system that controls the tailgate from the cab of the truck, or an air lock control in the cab called a "Chelsa" system with a cylinder on the rear of the truck bed.

I hope this information is helpful and if you have additional questions please feel free to contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

cc: Assistant Commissioner for Enforcement

February 9, 1993

Stephen H. Davis
E & D Supervisor
BPS Equipment Rental & Sales
21900 North Washington Highway
Glen Allen, Virginia 23060

Dear Mr. Davis:

This is in response to your letter dated January 27, 1993 requesting clarification of CFR 1926.552(c)(3) and our phone conversation on February 9, 1993.

CFR 1926.552(c)(3) requires both guys and tie-ins for personnel hoists but if tie-ins are impractical, a series of guys must be used. These guys shall be made of wire rope at least one-half inch in diameter to securely fasten the hoist structure and insure stability. However, 1926.552(a)(1) states that the employer must comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. If the manufacturer of the personnel hoist does not specify the need for guys in addition to tie-ins, the Virginia Occupational Safety and Health (VOSH) inspectors will not consider the absence of guys to be a violation.

Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determination of a professional engineer competent in the field. Without manufacturer's specifications stating that guys are not required and without a professional engineer's certification that the structure is safe without guys, VOSH will consider this a violation of the standard.

Thank you for your interest in workplace safety. If I can be of further assistance please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

c: Safety Enforcement Region Supervisors
Office of Consultation Services
Office of Program Evaluation and Technical Support

MEMO FOR RECORD February 9, 1993

In making the interpretation on the use of guys and tie-ins on personnel hoists I contacted John McFee, 3rd Region OSHA office. We then, by way of a conference call, discussed the subject with Fred Anderson, Construction Engineering Office, Federal OSHA, Washington, DC.

It was determined that it is industry practice to not install guys if the structure is tied-in to the building. That manufacturing technology of these hoists has for the most part eliminated the need for guys. Mr. Anderson said he could not remember seeing a hoist system with guys in the last 15 years. He and John McFee suggested using the interpretation based on manufacturer's recommendations. This is consistent with other interpretations we have made in the past 2-3 years.

May 5, 1993

Mr. W.E. Stader
Safety Consulting Services, Inc.
25 Franklin Road
P.O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This is in response to your phone call on May 5, 1993 requesting clarification of CFR 1926.550(g)(2). I have reviewed the applicable regulations, and looked at interpretations of §1926.550(g) issued by Federal OSHA. A copy of Federal OSHA's position concerning use of cranes to hoist personnel, and an excerpt from the rulemaking record that OSHA published when it adopted the present language in §1926.550(g)(2), is enclosed.

Because the Virginia Occupational Safety and Health (VOSH) Program agrees with the positions stated in both of the attached documents, the only way to use a crane for lifting personnel in a personnel platform is to make a determination that one of the two exceptions listed in (g)(2) applies (i.e. when the alternative means is more hazardous, or it is not possible because of structural design or worksite conditions). As noted in the attached documents, employee safety, rather than practicality or convenience, must be the basis for the use of a crane or derrick to lift personnel.

As for alternative means that might be available to you for use on this jobsite, Federal OSHA has provided the names and phone numbers of two distributors of the JLG Aerial Lifts. JLG apparently markets an aerial lift (model 150 HAX boom lift) which is capable of reaching a height of 150 feet:

Seaboard Rental and Sales
550 Jefferson Davis Highway
Richmond, Virginia
(804) 275 8663

Valjar, Inc.
1179 Lance Road
Norfolk, Virginia 23502

(804) 466-7600

In addition, Federal OSHA provided the name of a company that markets a personnel platform (ARVA personnel platform) that attaches directly to the boom of some cranes (according to Federal OSHA §1926.550(g) does not apply when there is no load line involved in the lift):

Grove Crane
(717) 597-8121

If you have any questions, please give me a call at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

cc: W.F. Dillon
Region Supervisors

July 20, 1993

Mr. Curtis H. Childress
Loss Control Services
St. Paul Fire and Marine Insurance Company
P.O. Box 6449
Glen Allen, Virginia 23058-6449

Dear Mr. Childress:

This is response to your letter dated June 28, 1993 requesting an interpretation of VOSH Construction Standard 1926.550(a)(9). Your question pertained to an RT600B rough terrain crane manufactured by the Grove company on which the counterweight is mounted at least eight feet above ground. You specifically asked if the swing radius of this and similar cranes must be barricaded.

The swing radius of the RT600B Grove crane, or any similar crane with the counterweight above the heads of personnel standing on the ground does not have to be barricaded provided:

* Employees are not working on scaffolds or ladders within the swing radius.

* The crane is positioned away from any building or structure so it is not possible for anyone to be hit while working on or in such a structure.

The key to this situation is the accessibility to the rotating parts of the crane. Employees must be kept away from any pinch point or area where they can be struck by the crane.

I hope this information is helpful and if I can be of any further assistance please call me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

cc: Assistant Commissioner for Enforcement
Safety Enforcement Supervisors
Supervisor, Consultation Services

MEMORANDUM

To: R. C. Angell
Compliance Manager

From: W. R. Crawford
Director, Compliance Programs

Subject: Overhand Bricklaying/Fall Protection

Date: June 11, 1997

This memorandum is in response to Danny Burnett s Memorandum of April 25, 1997, with regards to the application of fall protection while conducting overhand bricklaying. I apologize for the delay in my response.

Based on the information in the memo provided, this is interpreted to be overhand bricklaying even though it may not be a load bearing wall. Accordingly § 1926.501(b)(9)(i) & (ii), requires fall protection for employees conducting overhand bricklaying and related work six feet or more above the lower level or reaching more than 10 inches below the level of the walking/working surface on which they are working.

If you need further information please do not hesitate to call.

April 15, 1997

W. E. Stader
Safety Consulting Services, Inc.
P. O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This response is in reference to your letter of March 28, 1997, requesting information about fall protection around skylights.

It is the duty of the exposed employee s employer, not the owner of structure, to provide a work site free from hazards which may cause the employee to be harmed in any way. Outlined in §1926.501, Subpart M, Fall Protection, specifically paragraph b, section 4, subsections i, ii and iii (see attached copy), Each employee on walking/working surfaces shall be protected from falling through holes (including skylights), tripping in or stepping into or through holes (including skylights), and objects falling through holes (including skylights).

How fall protection is provided to employees is the sole responsibility of the employer, and would be subject to citation by VOSH if not adequately provided.

If I may be of further assistance please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Deputy Commissioner
Region Directors
File

July 13, 1992

Mr. David M Slough
Vice President, Dolco Aluminum Co., Inc.
7326-B Little River Turnpike
Annandale, Virginia 22003

Dear Mr. Slough:

Your letter dated 8 June 1992 to Commissioner Amato was referred to me for reply. You requested clarification on the use of 50 foot Pump Jack Scaffold poles.

Pump Jack Scaffolds and their use are governed by 29 CFR 1926.451(y) and more specifically 1926.451(y)(4)(ii) which states, "Poles shall not exceed 30 feet in height." This standard refers to wooden poles and does not consider other materials such as aluminum. However, on December 30, 1983 Federal OSHA issued an interpretation (copy attached) to the Alum-A-Pole Corporation stating, "if the Aluminum Pole Pump Jack Scaffold is used in accordance with the intent of the applicable OSHA Standard 29 CFR 1910.28(a) and 29 CFR 1926.451(y) but at a 50 foot shoulder working height, an employer will be in compliance with the Occupational Safety and Health Act".

The Commonwealth of Virginia has adopted this Federal Standard as a State Standard and recognizes Federal interpretations pertaining to it. It should be noted however, that jobsite conditions, possible alteration or misapplication of the equipment may result in issuance of citations for violation of the standard. As with Federal OSHA, this does not constitute approval or endorsement of this product by the Commonwealth of Virginia.

I hope this information is helpful and if I can be of any further assistance please contact me.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

Enclosure

c: Commissioner of Labor and Industry
Assistant Commissioner for Enforcement
Safety Enforcement Regional Supervisors

February 24, 1993

Patricia H. Falls
Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Dear Ms. Falls:

This is in response to a series of six letters dated February 8, 1993 requesting interpretations of standards. Commissioner Amato requested that I provide you with the requested information.

Your questions concerning CFR 1926.404 (f)(3)(i)(A) and (B) are:

Q: "When using portable generators as described in the reference above, are Ground Fault Circuit Interrupters required?"

A: Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5KW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters. Reference 1926.404(b)(ii).

Q: "If one uses a correct wiring tester in the receptacles of a portable generator, should the tester show that the generator is grounded?"

A: Yes, if the generator has an internal grounding system or a driven ground rod.

Q: "When using portable generators as described in the reference above, does "cord and plug connected equipment" include extension cords used between the power supply and the tool?"

A: Yes, flexible cords/cables are a continuation of the cord/cable which is attached/fixed to the equipment being used.

Other questions you requested information on are:

Q: "Can street plates be used as any part of a protective system including behind the sides of or at the face of trenchboxes under the existing excavation standard without a design by a registered professional engineer?"

A: Street plates that are not part of a designed system approved by a registered professional engineer would not be recognized as meeting the excavation standard.

Q: Your company instructs clients performing residential roofing work where the pitch is 5/12 or greater that fall protection is required by 1926.500(g)(1) because of the definition of "low pitched roofs". That one or more methods of fall protection required by 1926.500(g)(1) must be met. "Is this interpretation correct"?

A: The definition of a low pitched roof is a roof having a pitch of less than or equal to four in twelve. Therefore a five in twelve or greater pitch is not considered a low pitched roof and the referenced paragraph is not appropriate for this situation. 1926.451(u)(3) would be a more appropriate means of fall protection, although not required because of a height of less than 16 feet. In the scenario you present, 1926.28(a) is the appropriate standard and would be cited when a hazardous condition exists.

VOSH interprets 1926.28(a) to mean that employers are required to ensure that employees wear and use safety belts to protect them from falling when exposed to falls from heights of 10 feet or more or from heights below 10 feet under certain particularly hazardous circumstances such as when employees are working over machinery, moving equipment, or objects posing an impalement hazard.

Your question on providing hand cleaner instead of potable water on jobsites was answered by separate letter dated February 1, 1993 in response to a previous request (copy attached).

I hope this information is of assistance to you. If you require further information on this or other VOSH requirements please contact me.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

c: Commissioner
Assistant Commissioner for Enforcement

June 3, 1993

Allan B. Kindrick
Director of Safety
R.E. Lee and Son, Inc.
2811 Hydraulic Road
P.O. Box 7226
Charlottesville, Virginia 22906

Dear Mr. Kindrick:

This is in response to your letter dated May 19, 1993 expressing concern for new or revised interpretations, directives or standards that affect your operations. You gave an example of acetylene and oxygen compressed gas cylinders, with regulators removed mounted on a standard welding cart, being considered as in storage.

No new interpretations pertaining to cylinders mounted on welding carts have been issued by Federal OSHA since one in December 1991 which attempted to clarify an earlier (1987) interpretation (attached). There has been no change in VOSH enforcement of the standards affecting the use of oxygen and acetylene cylinders. VOSH will not issue citations for one acetylene and one oxygen cylinder on a cart without regulators and with caps installed unless it is obvious the cylinders have not been used for an extended period. It is permissible to leave the two cylinders mounted together on a cart from one work shift to the next, even if it is over the weekend or holidays.

As for your question about distribution of information, the Department of Labor and Industry periodically conducts public briefings to provide information to employers. These meetings are publicized in advance in newspapers and by way of mailing lists. I have insured that your company is on our mailing list. I also suggest two other sources of information:

a. You may subscribe to OSHA CD-ROM disks which are updated quarterly, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC. This provides all standards and interpretations on a compact disk.

b. Another source providing standards and interpretations on computer disks is:

TEXT-Trieve INC.
410 Bellevue Way SE, Suite 03
Bellevue, WA 98004

This company also updates its product periodically based on information it receives under an agreement with Federal OSHA.

I hope this information is helpful. If you have additional questions or if we can be of further assistance, please contact Mr. W. R. Crawford, Director of Safety Enforcement at (804) 786-2391.

Sincerely,

Carol Amato
Commissioner

c: W. F. Dillon, Jr., Assistant Commissioner for Enforcement
W. R. Crawford, Director of Safety Enforcement
C. C. Letellier, Consultation Services Supervisor

May 20, 1996

Thomas W. Saufley
Safety Director
Riddleberger Brothers, Incorporated
P.O. Box 27
Mt. Crawford, VA 22841

Dear Mr. Saufley:

This letter is in response to your letter of contest and our discussion regarding necessity of point of operation guarding on your ROTO-DIE Bender.

After reviewing the standard and original citation issued by the Department and the letter of March 22, 1996 from ROTO-DIE, Inc., it is clear that as manufactured and used in accordance with manufacturers instructions, point of operation guarding is not needed when **only one** operator is utilizing this machine. However, when **two** operators are in the area of point of operation, as in Riddleberger s case noted in the casefile and videotape, separate procedures and safety devices must be utilized according to ANSI B11.3-1982 Section 2.2.2 where it speaks of a single operator and Section 6.7 Press Brake Helper which states, ***The employer shall establish and assign responsibilities to the press brake helper, who shall be protected from hazards at the point of operation by safeguarding, as listed in Section 6.1.4. The helper shall have regard for his own safety, which includes keeping his body members out of the point of operation and hazardous area. The helper shall also be responsible for the safety of others affected by his acts.***

Review of ANSI B11.3-1982 shows your machine to be considered a hydraulic power press break even if it is referred to by other names by the manufacturer or by motor freight classifications. My review of the case indicates the violations were properly cited and stand as shown in the settlement agreement dated March 18, 1996. No further action shall be taken at this time. Please submit payment of penalties, as agreed to in the settlement agreement, with a letter withdrawing your contest to this office.

If we can be of any further assistance, please do not hesitate to call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Commissioner
Deputy Commissioner
VOSH Training and Consultation

October 1, 1992

Patricia H. Falls
Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Subject: CFR 1926.104, .500 and .750

Dear Mrs. Falls:

Mr. Dillion requested that I respond to your question concerning the use of wire rope as standard guardrails in Virginia. CFR 1926.106 applies in its entirety to the Commonwealth of Virginia.

There are exceptions to wearing of life preservers as explained in the attached Federal OSHA interpretation. When working on bridges with guardrails, nets, or safety belts and lanyards life jackets or buoyant work vests may not be required. I have also attached an interpretation pertaining to the requirement for skiffs and medical treatment.

If I can be of further assistance please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

July 25, 1990

Mr. Jeffrey M. Tanenbaum
Littler, Mendelson, Fastiff & Tichy
Attorneys At Law
650 California Street, 20th Floor
San Francisco, CA 94108-2693

RE: Interpretation of Construction Industry Safety Standards Sections 1926.105(a) and 1926.750(b)(1)(ii)

Dear Mr. Tanenbaum:

Your letter of June 29, 1990, subject as above, was referred to me for interpretation. The purpose of this letter is to confirm that your interpretation of the standards in question is correct.

Section 1926.105(a) only requires safety nets where the use of other safety devices is impractical. As long as employees are required to wear safety belts or harness and tie off when exposed to a fall hazard they are considered in compliance with the standard.

Section 1926.750(b)(1)(ii) does not apply in your client's situation when constructing an open-bay structure such as a power plant where safety nets would be impractical. However, fall protection must be provided and safety belts and lanyards tied off will meet this requirement. I would like to suggest that your client consider the use of body harness instead of belts. Although the safety belt will save a life, sometime it causes injuries to the back that disable the employee. The body harness distributes the weight over a larger area of the body and cause far less injury.

Your client should retain a copy of this letter to provide any Virginia Occupational Safety and Health inspector that may inspect a work site. If I can be of any further assistance please let me know.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

cc: W.F. Dillon

MFR:

This interpretation was confirmed with Mr. John McFee, Region III, Technical Support by telephone on July 23,1990. John suggested the comment about the body harness.

July 25, 1990

Mr. Jeffrey M. Tanenbaum
Littler, Mendelson, Fastiff & Tichy
Attorneys At Law
650 California Street, 20th Floor
San Francisco, CA 94108-2693

RE: Interpretation of Construction Industry Safety Standards Sections 1926.105(a) and 1926.750(b)(1)(ii)

Dear Mr. Tanenbaum:

Your letter of June 29, 1990, subject as above, was referred to me for interpretation. The purpose of this letter is to confirm that your interpretation of the standards in question is correct.

Section 1926.105(a) only requires safety nets where the use of other safety devices is impractical. As long as employees are required to wear safety belts or harness and tie off when exposed to a fall hazard they are considered in compliance with the standard.

Section 1926.750(b)(1)(ii) does not apply in your client's situation when constructing an open-bay structure such as a power plant where safety nets would be impractical. However, fall protection must be provided and safety belts and lanyards tied off will meet this requirement. I would like to suggest that your client consider the use of body harness instead of belts. Although the safety belt will save a life, sometime it causes injuries to the back that disable the employee. The body harness distributes the weight over a larger area of the body and cause far less injury.

Your client should retain a copy of this letter to provide any Virginia Occupational Safety and Health inspector that may inspect a work site. If I can be of any further assistance please let me know.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

cc: W.F. Dillon

MFR:

This interpretation was confirmed with Mr. John McFee, Region III, Technical Support by telephone on July 23,1990. John suggested the comment about the body harness.

March 29, 1996

W.E. Stader
Safety Consulting Services, Inc.
25 Franklin road
Roanoke, VA 24011

Dear Mr. Stader:

Thank you for your letter of February 6, 1996, requesting information, guidance and clarification in meeting the requirements of §1926 Subparts M and R. I apologize for the delay in responding to your request.

Q. Under the interpretation of the fall protection standard Subpart M, would placement of the insulation and metal roofing be considered roofing.

A. No, according to the July 10, 1995-memorandum authored by Deputy Assistant Secretary James Stanley "steel erection activities" means the movement and erection of skeleton steel members (structural steel) in or on buildings or nonbuilding structures. This includes initial connecting of steel, employees moving point-to-point, installing metal floor or roof decking, welding, bolting and other activities.

On December 11, 1995, the Virginia Safety and Health Codes Board adopted an amendment to the fall protection standard (Subpart M of §1926), with an effective date of March 15, 1996. This amendment clarifies that Subpart M **does not** apply to any steel erection activities as outlined in the July 10 letter from Deputy Assistant Secretary Stanley. This would include the installations of decking and insulation as other activities because they are being done concurrently during the same operation. Therefore, until the adoption of revised Subpart R, employees in the steel erection industry can continue to comply with fall protection requirements that were already in effect before the issuance of Subpart M. These employees will continue to be protected from fall hazards through the enforcement of existing §1926 standards which were already in effect before the issuance of Subpart M.

Q. If a contractor does not wish to use, safety nets can he use a "Controlled Access Zone"

(CAZ) as part of his fall protection program, or is this method only allowable for roofing contractors, placing the metal roofing.

A. This seems to be a two-part question. If the contractor is conducting roofing work then a CAZ can be used as outlined in the fall protection plan. If the contractor is placing roof decking on structural steel then this would be considered steel erection and safety nets, if the fall would be greater than 25', would be required unless other positive means of fall protection were provided such as ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts were practical as outlined in §1926.105(a) which is in force as outlined in the above answer.

Q. If the contractor does not wish to use safety nets, what other methods of fall protection are allowed under steel erection standards, i.e., safety harness, guardrails, etc.

A. §1926.105(a) provides when workplaces are more than 25' above the ground or water surface, or other surfaces where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts is impractical safety nets shall be used. As long as the employer uses some positive (100 percent) fall protection VOSH or OSHA will not issue a citation.

Thank you for your interest ins workplace safety. If I may be of further assistance, please let me know.

Sincerely,

William R. Crawford
Director
Occupational Safety Compliance

cc: Deputy Commissioner
File

October 5, 1992

Patricia H. Falls
Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Subject: Wire Rope Guardrail Systems

Reference: CFR 1926.104, .500 and .750

Dear Mrs. Falls:

This is in response to your question concerning the use of wire rope as standard guardrails in Virginia. The above referenced standards apply to this subject.

CFR 1926.500 does not specifically address the use of wire rope as a material for use in guarding. However, it has been interpreted as being satisfactory as long as it meets the provisions of 1926.500 (f). Normally wire rope guardrail systems are not satisfactory for use as a static line. Guardrail systems must support a force of 200 pounds outwardly and downwardly while static lines must support 5400 pounds (1926.104 (b)). If the guardrail system meets the 5400 pounds dead weight test and all other requirements for wire rope systems, it would be permissible to use is as a static line.

I have attached an interpretation pertaining to the requirements for wire rope guardrail. If we can be of further assistance please contact Mr. Dick Crawford, Director of Safety Enforcement at (804) 786-2391.

Sincerely,

W. F. Dillon, Jr.
Assistant Commissioner for Enforcement

C: Director, Safety Enforcement Division

March 4, 1991

Mr. Mark Singer
Richmond Area Association of Municipal Contractors
7814 Carousel Lane, Suite 300
Richmond, Virginia 23294

Dear Mark:

As promised, this letter addresses the question of VOSH "hard hat" requirements that came up during my address to your association on February 18, 1991. Some members of the association voiced a belief that VOSH required the Department of Transportation to require contractors to wear head protection, "hard hats," at all times when on the work site. Further, there seems to be a common belief that there is a Consent Decree or other binding documents that require the constant wear of helmets.

There is no Consent Decree or other binding requirement to wear head protection at all times. There is a Memorandum of Understanding (MOU) between the Department of Labor and Industry and the Department of Transportation (copy attached). This MOU requires VOSH to respond to VDOT's referral of apparent violations of Virginia Occupational Safety and Health Standards when the contractor fails to correct an unsafe condition. This MOU further states that VDOT will include in all its contracts a requirement for the contractor to be in compliance with Federal and Virginia Occupational Safety and Health Standards and 40.1-51.1 of the Code of Virginia.

Additionally, when VOSH does respond to a referral from VDOT or any other agency, contractor, or private citizen our inspectors will determine if a violation of a standard (1926.100(a) in this case) exists. If there is a violation, such as exposure to falling or flying objects, a citation may be issued. If there is no hazard or violation then there will be no citation.

I hope this information will be helpful to you and your membership. If you have any additional questions on interpretation and enforcement of standards please contact Mr. William R. Crawford, Director of the Safety Enforcement Division.

Sincerely,

Carol Amato
Commissioner
Virginia Department of Labor and Industry

cc: C. Wayne Varga, Employee Safety and Health Engineer, Virginia Department of Transportation
W.F. Dillon, Jr., Assistant Commissioner for Enforcement
W.R. Crawford, Director, Safety Enforcement Division

February 1, 1993

Patricia H. Falls
Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Subject: Amendment to the Construction Industry Standard for Sanitation

Dear Ms. Falls:

This is in response to your letter dated January 20, 1993 asking if contractors can provide hand cleaner instead of portable hand washing facilities on construction jobsites.

Hand cleaner alone is not permissible under the Virginia Amendment to 1926.51 which requires the use of soap and water. See 1926.51(c)(1) which identifies the requirement and 1926.51(i) Definitions, which defines "handwashing" facility as one having soap and water. 1926.51(c)(5) exempts mobile crews with transportation available to nearby toilet facilities from the requirement to provide toilet and handwashing facilities.

The subject of using waterless hand cleaner or toweletts was discussed in a public hearing on September 18, 1991. Several people spoke for and against the use of the above items. The Safety and Health Codes Board then approved the amendment without the use of hand cleaners or towelletts.

For your information I have attached a copy of the Virginia Amendment to the Construction Standard. Thank you for your interest in workplace safety. If you require further information on this or any other standard, please contact Mr. W. R. Crawford, Director of Safety Enforcement Division at (804) 786-2391.

Sincerely,

Carol Amato
Commissioner

July 19, 1991

Mr. Gerald W. Smith
Broadway Electric Inc.
Route 1420
Box 306
Broadway, Virginia 22815

Dear Mr. Smith:

This is in response to your request for interpretation of Construction Standard 1926.51 and advice on how your company can comply with the requirements.

Construction Standard 1926.51(a)(1) states that "An adequate supply of potable water shall be provided in all places of employment." Only the employer can determine how best to meet the requirements of the standard. In some cases a large container for the work site may be the most appropriate. In other situations where employees go directly from home to a work site an individual container could be the most appropriate method. Especially for those employees that move from site to site during the course of a day. In either case, the containers must meet the requirements of 1926.51(a)(2) and (3) relating to sanitation and marking.

Providing individual water containers to employees will meet the intent and requirement of the standards. However, if you use this method of providing drinking water you must assure that the containers are inspected periodically for sanitation and serviceability. You should develop a policy that covers inspection of the containers for serviceability, sanitation, and the responsibility of the employee regarding the use and maintenance of the container. Containers must be of sufficient size to hold a full day supply of water or provide a means of replenishment.

If I can be of any further assistance please contact (804) 786-2391.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

February 1, 1993

Patricia H. Falls
Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

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This is in response to your letter dated January 20, 1993 asking if contractors can provide hand cleaner instead of portable hand washing facilities on construction jobsites.

Hand cleaner alone is not permissible under the Virginia Amendment to 1926.51 which requires the use of soap and water. See 1926.51(c)(1) which identifies the requirement and 1926.51(i) Definitions, which defines "handwashing" facility as one having soap and water. 1926.51(c)(5) exempts mobile crews with transportation available to nearby toilet facilities from the requirement to provide toilet and handwashing facilities.

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For your information I have attached a copy of the Virginia Amendment to the Construction Standard. Thank you for your interest in workplace safety. If you require further information on this or any other standard, please contact Mr. W. R. Crawford, Director of Safety Enforcement Division at (804) 786-2391.

Sincerely,

Carol Amato
Commissioner

July 21, 1997

Sandy Ball
Manager, Safety and Health
American Red Cross, Greater Richmond Chapter
409 East Main Street
P.O. Box 655
Richmond, VA 23205

Dear Ms. Bell:

This response is to your letter of April 24, 1997 to Mr. Richard C. Angell, which was forwarded to me for reply, regarding first aid requirements by OSHA. I apologize for the delay in my response.

Several OSHA standards have requirements for first aid. None of the standards require that trained employees need to be retrained in one year for CPR or in three years for first aid. The time limit is based on the training authority, e.g., the American Red Cross, the U. S. Bureau of Mines, Medic First Aid or the equivalent training that can be verified or documented as long as the training contained the minimum elements outlined in Directive CPL 2-2.53 (see attachment).

The construction standard §1926.50(c) states: In the absence of an infirmary, clinic, hospital or physician, that is reasonably accessible in terms of time and distance to the worksite, which is available for the treatment of injured employees, a person who has a valid certificate of first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, shall be available at the worksite to render first aid. Reasonably accessible has been interpreted to mean a three to four minute response time is required from the onset of the injury until first aid is administered. A person with a valid certificate in first aid training needs to be available if the three to four minute response time cannot be complied with.

The general industry standard §1910.151 states: In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available. Near proximity to the workplace has been interpreted to mean a three to four minute response time is required from the onset of the injury until first aid is administered. A person with a valid certificate in first aid training needs to be available if the three to four minute response time cannot be complied with. In nonhazardous environments such as an office or a bank lobby, the time requirement may be up to 15 minutes (see attached interpretation). The confined space standard §1910.146(k)(1)(iv) is the only general industry standard that requires a person with a valid certificate to be available.

If I may be of further assistance, please call me at (804)786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Deputy Commissioner
Region Directors/Compliance Managers
Consultation Services Supervisor

October 10, 1997

David Webb
Safety Director
Hensel Phelps Construction Company
4515 Daly Drive
Chantilly, Virginia 20151-3712

Dear Mr. Webb:

This is in response to your telephone request for information concerning fall protection for steel erectors in Virginia. Department of Labor and Industry Program Directive 06-004 issued on December 15, 1996 (attached) covers the enforcement of Virginia standards for fall protection in the construction industry.

Program Directives are instructions to the VOSH compliance staff (and Virginia employers) on how standards will be applied and enforced by the Department of Labor and Industry. In the enforcement of fall protection in the construction industry, Program Directive 04-006 states that §1926.28(a) will be used for falls between 10 and 25 feet and §1926.105(a) will be used for falls greater than 25 feet. Anytime the Fall Protection Standard does not apply or where other standards may apply but do not provide adequate protection (e.g., the steel erection standard provision for use of temporary floors every 30 feet for interior falls in tiered buildings), case law allows the use of §1926.28(a) in steel erection.

The wording in the second paragraph of section A is sometimes misunderstood, especially the last sentence pertaining to not being enforced as having the force of law . The italicized language on the program directive's first page is solely about the directive itself. It says only that the words of the directive are not going to be enforced as law. The language does not apply to the statutes and regulations about which we are giving guidance. Those statutes and regulations have the force of law and are what we will enforce. The purpose of the italicized language is to keep internal guidance documents from having to go through a lengthy adoption process, such as our standards go through. If internal guidance took as much time and effort to issue as a standard we would put out very few guidance documents. Employers would not have the benefit of knowing how we are going to enforce those standards. It would also severely restrict us in responding to the safety and health concerns of Virginians when a change in how we enforce a

standard could address those concerns.

Our Program Directives are available to anyone by calling (804) 786-8707. The Department attempts to keep employers informed on how we enforce standards, new information from federal OSHA, and changes to the program through public briefings, news letters, and other mailings. You and any of your subcontractors can be placed on our mailing list by calling the above number.

Thank you for your interest in safety and health in the workplace. If I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Deputy Commissioner
Region Directors/Compliance Managers
Supervisor, Consultation Services
Office of Legal Support
File

June 11, 1997

Richard D. Chadick
City Safety Officer
City of Richmond, VA
900 E. Broad Street
Richmond, VA 23219

Dear Mr. Chadick:

This response is to your letter of June 2, 1997 to Mr. Richard C. Angell, which was forwarded to me for reply, inquiring about the exemption of wearing hard hats due to religious beliefs.

On June 20, 1994, Federal OSHA issued Directive STD 1-6.5 (see attachment) regarding the exemption for religious reasons from wearing hard hats. This directive outlines procedures to compliance staff members when addressing this issue:

a. There shall be no citations or other enforcement actions against employers for violations of hard hat standards when their employees fail to wear hard hats due to personal religious convictions.

b. Citations may be issued to employers of construction workers, with such convictions, for failure to instruct them about overhead hazards, as required by §1926.21(b)(2), as with employers of construction workers without such convictions.

c. Employers of non-construction workers, with or without such convictions, should also instruct their workers about such hazards.

If I may be of further assistance, please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Program

cc. Deputy Commissioner
Region Directors/Compliance Managers
Consultation Services Supervisor

November 24, 1997

Thomas J. Meighen, CPCU
Chairman, MSA Safety Committee
D.C. Metropolitan Subcontractors Association
6934-B Little River Turnpike
Annandale, Virginia 22003-3221

Dear Mr. Meighen:

This is in response to your letter dated November 19, 1997 requesting clarification on the need for personal fall arrest systems (PFAS) when working within the railings of a scissors lift.

Employees working from a scissors lift equipped with guard railings are not required to use PFAS and tie off. Other lift devices, such as boom type lifts, require the use of PFSA because of the spring action of the boom that could eject a person from the device. If the guard rails are removed from the scissors lift, other means of fall protection would have to be provided.

I have attached a 1995 federal OSHA interpretation that also states this policy. Thank you for your interest in the Virginia program. If I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

Attachment

cc: Deputy Commissioner

January 31, 1995

Kent Hales
Distribution General Manager
Virginia Gas Distribution Company
Rt. 1, Box 23-C
Castlewood, Virginia 24224

Dear Mr. Hales:

This is in response to your letter dated January 6, 1995 requesting information on any additional requirements OSHA may have on the installation of natural gas coke ovens at Jewell Company.

In addition to the NFPA 54 and AGA certification of burners you refer to in your letter, OSHA has no specific requirements for the installation of this equipment. The employer must meet the requirements for his establishment as set fourth in the Virginia Standards §1910 for general industry. These standards apply to all facets of the operation from machine guarding to hazard communication, as examples. The only time the Virginia Occupational Safety and Health (VOSH) inspectors would check into the installation of the equipment in question would be if an accident occurred involving the natural gas ovens. As with any equipment we check to determine if it was installed and operated in accordance with the manufacturer s specifications.

Additionally, if the installation of the equipment requires a design engineer to develop drawings and plans for the project, we would check to see that the installation was accomplished as specified by the engineer.

I hope this information is helpful. If I can be of further assistance, please call me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

cc: Deputy Commissioner

February 8, 1991

Mr. Gerard Preiss
428 Duplin St.
Virginia Beach, Virginia 23452

Dear Mr. Preiss:

This letter is in response to your inquiry of February 1, 1991 regarding the use of electrical cable trays as a walkway or scaffold system. You also questioned the practice of walking on cables that may be energized.

You are correct in your belief that these are unsafe work practices. Walking on cable that is not specifically designed for that purpose can damage the internal conductors causing a short circuit and or damage the external insulation exposing live wires. Even though some cable trays may be constructed in such a way that would support the weight of a person, they are not designed as a scaffold or walkway and should not be used as either.

The specific standard that applies to this situation is Virginia Occupational Safety and Health Standards for General Industry 1910.303(b)(1)(vi) and 1910.303(b)(2) which pertain to the examination, installation, and use of electrical equipment. Subpart D, Walking-Working Surfaces, (1910.22) may also apply based on the specific situation. If a VOSH inspector observed an employee walking or crawling a cable tray a citation would be issued for violation of one or more of these standards based on the situation. If I can be of any further assistance please contact me.

Sincerely,

William R. Crawford
Director

Safety Enforcement Division

cc: Commissioner of Labor and Industry
Assistant Commissioner of Labor and Industry
for Enforcement

April 26, 1993

Mr. Greg W. Richey
Program Consultant
Galson Corporation
6601 Kirkville Road
E. Syracuse, NY 13057

Dear Mr. Richey:

This is in response to your letter dated March 17, 1993 requesting information pertaining to peanut hulling machines. Your question was whether the Virginia Occupational Safety and Health regulations covered peanut hulling machines under General Industry or Agriculture Standards. According to the scenario you presented in your letter, that the mills were separate and apart from the farms, the machines would be covered by General Industry Standards.

Only in a case where a farmer used a machine for his own farming activity, such as making feed for animals, would they be covered by Agriculture Standards. Peanut shelling mills are considered to be grain handling facilities and are covered by 1910.272 General Industry Standard.

I hope this information is helpful and if I can be of any further assistance please contact me.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

February 8, 1995

Billy Carter
Rappahannock Electric Cooperative
P.O. Box 7388
247 Industrial Court
Fredericksburg, Virginia 22404

Dear Mr. Carter:

This is in response to your Fax on January 17, 1995 requesting information on VOSH Standard 1910.269(l)(6)(iii). Federal OSHA has indicated there have been numerous requests for more definitive information on the requirements of this specific paragraph of the standard and is expected to issue more guidance in the future. Based on current Federal interpretations, I will answer your specific questions which are:

Q: 1. What is the effective date of OSHA S rule regarding flame retardant clothing? What is VOSHA S effective date?

A: As a result of a stay of enforcement of certain paragraphs of §1910.269 and the settlement between OSHA and Edison Electric Institute (et al.) following the latter s petition for review, different dates for enforcement were established for certain paragraphs of the standard. Federal OSHA S date of enforcement was January 31, 1995 except for §1910.269(v)(11)(xii) which is February 1, 1996. The effective enforcement date for VOSH was February 1, 1995 except for §1910.269(v)(11)(xii) which is February 1, 1996.

Q: 2. Based on our availability of fault currents being in the 10,000 amp range, should the outer layer of clothing be flame retardant if natural fibers are worn as underlayers?

A: It is not possible to provide an absolute answer to your questions. There are a number of factors, for which we do not have adequate information, that must be considered before a determination is made. Keep in mind that it is the employers responsibility to insure that if an employee is exposed to electric arcs of flames, the clothing worn will not cause an increase in the extent of injury to the employee. Some of the factors that

must be considered are:

a. precise information concerning the weight, thickness, material type and design of the outerwear,

b. the affect flames or electric arcs will have upon the various components of the outerwear,

c. how the outerwear will be worn, (i.e. will it be fully buttoned at all times, will there be gloves worn over the ends of the sleeves, etc.),

d. precise information concerning the weight, thickness, material type and design of the clothing to be worn next to the skin, and

e. the exact conditions under which the employees may be exposed to electric arcs or flames, (i.e. will employees be standing directly in front of or off to the side of a piece of equipment which could generate flames or electric arcs).

The guidelines employers must use to determine the appropriateness of clothing for employees exposed to flames or electric arcs are whether the clothing is of a sufficient weight, thickness, material type and design so that if there is exposure to flames or electric arcs, wearing of that clothing will not cause an increase in the extent of any injury that will be sustained by the employee.

OSHA has determined that natural fiber clothing made of material equivalent to 11 ounce cotton fabric is generally acceptable, as long as there are not clothes worn with it which could increase the extent of injury resulting from exposure to flames or electric arcs.

Q: 3. Based on fault currents of 10,000 amps, if flame retardant clothing is worn, say as a uniform, does the outer garment need to be flame retardant also, or can the outer garment be a natural fiber?

A: The outer garment may be made from natural fibers if it is of sufficient weight, thickness or design so as to be capable of preventing it or its lining or insulation fill from igniting or in any other way causing an increase in the extent of injury.

Q: 4. Based on fault currents of 10,000 amps, if flame retardant uniform is worn, can the lining of outer garment be any material (polyester, acetate, etc.) as long as the outer lining is heavy weight cotton?

A: The lining of the outer garment may be made of the prohibited materials if the outer shell is of sufficient weight, thickness or design so as to be capable of preventing the lining from igniting or in any other way causing an increase in the extent of injury. The considerations outlined in the answer to question two apply.

Q: 5. Based on fault currents of 10,000 amps, if flame retardant clothing is worn, can the outer garment be a regular non-fire retardant rain suit?

A: See answer to question two above.

Federal OSHA has determined that clothing made from 100% natural cotton, 11 ounces or more in weight, does not ignite in the presence of a 12 inch long, 3800 ampere electric arc, 12 inches away and lasting 10 cycles at the power line frequency. Your conditions indicate 10,000 amperes which may make 11 ounce cotton unacceptable.

I hope this information is helpful. If I can be of further assistance, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

cc: Deputy Commissioner
Safety Division Region Supervisors

May 27, 1994

H. Terry Aylor
Risk Management Instructor
Association of Electric Cooperatives
P.O. Box 2340
4201 Dominion Blvd. Suite 101
Glen Allen, Virginia 23058-2340

Dear Mr. Aylor:

This is in response to your letter dated May 17, 1994, (copy attached) requesting information on the new Electric Power Generation, Transportation, and Distribution standard (1910.269). You had several questions, the answers to which are referenced to the question number. First, I need to tell you the Virginia Safety and Health Codes Board did not adopt the standard at its April 25, 1994 meeting. The Board will consider it again at the July meeting. We understand EEI is negotiating with OSHA on various parts of the standard at this time so there may be changes to the standard based on the outcome of these negotiations.

1) Apparel Requirement section.

(a): Paragraph (j) applies to work on exposed live parts, or near enough to them to expose the employee to any hazard they present. Only qualified employees may work on or with exposed energized lines or parts of equipment and only qualified employees may work in an area containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of paragraph (d) and/or paragraph (m) of this section have been followed. If engineers, supervisors and/or inspectors have reason to be near enough to energized lines or parts to be considered qualified employees they will need the required protective apparel. Otherwise, they and warehouse personnel delivering materials should be guided by the distances in tables R-6 through R-10.

(b): The standard addresses exposed conductive articles and clothing. Hardhats meeting ANSI standards for electrical work will be acceptable. The proper apparel should be worn beneath the body harness device.

(2) Noncurrent carrying metal parts.

The requirement is that noncurrent-carrying metals parts of equipment or devices must be treated as energized unless the installation is inspected and these parts are determined to be grounded. A qualified employee may determine that the noncurrent-carrying metal parts of equipment or devices are grounded before beginning work

(3) Grounding wire under construction.

(q)(2)(iv) and (q)(2)(iv)(D) sets forth rules protecting workers from the hazard of voltage induced on lines being installed near (and usually parallel to) other energized lines. These rules, which provide supplemental provisions on grounding, would be in addition to those elsewhere in the standard. In general, when employees may be exposed to the hazard of induced voltage on overhead lines, the lines being installed must be grounded to minimize the voltage and to protect employees handling the lines from electric shock. The standard does not provide guidelines for determining whether or not a hazard exists due to induced voltage. The hazard depends not only on the voltage of the existing line, but also on the length of the line being installed and the distance between the existing line and the new one. A hazard is presumed to exist if the induced voltage is sufficient to pass a current of (1) one milliampere through a 500-ohm resistor. It is up to the employer to ensure that employees are protected against serious injury from any voltages induced on lines being installed and to determine whether the voltages are high enough to warrant the adoption of the additional provisions on grounding spelled out in paragraphs (q)(2)(iv)(A) through (q)(2)(iv)(E). (q)(2)(iv)(D) states that grounds must be installed at each work location and at all open dead-end or catch-off points or the next adjacent structure.

(4) Section (q)(2)(v) (Fall Protection).

Section (q)(2)(v) deals with reel handling equipment, including pulling and tensioning devices. It is assumed that this question was addressing paragraph (g)(2)(v) and is answered accordingly. The answer is **no** to your question of whether a body belt with a safety strap secured over a bracket, crossarm or other piece of equipment such that the safety strap cannot slide down the pole be consider "other fall protection". In addition a body harness secured by a safety strap would not be considered "other fall protection." These items are components of a personal fall arrest system. A personnel fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, a body belt or body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these. In addition 1910.269(g)(2)(i) states that personal fall arrest equipment shall meet the requirements of Subpart E of Part 1926 and provides requirements that limits the maximum arresting force on an employee to 900 pounds with a body belt and 1800 pounds if using a body harness with the maximum free fall distance limited to (6) feet. 1926.104 requires components of the fall arrest system to have a minimum breaking strength of 5,400 pounds and be secured above the point of operation to an anchorage or structural member capable of supporting minimum dead weight of 5,400 pounds. All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(5) Live Line Tool Testing?

Live line tool testing is covered under 1910.269(j). The rule provides additional

requirements for the thorough examination, cleaning, repair, and testing of live-line tools on a periodic basis. The tools would undergo this process on a two-year cycle and any time defects are noted during the daily inspection. A complete examination of the hot stick is required. After the examination, the tool must be cleaned and waxed, or it must be repaired and refinished if necessary. A test would also be required after the tool has been repaired or refinished regardless of its composition. A test would also be required after the examination if the tool is made of wood or hollow fiberglass-reinforced plastic(FRP). A test would also be required after the examination if the tool is solid fiberglass-reinforced plastic or foam-filled fiberglass-reinforced plastic tube unless the employer can demonstrate that the examination has revealed all defects that could cause the tool to fail during use. The test method used must be designed to verify the tool's integrity along its full length and, if made of FRP, its integrity under wet conditions. The test voltages are 75 kV/ft for FRP and 50 kV/ft for wood, and the voltage must be applied for a minimum of (1) one minute. Other equivalent tests are permitted. IEEE standard 978-1984 is a guide to the inspection, care, and testing of live-line tools.

(6) What kind of clothing is acceptable in this statute?

Included in the standard is a note indicating the types of clothing fabrics that the record demonstrated are hazardous to wear by employees exposed to electric arcs. Natural fabrics, such as 100 percent cotton or wool, and synthetic materials that are flame resistant or flame retardant are acceptable under the rule.

I hope these answers give you the information you requested. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

W. F. Dillon, Jr.
Assistant Commissioner for Enforcement

CC: Director, Safety Enforcement Division
Director, VOSH Training

December 20, 1994

Edward H. Cullop, Jr.
335 Willow Lawn Drive
Culpeper, Virginia 22701

Dear Mr. Cullop:

This is in response to your letter dated December 8, 1994 requesting information on requirements for apparel covered by §1910.269. You specifically asked:

I need assistance in interpreting whether or not cotton or all natural fabrics are acceptable or if treated, flame retardant materials are required.

The only fabrics specifically prohibited are: acetate, nylon, polyester and rayon unless the employer can demonstrate that they have been treated to withstand the conditions that may be encountered (§1910.269(l)(6)(iii)). Without treatment these fabrics are prohibited as an outer garment. However, if the outer shell is made of a natural fiber that is of sufficient weight, thickness or design to be capable of preventing the lining or enclosed insulation from igniting or in any way causing an increase in the extent of injury, use of these fabrics is permissible.

Thank you for your interest in safety in the work place. If you need additional information please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

May 27, 1994

H. Terry Aylor
Risk Management Instructor
Association of Electric Cooperatives
P.O. Box 2340
4201 Dominion Blvd. Suite 101
Glen Allen, Virginia 23058-2340

Dear Mr. Aylor:

This is in response to your letter dated May 17, 1994, (copy attached) requesting information on the new Electric Power Generation, Transportation, and Distribution standard (1910.269). You had several questions, the answers to which are referenced to the question number. First, I need to tell you the Virginia Safety and Health Codes Board did not adopt the standard at its April 25, 1994 meeting. The Board will consider it again at the July meeting. We understand EEI is negotiating with OSHA on various parts of the standard at this time so there may be changes to the standard based on the outcome of these negotiations.

1) Apparel Requirement section.

(a): Paragraph (j) applies to work on exposed live parts, or near enough to them to expose the employee to any hazard they present. Only qualified employees may work on or with exposed energized lines or parts of equipment and only qualified employees may work in an area containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of paragraph (d) and/or paragraph (m) of this section have been followed. If engineers, supervisors and/or inspectors have reason to be near enough to energized lines or parts to be considered qualified employees they will need the required protective apparel. Otherwise, they and warehouse personnel delivering materials should be guided by the distances in tables R-6 through R-10.

(b): The standard addresses exposed conductive articles and clothing. Hardhats meeting ANSI standards for electrical work will be acceptable. The proper apparel should be worn beneath the body harness device.

(2) Noncurrent carrying metal parts.

The requirement is that noncurrent-carrying metals parts of equipment or devices must be treated as energized unless the installation is inspected and these parts are determined to be grounded. A qualified employee may determine that the noncurrent-carrying metal parts of equipment or devices are grounded before beginning work

(3) Grounding wire under construction.

(q)(2)(iv) and (q)(2)(iv)(D) sets forth rules protecting workers from the hazard of voltage induced on lines being installed near (and usually parallel to) other energized lines. These rules, which provide supplemental provisions on grounding, would be in addition to those elsewhere in the standard. In general, when employees may be exposed to the hazard of induced voltage on overhead lines, the lines being installed must be grounded to minimize the voltage and to protect employees handling the lines from electric shock. The standard does not provide guidelines for determining whether or not a hazard exists due to induced voltage. The hazard depends not only on the voltage of the existing line, but also on the length of the line being installed and the distance between the existing line and the new one. A hazard is presumed to exist if the induced voltage is sufficient to pass a current of (1) one milliampere through a 500-ohm resistor. It is up to the employer to ensure that employees are protected against serious injury from any voltages induced on lines being installed and to determine whether the voltages are high enough to warrant the adoption of the additional provisions on grounding spelled out in paragraphs (q)(2)(iv)(A) through (q)(2)(iv)(E). (q)(2)(iv)(D) states that grounds must be installed at each work location and at all open dead-end or catch-off points or the next adjacent structure.

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Section (q)(2)(v) deals with reel handling equipment, including pulling and tensioning devices. It is assumed that this question was addressing paragraph (g)(2)(v) and is answered accordingly. The answer is **no** to your question of whether a body belt with a safety strap secured over a bracket, crossarm or other piece of equipment such that the safety strap cannot slide down the pole be consider "other fall protection". In addition a body harness secured by a safety strap would not be considered "other fall protection." These items are components of a personal fall arrest system. A personnel fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, a body belt or body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these. In addition 1910.269(g)(2)(i) states that personal fall arrest equipment shall meet the requirements of Subpart E of Part 1926 and provides requirements that limits the maximum arresting force on an employee to 900 pounds with a body belt and 1800 pounds if using a body harness with the maximum free fall distance limited to (6) feet. 1926.104 requires components of the fall arrest system to have a minimum breaking strength of 5,400 pounds and be secured above the point of operation to an anchorage or structural member capable of supporting minimum dead weight of 5,400 pounds. All safety belt and lanyard hardware, except rivets, shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(5) Live Line Tool Testing?

Live line tool testing is covered under 1910.269(j). The rule provides additional

requirements for the thorough examination, cleaning, repair, and testing of live-line tools on a periodic basis. The tools would undergo this process on a two-year cycle and any time defects are noted during the daily inspection. A complete examination of the hot stick is required. After the examination, the tool must be cleaned and waxed, or it must be repaired and refinished if necessary. A test would also be required after the tool has been repaired or refinished regardless of its composition. A test would also be required after the examination if the tool is made of wood or hollow fiberglass-reinforced plastic(FRP). A test would also be required after the examination if the tool is solid fiberglass-reinforced plastic or foam-filled fiberglass-reinforced plastic tube unless the employer can demonstrate that the examination has revealed all defects that could cause the tool to fail during use. The test method used must be designed to verify the tool's integrity along its full length and, if made of FRP, its integrity under wet conditions. The test voltages are 75 kV/ft for FRP and 50 kV/ft for wood, and the voltage must be applied for a minimum of (1) one minute. Other equivalent tests are permitted. IEEE standard 978-1984 is a guide to the inspection, care, and testing of live-line tools.

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Included in the standard is a note indicating the types of clothing fabrics that the record demonstrated are hazardous to wear by employees exposed to electric arcs. Natural fabrics, such as 100 percent cotton or wool, and synthetic materials that are flame resistant or flame retardant are acceptable under the rule.

I hope these answers give you the information you requested. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

W. F. Dillon, Jr.
Assistant Commissioner for Enforcement

CC: Director, Safety Enforcement Division
Director, VOSH Training

November 29, 1995

Danny Cronk
Rt. 3, Box 205C
Floyd, Virginia 24091

Dear Mr. Cronk:

The attached interpretations concerning wearing apparel that meets the requirements of §1926.269 have been previously issued and apply to your question about the lining of outer garments. If you need additional information please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

Attachments: Letter to Edward Cullop, Jr., dated December 20, 1994
Letter to Rappahannock Electric Cooperative, dated February 8, 1995

February 2, 1995

Brian D. O Dell
Manager of Engineering
The Harrisonburg Electric Commission
89 West Bruce Street
Harrisonburg, Virginia 22801

Dear Mr. O Dell:

This is in response to your letter dated January 23, 1995 requesting information on the requirements of §1910-269 concerning fire retardant clothing. Federal OSHA has indicated there have been numerous requests for more definitive information on the requirements of paragraph (l)(6)(iii) and is expected to issue more guidance in the future. I am enclosing a copy of four interpretations issued by Federal OSHA that addresse different aspects of the requirements.

Your specific question was: Is the requirement of this regulation met if a layer of fire retardant clothing is present under heavy cotton coveralls that have a liner or fill material that contains one of the four prohibited fabrics?

The requirements of this standard would be met if the cotton coveralls or outer garment is of at least 11 ounces per yard in weight and is designed and worn in a manner that does not expose the liner or fill material to electric arcs or flames. Federal OSHA has determined that clothing made from 100% natural cotton, 11 ounces or more in weight, does not ignite in the presence of a 12 inch long, 3800 ampere electric arc, 12 inches away and lasting 10 cycles at the power line frequency. Even without the FR clothing, the requirements will be met if the outer garment is as indicated above and the amperage is 3800 or less.

I hope this information satisfactorily answers your questions. If you require additional information, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

Enclosures

cc: Deputy Commissioner
Director, VOSH Training

January 10, 1996

Daniel P. Cronk
Rt. 3 Box 205C
Floyd, Virginia 24091

Dear Mr. Cronk:

This is in response to your letter dated January 1, 1996 requesting an opinion on the extent of injury a person might sustain under a specific condition. Specifically: Would wearing a lined Coverall or Biboverall for warmth which has an outer shell that meets the requirements of OSHA rule 1910.269, but is lined with a man made material (polyester, acetate, etc.) and that the lining is not exposed and does not contact the individual s skin, increase the extent of injury that would be sustained to an individual if they were exposed to an electrical arc?

It is not possible to provide an absolute answer to your question. There are many factors that must be considered in making such a determination. Factors such as, the amperage and size of an electric arc, the specific weight and thickness of the clothing, and the distance from the arc are among many factors to be considered. It is the employers responsibility to make a determination, based on working condition of the employee, as to what he will require in the way of clothing that will not increase the extent of injury to the employee. §1910.269(l)(6)(iii) states: The **employer** shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

The example you give may be acceptable but would have to be approved by the employer who has knowledge of the working conditions of the employee. Thank you for your interest in safety. If I can be of further assistance, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

June 26, 1997

Sandy Ball
Manager, Safety and Health
American Red Cross, Greater Richmond Chapter
409 East Main Street
Richmond, Virginia 23205

Dear Ms. Ball:

This is in response to your letter of June 10, 1997 to Mr. Richard C. Angell, which was forwarded to me for reply, inquiring about what OSHA looks for in first aid kits.

Neither VOSH nor OSHA specifies what is to be included in the first aid kit except for one specific standard. The only mandatory first aid kit contents requirement is in §1910.266 (d)(2) of the logging standard (See attached Copy). In all other cases the contents of the first aid kit are left to the discretion of the consulting physician knowledgeable of the situation and environment in which work is conducted. A consulting physician may be the private doctor of any corporate officer or partner or individual owner acting as an employer. The term consulting physician does not infer a doctor employed by or contracted by an employer. It may be any reputable doctor knowledgeable about the hazards existing in the industry and in the individual location. The consulting physician may recommend readily available off-the-shelf first aid kits.

If I may be of further assistance, please call me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Deputy Commissioner
Region Directors

MEMORANDUM

To: Jay Withrow

From: William R. Crawford
Occupational Safety Compliance Director

Subject: Contested Case Review**:** County of Fairfax, Centerville High School

Date: December 15, 1999

I have reviewed the subject case, particularly citation 1, item 4, which deals with 1910.219(c)(2)(i), guarding of horizontal shafting. Had not the employer admitted that the room containing the power transmission equipment and boiler was not locked at all times I would recommend reclassifying or vacating the citation. However, the room must be locked and only trained personnel who are aware of the hazards allowed to enter. I think too much emphasis is being placed on the room being used exclusively for power transmission equipment. I think the intent of the word exclusive is to restrict the access to the facility to infrequent visits. Since boilers do not require frequent attention, nor does power transmission equipment, I see no harm in both being in the same room as long as access is limited to trained personnel that are aware of the hazards.

ANSI B15.1a - 1986 supports this in section E3.2.3 Safe Location. If the employer will agree to training and restricted access with the room being locked at all times, this would satisfy the ANSI standard and serve as abatement without additional guards being installed on the equipment. The citation should be retained.

February 3, 1995

W. E. Stader
Safety Consulting Services, Inc.
P.O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This is in response to your letter dated January 6, 1995 requesting an opinion on the use of a foot pedal control to replace two hand controls on form machines.

No mandatory requirements exist for two hand control devices. This is just one of several ways to provide machine guarding at the point of operation. Foot pedal operation is completely acceptable when another way is available to guard the point of operation. In the photographs provided it appears that the plexiglass guard installed on the machine does protect the employee at the point of operation. It is my opinion, based on the information provided, that foot pedal operation of this machine is acceptable and meets the requirement of the standards.

I hope this information has satisfactorily answered your question. If I can be of further service, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

CC: Deputy Commissioner
Director, Vosh Training

July 27, 1995

R.C. Steele
Manager - Corp. Safety and Loss Prevention
Virginia Power
P.O. Box 26666
Richmond, Virginia 23261

SUBJECT: Overhead and Gantry Cranes

Dear Mr. Steele:

This letter is in response to your letter of May 15, 1995 and the Virginia Power letter dated July 5, 1994 requesting clarification of the Overhead and Gantry Cranes Standard, §1910.179. You are specifically concerned with (n)(3)(v) which states, "While any employee is on the load or hook, there shall be no hoisting, lowering or traveling." You submitted additional information from Lifting Technologies Inc. and an interpretation from federal OSHA for consideration.

We have reviewed the information you submitted and have discussed this with federal OSHA. We also received a more recent interpretation that may eliminate the need for a variance. The following paragraphs contain guidance for general industry employers relative to use of crane suspended personnel platforms to lift personnel. Please note that because of various safety concerns we have, we are limiting this interpretation to interior overhead or gantry cranes. We further understand that the use of your cranes to lift personnel will not be a frequent occurrence.

General Industry employers may not use an overhead or gantry crane to hoist employees **unless;**

1. the erection, use, and dismantling of conventional means of reaching the worksite is more hazardous, infeasible or impossible because of structural design or worksite conditions, and

2. the employer **totally** complies with **all** requirements of §1926.550(g).

If a general industry employer **fully** meets the preceding criteria, any violations of applicable general industry standards, relative to lifting personnel with overhead or gantry cranes, will be considered de minimis in nature.

As has been communicated to you in previous correspondence, we consider the exception in 1. above to be very difficult to meet because you must demonstrate that the erection, use, and dismantling of conventional means to get employees to the work area would be more hazardous, infeasible, or impossible than using your overhead cranes.

Since we have not inspected the sites where you wish to use an overhead crane for personnel lifting, this letter should not be interpreted as our approval of your determination that the requirements in 1.and 2. have been met. That is your decision and responsibility unless you wish to request a variance, in which case we would conduct a variance inspection.

If you have other questions or if I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

CC: Deputy Commissioner
Director, Discrimination, Evaluation, Legal and Technical Assistance
Director, VOSH Training
Region Supervisors, Safety Enforcement Division,
Supervisor, Consultation Services

November 26, 1990

Mr. James Calvert
Babcock and Wilcox
P.O. Box 785
Lynchburg, Virginia 24505

Dear Mr. Calvert:

You requested an interpretation of Standard 1910.179 as it pertains to the inspection of gantry crane rope. You wanted to know if all the rope had to be inspected including that on the drum which is not unrolled during use of the crane.

1910.179(m)(1) Running Ropes states: "A thorough inspection of all ropes shall be made at least once a month and a certification record which includes the date of inspection, the signature of the person who performed the inspection and an identifier for the ropes which were inspected shall be kept on file where readily available to appointed personnel.

"1910.179(m)(2) Other Ropes states: "All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is used.

"Both paragraphs refer to a "thorough" inspection of "all" ropes. This is interpreted to mean that all the rope must be observed. Federal OSHA concurs in this interpretation and suggests that the rope be removed from the drum down to the last two or three turns so the entire rope and end connections can be inspected. If I can be of any further assistance please contact me.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

June 1, 1994

Melba F. Spencer
Personnel Manager
JPS Elastomerics Corp.
P.O. Box 389
Stuart, Virginia 24171-0389

Dear Ms. Spencer:

This is in response to your letter dated May 9, 1994 requesting information on powered industrial trucks. You stated that you use electric forklift trucks for loading and unloading trucks at the dock and for moving material within the plant. Your questions are shown below with the answer following each question:

Q: 1. "Is it required that each time they leave the lift and are more than 25 feet from it, the key be removed"?

A: 1910.178(m)(5)(i) states that when the powered industrial truck is unattended (operator more than 25 feet away) the power will be shut off and the brakes set. The key does not need to be removed. In fact some powered industrial trucks do not have a key. Removal of the key (if equipped) would be a local company policy.

Q: 2. "Is it required that each lift be equipped with seat belts and used by each operator, even though they might not be on the lift but a couple of minutes"?-

A: VOSH's position is that employers are obligated to require operators of <u>all</u> powered industrial trucks, equipped with what the American National Standard Institute (ANSI) refers

to as "restraint devices", to use the devices.

This position is based on the fact that powered industrial trucks generally tend to "tip-over" onto their sides rather than fully rolling over. It is not uncommon for "tip-overs" to occur. However, there is not a specific VOSH Standard that requires use of "restraint devices". Therefore, the only way employers can be required to enforce the use of such devices is under §40.1-51.1 of the Code of Virginia. This section of the Code requires employers to protect employees from serious and recognized hazards. Recognition of the hazard of "tip-overs" and the need for the use of "restraint devices" is evidenced by certain requirements in the current ANSI standard (ANSI B56.1-Standard for Powered Industrial Trucks) for powered industrial trucks. Powered industrial truck manufacturers and users determine what requirements are incorporated into this standard. There is a requirement that operators of powered industrial trucks, equipped with "restraint devices", use the devices. There is also a requirement that all powered industrial trucks built after 1992 be equipped with "restraint devices".

VOSH's position, on employers who have powered industrial trucks not equipped with "restraint devices", is that employers should strongly consider obtaining and installing such devices. Any such devices must be designed or approved by the manufacturer of the powered industrial truck. Several manufacturers provide restraint devices for older models of their trucks.

It should be noted that "restraint devices" are not "seat belts" although they share some of the same characteristics and they may look somewhat like a seat belt. Seat belts are primarily meant to restrain the torso of an operator but are not designed to protect against injuries that can be sustained during a "tip-over" of a powered industrial truck. "Restraint devices" are designed to constrain the body in such a way so as to protect it from injury during a "tip-over". Restraint devices" protect the operator from injury regardless of whether a vehicle is equipped with an overhead guard.

I hope this provides you with the information you requested. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

CC: Assistant Commissioner for Enforcement
Director, VOSH Training
Safety Region Supervisors

June 25, 1997

James R. Allison
Long-Airdox Company
RR 3, Box 1050
Cedar Bluff, Virginia 24609-8977

Dear Mr. Allison:

This is in response to your June 16, 1997 letter to Edward Yuhasz, which was forwarded to me for reply, concerning foam filled tire wheel units for forklifts. You specifically asked if your company can use foam filled tire wheel units on forklifts that have the lock ring tack welded in place.

The Virginia Occupational Safety and Health (VOSH) program has no standard that prohibits tack welding foam filled tire wheel units. VOSH standard §1910.177(f)(9) and (11) indicate that welding on the wheel is not permitted. However, this standard applies to pneumatic tires and wheels that are under pressure and can explode if weakened by heating or welding. Foam filled tires do not pose this explosive hazard. The intention of the standard is to prevent welding of rim fractures and unauthorized repair of rims or components. Because of the lack of air pressure on foam filled tires the lock ring may separate from the wheel if not secured. Tack welding is a satisfactory procedure since it localizes the heat to a small area and there is no air pressure on the lock ring.

Additionally, some wheel and tire manufacturers are recommending tack welding the lock ring on foam filled tires. This procedure will result in a throw-away tire and rim assembly as indicated in the letter you provided from Titan Wheel Company. VOSH policy is, if equipment is maintained and operated in accordance with the manufacturers specifications or recommendations, no citations will be issued. In this case Titan Wheel Company endorses the procedure.

I hope this information is helpful. If I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford

cc: Commissioner
Deputy Commissioner
Region Directors
Consultation Services Supervisor
Edward Yuhasz

March 11, 1997

Lloyd Sholes
Safety and Training Services Manager
Association of Electric Cooperatives
P.O. Box 2340
Glen Allen, VA 23058

Dear Mr. Sholes:

This response is to your letter of March 4, 1997 requesting an interpretation of 1910.269 (m)(3)(ii) and 1926.950(d)(1)(ii)(b), de-energized lines and equipment for employee protection.

Q. Does a three single switch blade under the same device number need a tag on each blade if these single blades, under a single device number would be in the same position, at all times, either all three in the closed position or all three in the open position and would a tag on the center blade be sufficient or are tags on each blade and the device required?

A. A tag is to be placed on each of the single switch blades.

This answer is based on information provided by you on March 11, 1997 to Warren Rice, of my staff, that if one of the blades is closed, current will flow through the switch. Furthermore every effort shall be made to prevent the accidental closure of these switches during maintenance operations where employees are affected.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: Deputy Commissioner
Regional Directors

October 10, 1997

A. Lee Stallard
Safety Specialist
ICI Polyester
P.O. Box 411
Hopewell, Virginia 23860

Dear Mr. Stallard:

This letter is in response to your September 15, 1995 request for clarification of §1910.147 regarding equipment-specific procedures for multiple point lockout-tagout (LOTO).

As you know, Virginia is one of the states that operate their own Occupational Safety and Health program and as such are required to be as effective as federal OSHA s program. In doing so, we usually adopt federal identical standards and honor interpretations of those standards published by federal OSHA.

You identified several federal OSHA documents that address the provisions of §1910.147 that pertain to comprehensive (generic) energy control procedures with supplemental checklists. Virginia recognizes and honors these interpretations. As outlined in the August 14, 1991 memorandum from Patricia K. Clarke and the April 10, 1991 letter it references (attached), pre-written specific procedures are not required for each energy control device if the company provides acceptable **specific** operational procedures within a work authorization permit, which is used as part of an appropriate set of generic procedures.

The more recent interpretations dated August 12, 1994 and September 19, 1995 (attached) further support that pre-written **machine-specific** LO/TO procedures are not required in all circumstances.

Thank you for your interest in Occupational Safety and Health. If I may be of further assistance, please contact me at (804) 786-2391 or Warren Rice of my staff at (804) 786-7984.

Sincerely,

William R. Crawford
Director, Safety Compliance

CC: Deputy Commissioner
Region Directors/Compliance Managers
Supervisor, Consultation Services
Office of Legal Support

February 20, 1996

Donald Joyce
President
Mühlbauer High Tech International
725 Middle Ground Boulevard
Newport News, Virginia 23606

Dear Mr. Joyce:

This is in response to your letter dated February 9, 1996 requesting an interpretation of §1910.147 as it applies to your machine (Mühlbauer CP 2000/4-BSB). The information you provided indicates that two standards apply to your machine (§1910.147 The control of hazardous energy (lockout/tagout) and §1910.212 General requirements for all machines (machine guarding).

To comply with the machine guarding requirement all machines must protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips, and sparks. Electronic safety devices are one of the types of guards permitted. Since your machine is computer controlled and will not operate with the access doors open it meets this requirement for machine guarding.

The two functions of production operations and servicing and maintenance of machines must be considered regarding lockout/tagout requirements. §1910.147(a)(2)(i) states This standard applies to the control of energy during servicing and/or maintenance of machines and equipment. Since standard service of your machine requires lockout of the power source and when service and maintenance people use the service key to cycle individual components they are not dealing with **unexpected** energy releases, you have met the requirement for lockout/tagout for service and maintenance.

§1910.147(a)(2)(ii) states that normal production operations are not covered by this standard unless an employee is required to remove or bypass a guard or other safety device; or is required to place any part of his or her body into an area on a machine or piece of equipment

where work is actually performed upon the material being processed. The exception to this is that minor tool changes and adjustments, and other minor servicing activities, which take place during normal production operations, are not covered by this standard if they are routine, repetitive, and integral to the use of the equipment for production, provided that the work is performed using alternative measures which provide effective protection. Your machine meets this requirement with the computer controlling the opening of the access doors and preventing machine operations while the door remains in the open position.

Thank you for your interest in workplace safety and the many features built into your machine. Please keep a copy of this letter available to present to any Occupational Safety and Health Compliance Officer that may question compliance to these two standards as they are addressed above. If I can be of further assistance please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: C. Letellier, Consultation Services Supervisor

December 20, 1994

Billie Moore, R.N.
Manager, Safety and Medical Services
Tultex Corporation
PO Box 5191
Martinsville, Virginia 24115

Dear Ms. Moore:
This is in response to your letter dated November 15, 1994, received by fax December 20, 1994 requesting information on the lockout/tagout standard. Your question:

Do sewing machine and knitting machine mechanics have to lockout and tagout machines when they are working on them?

Yes, if employees can be injured due to the unexpected energization or start up of the machines or release of stored energy. However, if the machines are cord and plug connected the operations may not be covered by the lockout/tagout standard provided the requirements set forth at §1910.147(a)(2)(iii)(A) are met.

I hope this information is helpful, if you need any additional information please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

September 17, 1997

W. E. Stader
President
Safety Consulting Services, Inc.
25 Franklin Road
P.O. Box 13968
Roanoke, VA 24038

Dear Mr. Stader:

This letter is in response to your letter of May 2, 1997, with regards to crawl spaces being considered confined spaces in residential construction.

There are several considerations to be made when applying the confined space standard to a crawl space. First, there has to be a determination as to whether the person entering the space is conducting construction or maintenance on the structure. This would dictate which standard to use, such as the Virginia specific standard on confined spaces in construction, or §1910.146, Permit Required Confined Spaces for general industry. Second, it has to meet the three criteria outlined in the standard to be considered a confined space:

1. Having a limited means of an ingress/egress, **and**
2. Having the potential for engulfment, e.g., solid, liquid, gas or fine particulate matter, **and**
3. Not designed for continuous human occupancy.

How easily a worker can enter and exit a space is affected by both the size and type of ingress/egress point. Even if the doorway or portal does not impede an ingress/egress, if it is difficult to reach the doorway or portal due to physical constraints, e.g., piping, duct work or conduits then the crawl space would be a confined space.

If a confined space exists, then a determination needs to be made if the space is a non-permit or permit required confined space. The preamble to the standard (see page 6 & 7 of the attached) discusses a drop ceiling area when ascertaining the type of permit space. The same guidance

should be followed for ascertaining whether a crawl space is a non-permit or permit required confined space, e.g., a space having natural or mechanical ventilation to prevent the accumulation of a hazardous atmosphere, and where other hazards are not present is not permit required. Unlike drop ceiling or attic areas, crawl spaces in single, multifamily and commercial buildings contain utility service lines, e.g., water, natural gas, fuel oil, sewage, steam and electric power which pass through them. If these utility services do not terminate at end use equipment in the crawl space, the inherent hazards of the material flowing through the service lines do not have to be considered in the permit space determination unless there is a reason to believe there is a reasonable probability of a rupture or leak where the contents of the piping would cause serious safety or health hazards

If you need further information please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Compliance Programs

cc: Deputy Commissioner
Regional Directors
File

MEMORANDUM

To: Clarence B. Brooks
Compliance Manager

From: William R. Crawford
Safety Compliance Director

Subject: Fire Brigade Standard

Date: August 12, 1997

This is in response to your memorandum of August 8, 1997, in which you requested, on behalf of Mr. Dave McDaniel consultant for the Reynolds Metals Company, Grottoes Plastics Plant, interpretations of several sections of VOSH s Fire Brigade Standard (§1910.156) concerning the use of self-contained breathing apparatus while fighting incipient stage fires.

Referencing an OSHA Interpretation dated April 9, 1990, (see attachment A) in the first paragraph OSHA defines an incipient stage fire as a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus. In the second paragraph the interpretation further states that incipient stage fire brigade members are not to enter environments such as **smoke-filled and toxic-filled environments** where protective clothing or breathing apparatus are required. The seventh paragraph states that **where small fires have the capacity to emit toxic fumes, the employer may go beyond OSHA requirements and provide his incipient fire brigade members training and protective equipment equal to or greater than that which is required by the members of a structural fire brigade.**

The answer to Mr. McDaniels first concern of using the SCBA for the Hydrochloric Acid fumes and not for the incipient stage fire is answered in the second paragraph of the interpretation as explained in the above paragraph. The second concern of Mr. McDaniel is allowing a company to provide protective equipment to incipient stage fire fighters while fighting small fires that have the capacity to emit toxic fumes. The company must outline the procedures for protecting the incipient stage fire brigade members with regards to toxic fumes, e.g., Hydrochloric Acid, while fighting incipient stage fires in the organizational statement of the fire brigade. The fire brigade members do not have to be classified as structural fire brigade members but the organizational statement must outline the personal protective equipment used and training provided to the fire brigade members which would be commensurate to that of structural fire brigades, e.g., training in the use of personal protective equipment quarterly instead of annually and if SCBA is used that the company follows the pertinent requirements of 1910.134

Respiratory Protection with emphasis on a physician s statement of health for users of SCBA s and training in the proper procedures for donning and doffing SCBA s as well the requirements of the two-in/two-out for fire brigade members entering atmospheres which are IDLH.

Mr. McDaniels statement that if an employee is fighting a trash can fire which is not producing a large amount of heat or smoke and is joined by a fire brigade member with a respirator on, then the first employee must stop and let the fire burn is false. This would only be true if the first employee is exposed to a toxic atmosphere while fighting the fire. It must also be made clear that during incipient or structural firefighting Positive Pressure Self Contained Breathing Apparatus is the only respiratory protection recognized and not the wearing of a fume or particulate type respirator.

The last concern of Mr. McDaniel s was that if a person working in an area that requires respiratory protection on an ongoing basis could never use a fire extinguisher unless he or she was a full fledged fire brigade member is also false. Persons can be trained in the use of fire extinguishers without them being fire brigade members and the respirator would have no bearing if they vacated the area when high heat, dense smoke or toxic fumes became present.
If you have additional questions concerning this matter, please call me at 804/786-2391 or Warren E. Rice of my staff at 804/786-7984.

cc: Region Directors
Compliance Managers
File

September 17, 1993

Patricia H. Falls
Executive Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Dear Ms. Falls:

This is in response to your recent letters to Assistant Commissioner Dillon on September 1 and 8, 1993. You requested information on two subjects: (1) Steel Toe Shoes and (2) a Safety Alert on Contact Lenses.

1. You provided a copy of a flier that alleged a safety hazard when wearing contact lenses when exposed to electrical arcing or sparking. This is something that comes up from time to time as you can see from the attached copy of a 1983 newspaper clipping. I have attached information that shows medically there is no more of a hazard from electrical arcing with contact lenses than there is without them. Proper eye protection (ANSI Z87.1 - 1968) from the arc must be worn in either case. I have also attached Federal OSHA's interpretation on the use of contact lenses during welding operations.

2. Your second question was whether steel-toed and steel-shanked "tennis" shoes are acceptable on construction sites. Steel-toed tennis type shoes are acceptable providing they meet ANSI Z41 - 1967 requirements. As a practical matter, if the employer is providing the "tennis" type shoe, it would probably be more cost efficient to purchase a more durable leather shoe that last longer under conditions found on construction sites. The shoe should have a label, usually on the inside, showing its conformance with ANSI Z41 - 1967.

I hope this information is helpful. If I can be of any further help please call me at 804-786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

Attachment

CC: Assistant Commissioner for Enforcement
Safety Enforcement Region Supervisors

September 17, 1993

Patricia H. Falls
Executive Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Dear Ms. Falls:

This is in response to your recent letters to Assistant Commissioner Dillon on September 1 and 8, 1993. You requested information on two subjects: (1) Steel Toe Shoes and (2) a Safety Alert on Contact Lenses.

1. You provided a copy of a flier that alleged a safety hazard when wearing contact lenses when exposed to electrical arcing or sparking. This is something that comes up from time to time as you can see from the attached copy of a 1983 newspaper clipping. I have attached information that shows medically there is no more of a hazard from electrical arcing with contact lenses than there is without them. Proper eye protection (ANSI Z87.1 - 1968) from the arc must be worn in either case. I have also attached Federal OSHA's interpretation on the use of contact lenses during welding operations.

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I hope this information is helpful. If I can be of any further help please call me at 804-786-2391.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

Attachment

CC: Assistant Commissioner for Enforcement
Safety Enforcement Region Supervisors

January 31, 1995

Allen Dougherty
Human Resource Manager
Joy Technologies Inc.
P.O. Box 256
Duffield, Virginia 24244

Dear Mr. Dougherty:

This is in response to your letter dated December 21, 1994, which you faxed to me on January 19, 1995. I apologize for the delay; however, the original letter was never delivered. You wanted to know if JOY Technologies is required to pay the full cost of safety shoes with metatarsal guards.

We have interpreted payment of personal protective equipment (PPE) by the employer to apply to items of specialized equipment that have no utility away from the work place. Metatarsal guards had, in the past, been considered specialized and used only in the work place. However, the examples of technologically advanced safety shoes with built-in metatarsal guards, provided with your letter, suggest this interpretation may no longer be valid. As recently as January 30, 1994 Mr. Stanley, whom you reference in your letter, said that the interpretation issued on October 18, 1994 needs to be clarified regarding metatarsal safety shoes.

I expect additional guidance from Federal OSHA on this subject. However, the policy described in your letter that JOY Technologies is currently following seems reasonable and will not be considered a violation of Virginia Occupational Safety and Health (VOSH) standards under current interpretation of OSHA policy.

I hope this information is helpful. If I can be of further assistance, please contact me at (804)-786-3291.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

cc: Deputy Commissioner

February 13, 1995

Bart Johnson
Loss Control Administrator
City of Newport News
2400 Washington Avenue
Newport News, Virginia 23607

Dear Mr. Johnson:

Thank you for the letter dated February 6, 1995 requesting information about which standards cover your operations. Horticultural operations, specifically tree trimming, fall under the category of General Industry and are covered by VOSH §1910 standards and the Overhead High Voltage Line Safety Act. Also, you are required to follow the American National Standards Institute(ANSI) standard ANSI Z133.1-1988 (copy attached).

This determination is based on the Standard Industrial Classification Code 0783 that applies to: Tree trimming for public utility lines; Ornamental trees: planting, pruning, bracing, spraying, removal and surgery; and Utility line tree trimming services.

Specific standards that apply to your activity include §1910.132, 1910.133, 1910.135, 1910.136 and 1910.138 for personal protection; §1910.242 and 1910.243 for portable hand tools; §1910.212 for machine guarding; §1910.268 if working near telecommunications lines; and §1910.269(r) for electric power lines; and the Virginia Overhead High Voltage Line Safety Act. It should be noted that there may be differences in the approach distances to high voltage lines in the various standards and the Virginia High Voltage Line Safety Act and that the greatest (most stringent) distance takes precedence.

There may be other portions of §1910 standards that apply based upon the situation and equipment used. However, these are the most likely standards that apply. I hope this information is helpful. If I can be of further assistance, please contact me at 804-786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

Enclosures

c: Deputy Commissioner

September 5, 1996

Lieutenant Ray Bristow
Office of the Fire Chief
City of Salem
105 South Market Street
Salem, Virginia 24153-0869

Dear Lieutenant Bristow:

This letter is in response to your letter of July 15, 1996 to the Federal Occupational Safety and Health Administration regarding firefighting staffing and fire stations in an urban setting.

As Paula White s letter of August 23, 1996 to you states, Virginia operates a State Plan. Virginia Occupational Safety and Health (VOSH), under the Department of Labor and Industry is responsible for the occupational safety and health of working men and women throughout the Commonwealth of Virginia. Although federal OSHA does not cover state and local government in the Occupational Safety and Health Act of 1970, Virginia has included public sector employees in their State Plan at the federal government s recommendation. Virginia has adopted standards which are identical to or at least as effective as federal OSHA standards as required by the OSHA Act.

Regarding your questions on staffing and fire stations the answers are as follows:

Question 1: Does OSHA suggest staffing levels?

Answer: No, OSHA standards do not directly state that a fire station or apparatus responding to an emergency have a dedicated number of persons at any given time. However, there are standards which require an employer to have back up persons available when individuals enter an immediately dangerous to life or health (IDLH) atmosphere, e.g., 1910.134(e)(3)(ii) of the respiratory standard and 1910.120(q)(3) of the hazardous waste site and emergency response standard. The OSHA fire brigade standard, 1910.156(f)(1)(ii), requires that persons sent into structures to fight fires must be equipped with a self-contained breathing apparatus which conforms to the respiratory standard 1910.134.

Question 2: Does OSHA suggest staffing levels based on X number of firefighters per 1000 populations?

Answer: No, OSHA does not dictate to an employer how many persons are needed to accomplish a task. There are other nationally recognized consensus standards such as the National Fire Protection Association (NFPA) standards which localities may adopt. There are also insurance organizations such as ISO which recommend the number of firefighters and fire stations required for proper coverage of a given locality.

Question 3: Does OSHA suggest the number of fire stations based on square miles of coverage?

Answer: No, as explained in question 2, there are other organizations which localities utilize to achieve proper fire protection of a given locality.

The OSHA Act also allows the use of a General Duty Clause which gives the federal and state compliance programs the ability to use specific nationally-recognized consensus standards such as NFPA and American National Standards Institute (ANSI).

VOSH has established an AD HOC committee consisting of representatives of the Virginia Fire Chief Associations, Municipal League, Volunteer Firefighters Associations, Professional Firefighters Associations, the Department of Fire Programs and the Department of Emergency Services. This committee will evaluate emergency response practices and other safety issues surrounding fire and emergency response organizations and will assist VOSH in developing sound compliance directives for those organizations. If you have issues which need to be brought before the AD HOC committee, you may contact one of these organizations.

Please let me know if you need additional information.

Sincerely,

William R. Crawford, Director
Occupational Safety Compliance Division

cc: Commissioner
Deputy Commissioner
File

July 28, 1994

Patricia H. Falls
Executive Vice President
Firstline Safety Management Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Dear Ms. Falls:

This is in response to your letter dated June 27, 1994 requesting information on safety cans. You wanted to know if safety cans were required for diesel fuel and kerosene.

The answer is almost always yes. The flash point and quantity are the determining factors for the type container to be used. The National Fire Protection Association (NFPA) shows the flash point for diesel to be between 100°F and 125°F and for kerosene between 100°F and 162°F, depending upon the grade. The material safety data sheet (MSDS) for the product would be the source of the flash point. Both general industry and construction standards require metal safety cans for flammable and combustible liquids.

§1910.106(a)(18) & (19) define "combustible liquid" and "flammable liquid" and the various classes of liquids within each category. A combustible liquid is any liquid having a flash point at or above 100°F. A flammable liquid is any liquid having a flash point below 100°F. Both kerosene and diesel fuel have a flash point at or above 100°F making them a combustible liquid. §1910.106(d)(2) and table H-12 cover the requirements for containers in general industry.

For the construction industry, §1926.152(a) requires the use of safety cans for flammable liquids in quantities in excess of one gallon. §1926.155 defines combustible liquid and any liquid having a flash point at or above 140°F and below 200°F. Flammable liquid is any liquid having a flash point below 140°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute)at 100 deg. Therefore, unless the product has a flash point greater than 140°F, a safety can would be required for the construction industry.

I hope this information is helpful. If I can be of any further assistance, please call me.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

CC: Deputy Commissioner
Region Supervisors, Safety Enforcement Division
Director, VOSH Training Division

August 9, 1993

Thomas B. Taylor
Secretary/Treasurer
S. R. Jones, Jr. and Sons, Inc.
Star Route 1 Box 90
Gasburg, Virginia 23857

Dear Mr. Taylor:

This addresses your letter dated July 15, 1993, to the United States Department of Labor, OSHA, pertaining to containers for gasoline. The Commonwealth of Virginia is responsible for regulating the Occupational Safety and Health Standards in Virginia; therefore, your letter was referred to this agency to respond.

In order for a state to enforce its own Occupational Safety and Health Program it must meet certain requirements, one of which is to be at least as effective as the Federal OSHA. As a result, almost all of Virginia's standards are the same as used by Federal OSHA to include 1910.106 that covers gasoline containers.

Your concern for the safety of your employees is also our concern and the concern of the United States Department of Labor. It is also the concern of the National Fire Protection Association (NFPA) and the American National Standards Institute (ANSI) that have developed National consensus standards and safety codes. There are both standards and safety codes that address Safety Cans used for flammable liquids. It has been found that a properly designed and maintained Safety Can is significantly safer than the unapproved cans permitted many years ago.

A Safety Can is defined as: An approved (by a national laboratory) container of not more than 5 gallon capacity having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure (see attached diagram). If a can left in the sun develops enough internal pressure, it will leak past the spring loaded combination fill opening and relief vent. Opening the vent slowly before attempting to pour from the can will prevent

a sudden release of gasoline and the possibility of splashing on an employee.

Thank you for your interest in employee safety and a safe workplace. I hope this information has been helpful and if I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

William R. Crawford
Director
Occupational Safety Enforcement Division

CC: Assistant Commissioner for Enforcement

May 13, 1994

Patricia H. Falls
Executive Vice President
Firstline Safety Management, Inc.
P.O. Box 230
Lovettsville, Virginia 22080

Dear Ms. Falls:

This is in response to your letter dated April 12, 1994 requesting information concerning the logging industry. I apologize for the delay in providing the requested information. You had several questions that are restated below:

1. Q: "Do the contractors have to comply with bloodborne pathogens?"
   A: Logging comes within the general industry classification (SIC 24) and therefore the standards for bloodborne pathogens apply.

2. Q: "Does the hearing conservation program including written and base line testing required?"
   A: §1910-95 requires a conservation program and baseline and annual testing when employees are exposed to a time weighted average of 85 decibels. The program does not have to be written.

3. Q: "Is the complete respiratory program including pulmonary and safe fitting required?"
   A: §1910.134 outlines a minimum acceptable respiratory protection program. The determination as to whether a program is required is the responsibility of the employer based on the existing conditions. It is unlikely that respirators would be required in most logging operations.

4. Q: "Is a snake bite kit required in all logging First Aid Kits?"
   A: §1910.266(c)(vii) requires a snake bite kit be included in first aid kits when working in areas where poisonous snakes exist. Federal OSHA has no interpretation of the standard that exempts this. Federal OSHA did provide information from a Red Cross book (attached) that states you should use a snake bite kit when professional medical care cannot be provided within 30 minutes. Furthermore, you should not cut the wound but suction the puncture with the snake bite kit if professional medical care is not started

within 30 minutes. Therefore, it will be a violation of VOSH standards if the first aid kit does not contain a snake bite kit. The conditions will dictate the classification of the violation. If logging operations were in an area that allowed quick access to professional medical care it would be considered a de minimis violation. However, if the location was remote and/or without transportation, the violation may be considered as serious.

5. Q: "What type of field sanitation is required such as port-a-johns and portable handwashing facilities?"
   A: §1910.141 covers sanitation requirements for general industry and does not specify types of equipment as long as they provide the required service. Handwashing for example, may be accomplished several ways as long as potable water and soap are used. The requirement for toilet and handwashing facilities does not apply to mobile crews or to unattended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the requirements of the standards.

I hope this information is helpful. If I can be of further assistance please contact me.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

CC: Assistant Commissioner for Enforcement
Director, Health Enforcement Division
Safety and Health Enforcement Supervisors
Director, VOSH Training

March 17, 1997

Mary A Riach
General Manager
Humphrey Manlift Company, Inc.
P.O. Box 385
Faribault, Minnesota 55021

Dear Ms. Riach:

This reply is in response to your letter of December 30, 1996 to Mr. Jay Withrow with the Virginia Department of Labor and Industry. I apologize for the delay in responding to your request.

The federal OSHA standard you reference has been adopted and enforced in Virginia identically as §1910.68 and the ANSI Standard referenced in the standard is ANSI A90.1969 Safety Code for Manlifts.

Enclosed is a copy of the referenced standard you requested. If I may be of further assistance please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: file

September 17, 1997

Mary A Riach
General Manager
Humphrey Manlift Company, Inc.
P.O. Box 385
Faribault, Minnesota 55021

Dear Ms. Riach:

This reply is in response to your letter of December 30, 1996 to Mr. Jay Withrow with the Virginia Department of Labor and Industry. I apologize for the delay in responding to your request.

The federal OSHA standard you reference has been adopted and enforced in Virginia identically as §1910.68 and the ANSI Standard referenced in the standard is ANSI A90.1969 Safety Code for Manlifts.

Enclosed is a copy of the referenced standard you requested. If I may be of further assistance please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: file

July 20, 1995

Richard R. Waddell
Manager, Safety, Health and Environment
Jewel Coal & Coke Company
P.O. Box 70
Vansant, Virginia 24656

Dear Mr. Waddell:

This is in response to your July 11, 1995 request for an interpretation of the Virginia Occupational Safety and Health standards pertaining to the use of a crane mounted personnel platform to lift personnel while performing repair and maintenance functions. You provided information on two options your company is considering for purchase; the Grove AT1100 crane with personnel platform and the Simon self-leveling platform. Both systems are acceptable.

When the personnel platform is attached to the boom of a vehicle-mounted crane, the device is covered by 1910.67, vehicle-mounted elevating and rotating work platforms, or 1926.556, aerial lifts. These paragraphs require upper and lower controls for extensible and articulating boom platforms which are primarily designed as personnel carriers. OSHA has reviewed these standards and have concluded that 1910.67 (c) (2) (ix) and 1926.556 (b) (2) (ix) apply only if the lifting of personnel is a routine function of the crane (i.e., one of primary uses). Under such circumstances, the crane and attached platform as a combined unit must be equipped with upper and lower controls. The standards do not address non-routine attachment of accessory platforms to extensible or articulating booms for the purpose of positioning employees.

Although upper controls are not always required, OSHA believes that there are certain conditions under which the use of an aerial lift without upper controls is unsafe. If work is required to be performed from a personnel platform near energized power lines, moving or rotating components of equipment, or other hazardous locations where precise control of the platform is necessary to eliminate or reduce hazards to employees, the absence of upper controls might result in a citation under the Virginia Code.
If I can be of further assistance please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

July 8, 1997

Richard E. Barrett, Sr.
President
B C Wood Products, Inc.
11364 Air Park Road
Ashland, Virginia 23005

RE: Inspection Number 126633635 dated 12 February 1997

Dear Mr. Barrett:

This is in response to your letter to Commissioner Bell requesting a permanent variance to §1910-24(b) which was forwarded to me for the reply. I apologize for the delay in this reply.

I have reviewed your letter and the photographs attached and have concluded that you do not require a variance to the standard. It is my interpretation of §1910.24(b) that you are now in compliance with the standard for the following reasons:

a. Even though the standard states, Fixed stairs shall be provided for access from one structure level to another where operations require regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. The standard also states, It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.

b. VOSH standard §1910.23(c)(2) further states that, Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have railings on one side omitted where operating conditions necessitates such omission, providing the falling hazard is minimized by using the runway of not less than 18" wide. This is interpreted to apply to filling the nail bowl of the Viking Nail Machine.

c. Furthermore, §1910.30(b)(3) requires that wood platforms used on the floor in front of machines shall be substantially constructed. This appears to be the case with your

platform. Also, based on the photographs provided, fixed stairs may present a greater hazard to your operations than the fixed ladder.

A copy of this letter is being provided to Mr. Richard Angell who will contact you concerning your inspection and the settlement of the case. Please keep a copy of this letter on file to show that your platform has been reviewed and found to be in compliance.

Thank you for your interest in safety and if I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Region Directors/Compliance Managers
Mr. Richard Angell
Supervisor, Consultation Services
File

February 15, 1994

W. E. Stader
Safety Consulting Services, Inc.
P.O. Box 13968
Roanoke, Virginia 24038

Dear Mr. Stader:

This is in response to your letter dated January 5, 1994 requesting information on Modular Home manufacturing. You specifically requested our thoughts on how to provide fall protection while workers install shingles on the roofs of modular homes.

I am unable to specifically recommend any one method of providing fall protection without knowing more about the physical characteristics of the facility in which work is being conducted. In similar manufacturing facilities where mobile homes or modular homes are assembled we have noted some of the following methods in use:

a. Mobile scaffolds that have a platform at the height of the roof edge and when moved up against the side of the unit, provide a working platform as well as fall protection. These are similar in principle to those used in the manufacture of large aircraft and can be moved away when not needed.

b. A line (sometimes called catenary line, life line, or static line) extended along the long axis of the modular home and above the peak of the roof to which the employee can connect his lanyard.

c. A motion stopping safety system (MSS) that works from an automatic reel and cable to which the employee is connected by way of a lanyard and belt.

d. One other procedure we have seen is to fabricate the roof on the floor of the shop, raise it above the walls of the unit, move it horizontally into place, and lower it onto the modular unit.

These are only a few examples of fall protection techniques used in manufacturing modular

homes. I hope this information is helpful. If I can be of any further assistance, please contact me.

Sincerely,

William R. Crawford
Director, Safety Enforcement Division

CC: Assistant Commissioner for Enforcement
Region Supervisors, Safety Enforcement Division
Supervisor, Consultation Services

March 3, 1997

Jimmy A. English
Building Official/Safety Coordinator
City of Bedford
P.O. Drawer 807
Bedford, VA 23563

Dear Mr. English:

This response is to your letter of January 23, 1997, referencing the minimum dimensions of the roof access ladder at the Bedford Middle School. I apologize for the delay.

Although the dimensions do not fall into the clearances allowed by the standard, it appears that the use of this ladder would not create a direct or immediate relationship to safety or health. Therefore, a de minimis violation is allowed concerning this ladder. It is recommended that employees who are required to use this ladder receive training in the proper climbing with regards to the close areas around the access ladder. I also suggest you affix a sign or label warning that the ladder does not meet minimum dimensions.

If you need further assistance please call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

July 8, 1997

Richard E. Barrett, Sr.
President
B C Wood Products, Inc.
11364 Air Park Road
Ashland, Virginia 23005

RE: Inspection Number 126633635 dated 12 February 1997

Dear Mr. Barrett:

This is in response to your letter to Commissioner Bell requesting a permanent variance to §1910-24(b) which was forwarded to me for the reply. I apologize for the delay in this reply.

I have reviewed your letter and the photographs attached and have concluded that you do not require a variance to the standard. It is my interpretation of §1910.24(b) that you are now in compliance with the standard for the following reasons:

a. Even though the standard states, Fixed stairs shall be provided for access from one structure level to another where operations require regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. The standard also states, It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.

b. VOSH standard §1910.23(c)(2) further states that, Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have railings on one side omitted where operating conditions necessitates such omission, providing the falling hazard is minimized by using the runway of not less than 18" wide. This is interpreted to apply to filling the nail bowl of the Viking Nail Machine.

c. Furthermore, §1910.30(b)(3) requires that wood platforms used on the floor in front of machines shall be substantially constructed. This appears to be the case with your

platform. Also, based on the photographs provided, fixed stairs may present a greater hazard to your operations than the fixed ladder.

A copy of this letter is being provided to Mr. Richard Angell who will contact you concerning your inspection and the settlement of the case. Please keep a copy of this letter on file to show that your platform has been reviewed and found to be in compliance.

Thank you for your interest in safety and if I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Region Directors/Compliance Managers
Mr. Richard Angell
Supervisor, Consultation Services
File

March 31, 1997

Robert Ehrhart
Project Engineer
Virginia Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060

Dear Mr. Ehrhart:

This response is to your letter of March 26, 1997 requesting clarification of specifications for Fixed Ladder Entry into Conical Wastewater Manholes. There must be a clear understanding of the definitions of a ladder, a fixed ladder, and manhole steps imbedded in walls or risers of conical top sections of manholes in order to address your question. The definitions are:

Ladder: A ladder is an appliance usually consisting of two side rails joined at regular intervals by cross pieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

Fixed Ladder: A ladder permanently attached to a structure, building or equipment.

Manhole Steps: Individual step bolts or manhole steps, of which are imbedded in walls or risers of conical top sections of manholes.

If a fixed ladder is used, the ladder must comply with the standards as outlined in §1910.27. However, in the absence of a specific §1910 standard to the contrary, the Virginia Occupational Safety and Health (VOSH) Division of the Department of Labor and Industry will accept individual step bolts or manhole steps installed which meets those dimensions outlined in a proposed standard dated April 10, 1990 entitled 1910.24, Step Bolts and Manhole Steps (copy of page 13399 attached).

In brief, step bolts and manhole steps shall be spaced uniformly and continuous not less than 6 inches nor more than 18 inches apart. The minimum clear width of step bolts shall be 4 ½

inches and the minimum clear width of manhole steps shall be 10 inches. Toe clearance for step bolts shall be 7 inches unless obstructions cannot be avoided then may be reduced to 4 ½ inches. Manhole steps must maintain a toe clearance of 4 inches from the point of embedment on the wall to the outside face of the step. The toe clearance at the center of the manhole step shall have a minimum of 4 ½ inches of space from the wall to the outside face of the step. Also, step bolts and manhole steps shall be designed to prevent the employee s foot from slipping or sliding off the end.

If you need further assistance please, call me at 804/786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Deputy Commissioner
Region Directors

May 31, 1991

Mr. Thomas D. Dennison, AIA
Senior Architect
Pfizer, Inc.
235 East 42nd Street
New York, NY 10017-5755

Dear Mr. Dennison:

This is in response to your request for an interpretation of OSHA 1910.24 and OSHA 1910.27 as they pertain to headroom clearance. You indicated there are conflicting requirements although I find none.

You must keep the two referenced standards separate as they pertain to two different methods of attaining access to different levels of a structure.

a. 1910.24 pertains to **Fixed Industrial Stairs** and requires a vertical clearance above any stair tread to an overhead obstruction of at least 7 feet measured from the leading edge of the tread.

b. 1910.27 pertains to **Fixed Ladders** and requires a minimum clearance of 7 feet and a maximum clearance of 8 feet from the bottom of the cage to the floor.

Your letter indicated that a clearance of 6 feet 8 inches was "tolerable" by OSHA 1910.27 and BOCA 816.2.2 however, 1910.27 does not mention a distance of 6 feet 8 inches. Boca 816.2.2 does state that a minimum headroom of 6 feet 8 inches is required. OSHA 1910.37(i) which covers means of egress headroom states: ... in no case shall the ceiling height be less than 7 feet 6 inches nor any projection from the ceiling be less than 6 feet 8 inches from the floor. This seems to be in agreement with BOCA 816.2.2.

To specifically determine which standard applies you will need to determine whether it is a fixed industrial stair, fixed ladder, or a means of egress as defined in 1910.35 and the general requirements in 1910.36.

If I can be of any further assistance please contact me.

Sincerely,

William R. Crawford
Director
Safety Enforcement Division

CC: Assistant Commissioner for Enforcement

July 8, 1997

Richard E. Barrett, Sr.
President
B C Wood Products, Inc.
11364 Air Park Road
Ashland, Virginia 23005

RE: Inspection Number 126633635 dated 12 February 1997

Dear Mr. Barrett:

This is in response to your letter to Commissioner Bell requesting a permanent variance to §1910-24(b) which was forwarded to me for the reply. I apologize for the delay in this reply.

I have reviewed your letter and the photographs attached and have concluded that you do not require a variance to the standard. It is my interpretation of §1910.24(b) that you are now in compliance with the standard for the following reasons:

a. Even though the standard states, Fixed stairs shall be provided for access from one structure level to another where operations require regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. The standard also states, It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.

b. VOSH standard §1910.23(c)(2) further states that, Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have railings on one side omitted where operating conditions necessitates such omission, providing the falling hazard is minimized by using the runway of not less than 18" wide. This is interpreted to apply to filling the nail bowl of the Viking Nail Machine.

c. Furthermore, §1910.30(b)(3) requires that wood platforms used on the floor in front of machines shall be substantially constructed. This appears to be the case with your

platform. Also, based on the photographs provided, fixed stairs may present a greater hazard to your operations than the fixed ladder.

A copy of this letter is being provided to Mr. Richard Angell who will contact you concerning your inspection and the settlement of the case. Please keep a copy of this letter on file to show that your platform has been reviewed and found to be in compliance.

Thank you for your interest in safety and if I can be of any further assistance, please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance

cc: Region Directors/Compliance Managers
Mr. Richard Angell
Supervisor, Consultation Services
File

August 18, 1995

John P. Cone, Jr.
HDH Architecture
872 West Salem Plaza
Salem, Virginia 24153

Dear Mr. Cone:

This responds to your fax request for information concerning fall protection for skylights. You specifically were concerned about VOSH §1910.23(a)(4) regarding fall protection and whether a warning label on the skylight meets the requirement.

The standards do not provide for and federal OSHA has not established any policy or interpretation that indicates a warning label on the skylight meets the requirement to provide fall protection. VOSH §1910.23(a)(4) requires that skylights in the roof of buildings through which persons may fall while walking or working shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

When a skylight screen is selected for safeguarding the opening, and in the event the skylight is constructed of a material subject to fracture, as glass would be, then the skylight must at a minimum be provided with a skylight screen capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen (§1910.23(e)(8) requires that the screen support at least 200 pounds). A skylight installed and constructed of a material like plastic or lexan that can provide the necessary structural integrity to support a load of at least 200 pounds is not required to be further safeguarded, since it would meet the intended function of a screen as well.

It is the responsibility of the employer to provide evidence from the manufacturer of the skylight that it meets the minimum strength requirement to support 200 pounds. This may be by permanent labels on the skylight, etching the information into the skylight at time of manufacture, or by documentation from the manufacturer that can identify the skylight.

I hope this information is helpful to you. If you need further assistance or information please contact me at (804) 786-2391.

Sincerely,

William R. Crawford
Director, Safety Compliance Division

cc: Deputy Commissioner
Safety Compliance Region Supervisors

September 26, 1997

Donald L. Struminger, P.E.
President
Virginia Linen Service, Inc.
P. O. Box 189
Petersburg, Virginia 23803

Dear Mr. Struminger:

This response is to your letter of May 12, 1997 to Mr. Richard Angell regarding a variance for guardrail heights on ladders in the wash wheel areas of your establishment.

The standard has specific requirements for stair rails in the general industry setting. There are exceptions for clearance requirements if the space utilized is in an area which is close to other pieces of equipment and needs to be altered to fit in to that area and provide a safe access for employee travel. This does not seem to be the case in the two stairs cited during inspection 125453308 on March 11, 1997. The photographs provided indicate enough clearance to bring the top rail into the proper height required by the standard and adjust the mid rails to half the distance between the top rail and the toe of the tread risers. Therefore a variance to this requirement will not be considered.

If I may be of may be of further assistance, please contact me at (804) 786-2391 or Warren Rice of my staff at (8040 786-7984.

Sincerely,

William R. Crawford
Director, Safety Compliance