2007 SAFETY INTERPRETATONS

TABLE OF CONTENTS

OSHA AND VOSH

The Virginia Occupational Safety and Health (VOSH) Program has adopted most of the federal OSHA identical standards, including the federal identical 1910.119 Process safety management, 1910.146 Permit required confined spaces, 1910.151 Medical and first aid (including paragraph (c) eyewash requirements), and the 1904 Recordkeeping standards. VOSH follows all guidance and interpretations issued by federal OSHA in the applying these standards. The VOSH Program does have some standards which are unique to Virginia. To view these unique standards, see the Department's website: http://www.doli.virginia.gov/infocenter/publications/vaunique_p1.html.

Under an agreement with federal OSHA, VOSH is a state-plan OSHA program. VOSH has no jurisdiction over federal agencies, such as the United States Postal Service. Federal OSHA's Norfolk Area Office may be contacted at (757) 441-3820. Complaints may also be filed online via the Federal OSHA website: http://www.osha.gov/as/opa/worker/complain.html.

OSHA's Compliance Assistance Quick Start introduces employers and employees, especially those at new or small businesses, to compliance assistance resources on their website: www.osha.gov/dcsp/compliance_assistance/quickstarts/index.html.
For resources to assist small business employers, also see OSHA's Small Business website: www.osha.gov/dcsp/smallbusiness/index.html.

The Labor Laws of Virginia under Section 40.1-51.1A, *Code of Virginia*, require that:

> It shall be the duty of every employer to furnish to each of his employees safe employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees, and to comply with all applicable occupational safety and health rules and regulations promulgated under this title.

The VOSH Program inspection system is designed to provide maximum feasible protection and ensure that worst situations are inspected first. Top priority is given to responding to reports of imminent danger situations. Second priority is given to investigation of catastrophes resulting in a fatality or fatalities and/or hospitalization of three or more employees. Third priority is given to employee complaints of violation of standards or of unsafe or unhealthful working conditions. Next in priority are planned inspections of high-hazard industries or occupations.

Persons wishing to file complaints may contact the Department's Regional Office that is nearest to the workplace. For more information, see the Department's website: www.doli.virginia.gov . The website also contains a complaint form (click on the link for File a Complaint).

VOSH CONSULTATION PROGRAM

The VOSH Consultation Program provides on-site consultation to help employers identify and correct potential safety and health hazards. To learn about the VOSH Consultation Program, see the Department's website: www.doli.virginia.gov .

POWERED INDUSTRIAL TRUCKS AND TRAINING

OSHA neither certifies nor endorses any type of training. Training requirements are explained in 29 CFR 1910.178(l). An employer who has not properly trained an employee who is an industrial truck operator is in direct violation of this standard. Employers handle the certification. Below is an excerpt from the General Industry Standard.

> (l) Operator training
> (1) Safe operation.
> (i) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).
> (ii) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this paragraph (l), except as permitted by paragraph (l)(5).
> (2) Training program implementation.
> (i) Trainees may operate a powered industrial truck only:
> [A] Under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence; and
> [B] Where such operation does not endanger the trainee or other employees.
> (ii) Training shall consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.
> (iii) All operator training and evaluation shall be conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.
> (3) Training program content. Powered industrial truck operators shall receive initial training in the following topics, except in topics which the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.
> (i) Truck-related topics:
> [A] Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate;
> [B] Differences between the truck and the automobile;
> [C] Truck controls and instrumentation: where they are located, what they do, and how they work;
> [D] Engine or motor operation;
> [E] Steering and maneuvering;
> [F] Visibility (including restrictions due to loading);
> [G] Fork and attachment adaptation, operation, and use limitations;
> [H] Vehicle capacity;
> [I] Vehicle stability;

[J] Any vehicle inspection and maintenance that the operator will be required to perform;
[K] Refueling and/or charging and recharging of batteries;
[L] Operating limitations;
[M] Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.
(ii) Workplace-related topics:
[A] Surface conditions where the vehicle will be operated;
[B] Composition of loads to be carried and load stability;
[C] Load manipulation, stacking, and unstacking;
[D] Pedestrian traffic in areas where the vehicle will be operated;
[E] Narrow aisles and other restricted places where the vehicle will be operated;
[F] Hazardous (classified) locations where the vehicle will be operated;
[G] Ramps and other sloped surfaces that could affect the vehicle's stability;
[H] Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;
[I] Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.
(iii) The requirements of this section.
(4) Refresher training and evaluation.
(i) Refresher training, including an evaluation of the effectiveness of that training, shall be conducted as required by paragraph (l)(4)(ii) to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.
(ii) Refresher training in relevant topics shall be provided to the operator when:
[A] The operator has been observed to operate the vehicle in an unsafe manner;
[B] The operator has been involved in an accident or near-miss incident;
[C] The operator has received an evaluation that reveals that the operator is not operating the truck safely;
[D] The operator is assigned to drive a different type of truck; or
[E] A condition in the workplace changes in a manner that could affect safe operation of the truck.
(iii) An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.
(5) Avoidance of duplicative training. If an operator has previously received training in a topic specified in paragraph (I)(3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely.
(6) Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (l). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.
(7) Dates. The employer shall ensure that operators of powered industrial trucks are trained, as appropriate, by the dates shown in the following table.

If the employee was hired: The initial training and evaluation of that employee must be completed:
Before December 1, 1999 By December 1, 1999.
After December 1, 1999 Before the employee is assigned to operate a powered industrial truck.
(8) Appendix A to this section provides non-mandatory guidance to assist employers in implementing this paragraph (l). This appendix does not add to, alter, or reduce the requirements of this section.

RECORDKEEPING AND REPORTING REQUIREMENTS

VOSH has adopted the Federal identical 1904 recordkeeping standard, which requires employers to evaluate workplace injuries and record injuries requiring medical treatment on OSHA Form 300. If the employer is unsure whether an injury has occurred, the employer may refer the employee to a physician or other health care professional to determine whether there was an injury and if there is work-relatedness. OSHA recordkeeping standards provide that, in cases in which there is any question, the doctor or other health care professional's opinion will be the deciding factor. If the employee's injury is work-related and requires treatment other than first aid, it must be recorded on OSHA Form 300. To view the OSHA Recordkeeping Handbook, see the OSHA website, www.osha.gov, and click on the "r" at the site index at the top of the page.

The Virginia Administrative Code, 16VAC25-80-10 (1910.20), Access to employee exposure and medical records, is Virginia's counterpart to Federal OSHA's 1910.1020, Access to employee exposure and medical records standard. The purpose of the standard is to provide employees and their designated representatives a right of access to relevant exposure and medical records, e.g. environmental (workplace) monitoring, biological monitoring, material safety data sheets (MSDS), etc. An exemption from maintaining records required in 1904 does not mean that an employer is exempt from the requirements in 16VAC25-80-10 or 1910.1020. For more information on the recordkeeping standard, see the Federal OSHA website: http://www.osha.gov/recordkeeping/index.html.

An employer who had more than ten employees at any time during the previous calendar year must keep OSHA injury and illness records, unless the business is classified as a partially exempt industry under 1904.2. Appendix A of the standard has a list of establishments which have been partially exempted from recordkeeping requirements. Partial exemptions are based on Standard Industrial Classification (SIC) codes. For example, a civil engineering firm that is primarily engaged in providing professional land surveying services, the standard industrial classification code (SIC) is 873. If a company's SIC code falls within the 873 industry group, it is considered a partially exempt industry. Such a company is not required to keep OSHA 300 records unless asked to do so by the Bureau of Labor Statistics. If an establishment has been asked by the Bureau of Labor Statistics (BLS) to maintain records, the partial exemption does not apply. All employers, even those who are partially exempt from recordkeeping requirements, must report any workplace incident that results in a fatality or the hospitalization of three or more employees. Listed below are the standards which were most frequently cited by Federal OSHA for this SIC during the period October 2004 through September 2005.

Standard	# Cited	Description
19100178	4	Powered industrial trucks.
19100037	3	Maintenance, safeguards, and operational features for exit routes.
19100132	3	General requirements.
19260095	3	Criteria for personal protective equipment.
19040039	2	Recordkeeping, failure to report fatality
19260501	2	Duty to have fall protection.
19260652	2	Requirements for protective systems.
19260021	1	Safety training and education.
19260701	1	General requirements
19261053	1	Ladders.

There is additional information about these standards at OSHA's website: www.osha.gov. In addition, the Virginia Department of Labor and Industry offers consultation services to help employers better understand and voluntarily comply with the VOSH standards. For more information about the Department's consultation services, see: http://www.doli.virginia.gov/whatwedo/coop_prog/consultation.html.

NOISE EXPOSURE STANDARD AND HEARING PROTECTION

VOSH has adopted the federal OSHA identical 1910.95 Occupational noise exposure standard, which is applicable to all private and public sector workplaces, including places of entertainment and educational institutions. Employers must take appropriate measures to protect their employees who are exposed to excessive noise levels. To learn more, see the OSHA website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=19093 .

The requirement for hearing protection is based on the level of noise to which employees are exposed, but it is not based solely on whether an employee has a standard threshold shift. To determine employees' noise exposure while using any type of equipment, measurements must be taken with a sound level meter. If sound level readings indicate that employees' noise exposure exceeds the permissible noise exposure levels in Table D-2 of the standard, and there are no feasible administrative or engineering controls to reduce the employees' noise exposure below these levels, then hearing protection must be provided. 1910.95(b)(1) requires that whenever feasible administrative or engineering controls fail to reduce sound to levels specified in Table G-16 of the standard, all exposed employees must be given, and must use, hearing protection to reduce the sound to permissible exposure levels. This applies to all employees in work areas where noise exposure exceeds the levels in Table G-16. In addition, employees exposed to an eight-hour Time Weighted Average (TWA) noise level of 85 dBA or greater, who have experienced a standard threshold shift, must be given, and must use, hearing protectors with sufficient attenuation to reduce noise levels below 85 dBA. See 1910.95(b)(1) and 1910.95(i)(2). See the OSHA website: http://www.osha.gov/SLTC/noisehearingconservation/index.html.

If a physician determines that a standard threshold shift is work-related or further aggravated by an employee's noise exposure in the workplace, the employer must pay for any referrals that are

for the purpose of further identifying the effects of occupational noise exposure. For more information, see the OSHA website:
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22593 .

FIRE DEPARTMENTS AND HAZWOPER

The training requirements of 1910.120 depend on the duties to be performed by an employee during an emergency. Paragraph (q) of 1910.120 requires different levels of training based on an employee's assigned role. The required training and competencies for each level of emergency response are described in detail in paragraph (q)(6) of the final rule:
(http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9765).

The training curriculum guidelines are found in Appendix E of the standard:
(http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9770). If the Virginia Department of Fire Programs' training courses cover the suggested training curriculum guidelines for the particular response level, they meet the HAZWOPER training requirements. A list of training courses offered by the Virginia Department of Fire Programs is included on their web site:
http://www.vdfp.state.va.us/training.htm.

HAZWOPER and Updates

VOSH has adopted the OSHA identical 1910.120 HAZWOPER standard. To view the OSHA interpretation which addresses lapsed training, see their website:
www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21062.

The duration of a HAZWOPER training class can be adjusted. A full 40 hour course may not be necessary if the employee can demonstrate competency in the required topics. The individual's retention of the information must be considered. A pre-test may help to make this assessment. The person's prior work experience in the hazardous waste industry should also be considered. If the employee is assigned to a new site, at a minimum, the employer would be required to have training specific to that site.

Minimum Number of Haz-Mat Technicians

The 1910.120 HAZWOPER standard does not have a requirement for a minimum number of Haz-Mat technicians who must be on the scene of a Haz-Mat incident. However, there is a requirement in the 1910.134 respiratory protection standard, under paragraph (g)(3), that at least one standby employee must be located outside when employees enter an IDLH atmosphere.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

The OSHA/VOSH standards for Personal Protective Equipment (PPE) are found in 1910.132 through 138. Section 1910.132(d) requires employers to select PPE for their employees based on

an assessment of the hazards in the workplace and the hazards the employees are likely to encounter. The standard does not list specific qualifications for the individual who conducts the hazard assessment. However, it would be expected that the individual conducting the assessment would be familiar with the unique work operations and hazards present at that particular work site. Furthermore, that individual should be knowledgeable in the selection of the appropriate PPE that would protect employees from the hazards identified in the hazard assessment. Employers are required to provide appropriate personal protective equipment (PPE's), such as gloves, to employees. For information on enforcement of the Bloodborne Pathogens standard, see section XI.C. Multi-Employer and Related Worksites in OSHA's compliance directive entitled "Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens:" http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2570#XI.

The U.S. General Accounting Office (GAO) recommends hospitals have a three day supply of PPE. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) may have requirements for PPE's. For more information, see their website: www.jointcommission.org/.

Contaminated Personal Protective Equipment (PPE)

Contaminated personal protective equipment (PPE) is addressed in Section 1910.1030 (d)(3)(iv) of the Bloodborne Pathogen Standard. Home laundering by employees is not permitted since the standard requires the laundering to be performed by the employer at no cost to the employee. Other types of contaminated laundry, i.e. linens and non-PPE items, are addressed in Section 1910.1030(d)(4)(iv). The standard allows on-site laundry of linens if the requirements in this section of the standard are met. For more on the Bloodborne Pathogens standard, see OSHA's directive, "Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens:" http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2570 For further information, see also: http://www.osha.gov/SLTC/bloodbornepathogens/index.html .

PPE and Eyewear

Employers are required by 1910.133 to ensure that employees use appropriate eye protection when exposed to eye hazards such as flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation. The design, construction, testing, and use of devices for eye protection must comply with the American National Standard for Occupational and Education Eye and Face Protection, Z87.1-1968. To view a copy of this standard, see the OSHA website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9778 . Additional information about eye protection can be found at this OSHA Safety and Health Topics web page: http://www.osha.gov/SLTC/eyefaceprotection/index.html .

OSHA's Eye and face protection standard, 1910.133, requires protective eye devices purchased after July 5, 1994 to comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection." The Eye and face protection standard can be found on OSHA's website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9778.

Any replacement lenses or frames for safety glasses marketed as ANSI approved must comply with the ANSI standard. If another type of lens is used, the ANSI approval becomes void.

Respiratory Protection Standard

The OSHA Respiratory Protection standard 1910.134, under paragraph (e)(2) requires employers to utilize a physician or other licensed health care professional (PLHCP) to perform medical evaluations to determine an employee's ability to use a respirator. The PLHCP may use the medical questionnaire in Appendix C of the standard (or an equivalent) or an initial medical examination. The standard defines a PLHCP as "...an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by paragraph (e) of this section." This certification is made by the Board of Medicine. Medical doctors and nurse practitioners are the only PLHCPs allowed by the Board to perform such medical evaluations. To view this standard, see the OSHA website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=12716.

Respirators and Facial Hair

The standard states that employers cannot permit respirators with tight-fitting facepieces to be worn by employees whose facial hair comes between the sealing surface of the facepiece and the face (where the respirator seal contacts the face). Facial hair must not protrude under the respirator seal, or extend far enough to interfere with the device's function (such as interference with valve function). For Federal OSHA's interpretation of this issue, see their website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=19355.

FELLING TREES

In Virginia, the logging standards (see 29 CFR 1910.266) apply to arborists when the felling of trees is involved. To view this standard, go to www.osha.gov and click on "Standards" on the right of the webpage. In addition, arborists are required to comply with the basic hearing protection and eye protection standard.

IMPALEMENT HAZARDS

The only impalement hazards addressed by 29 CFR 1926.701(b) are those from rebar. The standard, 29 CFR 1926.701(b), states: "all protruding reinforcing steel, onto and into which employees could fall, shall be guarded to eliminate the hazard of impalement." The key words are "to eliminate the hazard of impalement." Exposure to impalement is always a consideration when employees are working above rebar or other sharp protrusions. The critical element when evaluating any job activity is the recognition or identification of impalement hazards and the exposure to employees. As you know, construction activities constantly change and contractors must remain aware of, and provide protection from, or alternative work practices to eliminate,

impalement hazards. Exposure to impalement from rebar or other sharp protrusions is a recognized hazard in the construction industry.

Section 1926.25 and the General Duty clause generally requires protection from impalement hazards posed by other sharp objects

Section 1926.25(a) (Housekeeping) addresses impalement hazards from debris, including protruding nails in form and scrap lumber by requiring employers to keep the worksite clear of these.

With respect to impalement hazards not covered by that section, the General Duty Clause (Section 5(a)(1)) of the Occupational Safety and Health Act) requires employers to furnish a workplace that is free from recognized hazards which may cause or are likely to cause death or serious physical harm. Under the General Duty Clause, employers are required to protect employees exposed to the hazard of impalement on sharp objects. Where a lightning rod poses a recognized hazard of impalement and a there is a feasible means of protection, the employer is required to provide that protection.

In situations where horizontal rebar is situated in such a way that a worker could trip and fall into it and become impaled, protection would have to be provided.
Horizontal rebar that is close to ground level would not normally pose such a hazard. An OSHA response of March 24, 1995 stated that reinforcing steel bent to a horizontal position, with the bended portion 6 inches above grade, would not constitute an impalement hazard and would meet the requirement of 29 CFR 1926.701(b).

With regard to the distance reinforcing steel can protrude before guarding is required, or to the diameter of a protruding object, rebar of any length or diameter must be guarded when there is the hazard that an employee could fall onto the bar and be impaled (skin pierced). There is no further direction as to what this diameter is.

FALLS

If the slope in question is quite steep -- for example, steep enough that the person could not stop the fall from continuing, it is probably safe to take the position that it is a "fall." If you look at the definition of "free fall," it is not described as a fall unrestricted by anything at all. Instead, the definition is "the act of falling before a personal fall arrest system begins to apply force to arrest the fall." If the slope is sufficient to stop the free fall early enough (equal gradient from the surface to the bottom) then no fall protection is needed. VOSH has not designated a specific angle.

ROOFS AND FALL PROTECTION

A roof is considered an open sided floor. Alternative means of fall protection are discussed in 1926 and not in 1910. While this standard does not apply to GI, using these recommended methods of fall protection would allow a worker within 6 feet of the edge of a roof that does not have the required guardrail or parapet wall.

BULLDOZERS

There are no specific training or certification requirements that address the use of a bulldozer. However, under 29 CFR §1926.21, employers are required to "instruct each employee in the recognition and avoidance of unsafe conditions...." this would certainly be interpreted to mean that an employer shall ensure that all operators of a bulldozer know how to safely use all aspects of this equipment and that a proper legible operator's manual be available for review before and during operation.

OVER THE ROAD VEHICLES

OSHA does not handle the safety of over the road vehicles. Questions concerning such vehicles should be directed to the Federal Motor Carrier Safety Administration at:
http://www.fmcsa.dot.gov/about/contact/who-to-contact/contactus.htm

ROLL OVER PROTECTION

Virginia has adopted the federal identical standard for Roll Over Protection (ROPS). We do not require ROPS for agricultural tractors manufactured before Oct. 25, 1976. ROPS is certainly a very crucial safety element, but even more crucial is use of the seat belt with ROPS. The ROPS protection alone is not enough.

TRAILER CREEP AND TRAILER PULL

Trailer creep and trailer pull away have long been recognized as a problem in dock operations. A number of companies manufacture vehicle restraints to prevent trailer movement. If restraint systems are not used, trailers must be properly chocked to prevent movement as required in OSHA standards 29 CFR 1910.178(k)(1) and 29 CFR 1910.178(m)(7). To prevent accidents, employers must set safe work practices for employees involved in trailer-to-dock operations, and enforce those rules consistently. An employer must have a system to ensure that truck drivers do not pull away while powered industrial trucks are loading or unloading. "Chocks" as it appears in the OSHA standard 29 CFR 1910.178(k)(l) is a grammatical construction only, and does not mean that OSHA would require the placing of multiple chocks to prevent a truck and trailer from moving. One chock should fully satisfy the intent of the safety regulation if it effectively prevents movement of the truck during loading operations involving powered industrial trucks.

TRAFFIC CONTROLS

OSHA and VOSH both recognize the Manual on Uniform Traffic Control Devices as acceptable guidance. Specifically, "during short-duration work, there are hazards involved for the crew in setting up and taking down traffic controls. Also, since the work time is short, the time during which motorists are affected is significantly increased as the traffic control is expanded. Considering these factors, it is generally held that simplified control procedures may be warranted for short-duration work. Such shortcomings may be offset by the use of other, more dominant devices such as special lighting units on work vehicles.

Mobile operations are work activities that move along the road either intermittently or continuously. Mobile operations often involve frequent short stops, each as much as 15 minutes long, for activities such as litter cleanup, pothole patching, or utility operations and are similar to stationary operations. Warning signs, flashing vehicle lights, flags, and/or channelizing devices should be used."

In addition, there is NO shortcut for fall protection. Personnel changing lights must have suitable fall protection while elevated in an aerial boom.

ACCESS AND EGRESS: EXIT SIGNS

The illumination of exit signs is governed by 29 CFR 1910.37 from the General Industry Standards, which states that:

> (6) Every exit sign shall be suitably illuminated by a reliable light source giving a value of not less than 5 foot-candles on the illuminated surface. Artificial lights giving illumination to exit signs other than the internally illuminated types shall have screens, discs, or lenses of not less than 25 square inches area made of translucent material to show red or other specified designating color on the side of the approach.

No definition of "reliable" is listed. If the employer has, for example, gone to the trouble of "backing up" the electrical system with a solar generator that "automatically" comes on when power is off, that would generally be considered a good faith effort made to follow this standard.

CONFINED SPACES (HEADBOX PITS)

A confined space must meet three criteria. First, the space must have limited or restricted means of egress. Second, it must be large enough and so configured that an employee can bodily enter to perform assigned work. Third, it must not be designed for continuous employee occupancy. A Headbox Pit can be a "confined space" (as defined in 1910.146) if it is accessed by ladder, but installation of fixed industrial stairs (if they are complaint with 1910.24) makes the Headbox Pit no longer a "confined space," because it no longer meets the criteria of limited or restricted means of egress. Also, a space cannot be a "permit space" unless it is also a "confined space."

However, even for a "confined space," the inherent hazards of the material flowing through any pipes passing through the space do not have to be considered in the permit space determination if the pipes do not terminate at end use equipment, and there is no reason to believe there is a reasonable probability of a rupture or leak where the contents of the piping would cause a serious safety or health hazard.

EYEWASH STATIONS

The OSHA/VOSH standard, 1910.268(b)(2)(i), is specific for those operations which involve measuring storage battery specific gravity or handling electrolyte. All other operations where an employee's eyes or body could be exposed to injurious corrosive materials would be covered under 1910.151(c). Please also see 1910.268(a)(3).

The relevant source for guidance in protecting employees who may be exposed to injurious corrosive materials is the American National Standard for Emergency Eyewash and Shower Equipment, ANSI Z358.1, specifically the ANSI Standard Z358.1-1998 "Emergency Eyewash and Shower Equipment," which provides guidance for eyewash stations. Plumbed units should be activated weekly to flush the line and verify operation. These units must be tested annually to verify conformance with the ANSI Z358.1 compliance. For self-contained systems, users should refer to the manufacturer's instructions.

The OSHA/VOSH standards are silent on required water temperature for eyewash and shower stations. In addition, 1910.151(c) does not provide specific instruction regarding the frequency of inspecting eyewash stations. However, the 1998 version of ANSI Z358.1 recommends the water be "tepid" but does not give a specific temperature range. In general, water temperatures in the range 27°-35°C (about 80°-95°F) are considered suitable with temperatures in the higher part of the range if extended periods of eye irrigation or showering are required. Tepid water must not exceed 38° C (100° F). A chemical splash should be rinsed for at least 15 minutes but, rinsing time can be up to 60 minutes. The water temperature should be one that can be tolerated for the required length of time. Water that is too cold or too hot will inhibit workers from rinsing or showering as long as they should. In addition, water that is too hot worsen skin or eye damage caused by the accidental exposure to the chemical. In some cases, the heat of the water may also cause a chemical reaction. Employers may want to consult with a physician for further advice.
Copies of ANSI standards may be obtained by contacting ANSI at:

American National Standards Institute, Inc.
11 West 42nd Street
New York, New York 10036
Phone: (212) 642-4900

RESIDENTIAL CONSTRUCTION

STD 3-0.1A defines "residential construction" in section VIII, paragraph A.1. It states that OSHA considers an employer to be engaged in residential construction "where the working environment, materials, methods and procedures are essentially the same as those used in building a typical single-family home or townhouse." Paragraph A.2 clarifies that residential construction is characterized by "wood framing (not steel or concrete), wooden floor joists and roof structures," and methods by "traditional wood frame construction techniques."

Under this definition, the compliance directive applies where the structure as a whole -- not just the part associated with a particular construction activity -- is typical of residential construction. This is made clear in paragraph A.3, in which the directive states that a "discrete part of a large commercial building, (not the entire building), such as a wood frame, shingled entranceway to a mall, may fit within the definition . . ." Under this paragraph, where the construction of the entire entranceway is characteristic of residential construction, it may be covered by the directive.

However, where only one part of the entranceway is built with residential-type materials and methods, such as the roof, the directive is inapplicable. For instance, an apartment constructed with precast concrete floors, structural steel, or other materials that are not traditionally used in stick frame home construction would not be considered residential construction and would be

beyond the scope of STD 3-0.1A. The installation of wood roof trusses on an apartment constructed with precast concrete floors, structural steel, or other materials that are not traditionally used in stick frame home construction would be beyond the scope of STD 3-0.1A. STD 3-0.1A has not been interpreted to mean that it covers any stick-built roofing system, regardless of what the rest of the structure is made of and how it is constructed.

Commercial/industrial projects typically are not within the scope of STD 3-0.1A unless their structure is similar to that of a typical residential home. STD 3-0.1A addresses the hazards faced by workers doing specific activities in a working environment of questionable structural stability and where work positioning equipment is typically not present.

WET FLOORS

There are no regulations that address placement of wet floor signs. OSHA only addresses the condition of the flooring. The appropriate standard from 29CFR1910.22 is below.

> 1910.22(a)(2)
>
> The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.

VETERINARIANS

There are no VOSH/OSHA standards specific to veterinary medicine. The practice of veterinary medicine is covered by the 1910 General Industry standards. The 1910 standards that would be applicable depend on hazards specific to each worksite. Some hazards frequently found in veterinary services are covered by the following regulations: Formaldehyde (1910.1048), Hazard Communication (1910.1200), Personal Protective Equipment (1910.132), and Electrical (1910.305). OSHA's website lists the most frequently cited standards for veterinary services: http://www.osha.gov/pls/imis/citedstandard.sic?p_esize=&p_state=FEFederal&p_sic=0742 .
For more information, see:
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21470 .
In addition, to view the 1910 General Industry standards, see OSHA's web site: www.osha.gov .

MATERIAL SAFETY DATA SHEETS (MSDS)

Maintenance of material safety data sheets (MSDS) is governed by the federal identical Hazard Communication standard, 1910.1200. The MSDS must be resubmitted if the MSDS is updated or changed to contain new or significant information about a chemical's hazards. These provisions are detailed in section (g)(7) of the Hazard Communication Standard. OSHA has interpreted the MSDS availability requirement to allow the use of computers, telefax or any other means, as long as a readable copy of the MSDS is available to workers while they are in their work areas, during each workshift. Employees must have access to hard copies of the MSDSs. In the event of medical emergencies, employers must be able to immediately provide copies of MSDSs to

medical personnel. For more information, see the OSHA website:
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22627
and
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=20004 .

Information regarding the requirements for an MSDS sheet can be found on the Federal OSHA web site: http://www.osha.gov/SLTC/hazardcommunications/index.html.

SMOKING IN THE WORKPLACE

There are currently no federal OSHA or Virginia Occupational Safety and Health (VOSH) regulations concerning smoking in the workplace, except for instances where a fire or explosion could result from their improper use, e.g. use of flammable solvents. There are some state laws regulating smoking under some conditions. For information on these rules, see the following website: http://leg1.state.va.us/cgibin/legp504.exe?000+cod+TOC15020000028000000000000.

The Virginia Safety and Health Codes Board adopts regulations under instruction from the Virginia General Assembly. The Board has not, at this time, been instructed by the General Assembly to adopt a regulation regarding secondhand smoke. In the 2005 General Assembly Session legislation was proposed, Senate Bill 1191, to prohibit smoking in most buildings or enclosed areas frequented by the public. However, this bill was defeated. Information on this bill is available via the following URL link:
http://leg1.state.va.us/cgi-bin/legp504.exe?ses=051&typ=bil&val=sb1191.

LIFTING AND CARRYING

There are currently no Federal or Virginia regulatory standards which limit how much a person may lift or carry. However, the National Institute for Occupational Safety and Health (NIOSH), has developed a mathematical model to help predict the risk of injury based on the weight being lifted, as well as accounting for many factors. The model is based on medical research into the compressive forces needed to cause damage to bones and ligaments in the back. Information on the Revised NIOSH Lifting Equation can be found on the NIOSH website listed below. It should be noted however, that the NIOSH criteria are not mandatory. In addition, for employees of nursing homes, OSHA's Guidelines for Nursing Homes may be helpful.

OSHA: www.osha.gov/SLTC/ergonomics/index.html
NIOSH: www.cdc.gov/niosh/topics/ergonomics/default.html#lift

TOILET FACILITIES AT BUILDING SITES (PORTABLE TOILETS)

The Virginia Occupational Safety and Health (VOSH) Construction Standard for Sanitation requires employers to provide toilet and handwashing facilities for employee use. A copy of this standard is available on the Department's website:
http://www.doli.virginia.gov/infocenter/publications/va_unique/16vac25-160.pdf.
To report conditions which impact employee safety and health at the workplace, contact the

Department's Regional Office which is nearest to the worksite.

The use of portable toilets is acceptable in the following circumstances: (1) the lack of water or temporary nature of the installation makes water carriage systems impracticable; (2) the portable toilets are readily accessible by employees; (3) the portable toilets have adequate lighting, are secure, and have heating as necessary; and (4) they are well-maintained and properly serviced. Hand-washing facilities must be provided in all situations.

FOOD SANITATION

The Virginia Occupational Safety and Health (VOSH) program does not have jurisdiction over matters involving food sanitation. For matters involving food sanitation, contact the Virginia Department of Health regarding the interpretation of the State's Health Department regulations. (http://www.vdh.state.va.us/oehs/food/index.htm)

HEAT STRESS

OSHA/VOSH has no specific regulations regarding heat stress, but we recognize the importance of protecting employees from exposure to weather/extreme temperatures when these are health or safety hazards. OSHA provides guidance (which VOSH endorses) on recognition, evaluation, and control of heat stress hazards, and appropriate compliance actions. For information on heat stress, see the OSHA website: http://www.osha.gov/SLTC/heatstress/index.html. Information about heat and sun hazards can also be found on websites of the Centers for Disease Control and Prevention: http://www.bt.cdc.gov/disasters/extremeheat/index.asp and the National Institute for Occupational Safety and Health:
http://www.cdc.gov/niosh/topics/heatstress/
http://www.osha.gov/SLTC/heatstress/standards.html.

Although VOSH has no specific regulations on heat stress hazards, the General Duty Clause requires each employer to, "furnish to each of his employees safe employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." VOSH uses the General Duty Clause to cite employers who expose employees to potential serious physical harm from excessively hot work environments. Citations for General Duty Clause violations are issued only if there is no specific OSHA/VOSH standard that addresses the recognized hazard and if the four components of the provision are present. The four components are: 1) the employer failed to keep the workplace free of a "hazard;" 2) the hazard was "recognized," by the cited employer or by the employer's industry generally; 3) the recognized hazard was causing or likely to cause death or serious physical harm; and 4) there was a feasible means available to eliminate or materially reduce the hazard.

FIRST AID

The Virginia Occupational Safety and Health (VOSH) Program’s jurisdiction only extends to matters regarding occupational safety and health in the workplace. VOSH requirements for first aid training only apply in situations when first aid is administered to employees who suffer an injury or illness at the workplace. The OSHA website lists the Guidelines for First Aid Training Programs that are used to evaluate first aid training in the context of workplace inspections:

www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1568.

Although they may be similar, the VOSH first aid training requirements do not apply in situations when first aid is administered to non-employees, such as children in day care facilities. Children in day care facilities are not employees and are not covered by VOSH regulations. To learn about specific training requirement criteria for administering first aid to children in day care facilities, contact the Virginia Department of Social Services' Child Care Licensing Section at 1-800-543-7545 or visit their web site at www.dss.virginia.gov.

ERGONOMIC RULES

Neither federal OSHA nor the Virginia Occupational Safety and Health (VOSH) Program has a specific ergonomic standard. The VOSH Program may cite employers for ergonomic hazards under the General Duty Clause and/or issue ergonomic hazard alert letters where appropriate. For more information, see the OSHA website: http://www.osha.gov/SLTC/ergonomics/index.html.

MICROWAVE OVENS

Neither OSHA nor the VOSH Program has specific standards that regulate microwave ovens. OSHA regulates exposure to nonionizing radiation in its General Industry standard, 29 CFR 1910.97. This standard specifies that worker exposure to nonionizing radiation not exceed 10 mW/cm^2 in the frequency range 10 MHz to 100 GHz (defined in the standard as radio frequency/ microwave radiation). The VOSH Program has adopted the same requirement under its State plan. When applicable, the VOSH Program would address compliance with the 1910.97 Nonionizing radiation standard during the course of these inspections.

All new microwave ovens produced for sale in the United States must meet the Food and Drug Administration/Center for Devices and Radiological Health (FDA/CDRH) performance requirements in Title 21, CFR, Part 1030.10. This requirement states that new ovens may not leak microwave radiation in excess of 1 mW cm^2 at 5 cm from the oven surface. It also states that ovens, once placed into service, may not leak microwave radiation in excess of 5 mW cm^2 at 5 cm from the oven surface. The "Procedure for Field Testing Microwave Ovens" (HEW Publication (FDA) 77-8037) is the standard method for verifying that these oven performance criteria are met. Various nonionizing radiation survey meters are used to evaluate microwave exposure. The frequency ranges covered by OSHA's instruments are: 10 Hz to 300 kHz, 0.5 MHz to 6000 MHz, 6 GHz to 40 GHz, and the 2.45 GHz microwave oven frequency. These instruments are capable of measuring the electric field strength (E-field), magnetic field strength (H-field), or both depending on the instrument. If an employer is not found in compliance with the 1910.97 Nonionizing radiation standard, that employer could be subject to VOSH citations which may carry monetary penalties. For more information, contact the FDA/CDRH:

Food and Drug Administration
Center for Devices and Radiological Health
5600 Fishers Lane
Rockville, Maryland 20857-001
Telephone: 1-888-INFO-FDA (1-888-463-6332); website: www.fda.gov/default.htm