



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	(See next page for the list of regulations affected)
Regulation title	Electric Power Generation, Transmission, and Distribution and Electric Protective Equipment, Parts 1910 and 1926; Final Rule
Action title	Final Rule for Electric Power Generation, Transmission, and Distribution and Electric Protective Equipment, Parts 1910 and 1926
Final agency action date	June 5, 2014
Document preparation date	June 13, 2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

**Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment
Part 1910 - General Industry and Part 1926 – Construction Industry**

Part 1910 – General Industry - 16VAC25-90-	Part 1926 Construction Industry – 16VAC25-175-
Subpart I – Personal Protective Equipment	Subpart E-Personal Protective and Life Saving Equipment
1910.136, Foot Protection	1926.97, Electrical Protective Equipment
1910.137, Electrical Protective Equipment	1926.500, Scope, Application, and Definitions Applicable to this Subpart
<i>Appendix B to Subpart I of Part 1910 –Nonmandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection</i>	Subpart V –Electric Power Transmission and Distribution
Subpart R – Special Industries	1926.950, General
1910.269, Electric Power Generation, Transmission, and Distribution	1926.951, Medical Services and First Aid
<i>Appendices to §1910.269</i>	1926.952, Job Briefing
<i>Appendix A - Flow Charts</i>	1926.953, Enclosed Spaces
<i>Appendix A-1 - Application of §1910.269 and Subpart S of this Part to the Design of Electrical Installations</i>	1926.954, Personal Protective Equipment
<i>Appendix A-2 - Application of §1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices</i>	1926.955, Portable Ladders and Platforms
<i>Appendix A-3 - Application of §1910.269 and Subpart S of this Part to Tree-Trimming Operations</i>	1926.956, Hand and Portable Power Equipment
<i>Appendix A-4 to §1910.269 – Application of §§1910.147, 1910.269 and 1910.333</i>	1926.957, Live-line tools
<i>Appendix A-5 to §1910.269 – Application of §§1910.146 and 1910.269 to Permit-Required Confined Spaces</i>	1926.958, Materials Handling and Storage
<i>Appendix B –Working on Exposed Energized Parts</i>	1926.959, Mechanical Equipment
<i>Appendix C –Protection From Hazardous Differences in Electric Potential</i>	1926.960, Working on or near Exposed Energized Parts
<i>Appendix D –Methods of Inspecting and Testing Wood Poles</i>	1926.961, Deenergizing lines and Equipment for Employee Protection
<i>Appendix E – Protection From Flames and Electric Arcs</i>	1926.962, Grounding for the Protection of Employees
<i>Appendix F –Work-Positioning Equipment Inspection Guidelines</i>	1926.963, Testing and Test Facilities
<i>Appendix G – Reference Documents</i>	1926.964, Overhead Lines and Live-line Barehand Work
Subpart S – Electrical	1926.965, Underground Electrical Installations
1910.331, Scope	1926.966, Substations
1910.339, Definitions Applicable to this Subpart	1926.967, Special Conditions
	1926.968, Definitions
	<i>Appendices to Subpart V of Part 1926</i>
	<i>Appendix A -Reserved</i>
	<i>Appendix B -Working on Exposed Energized Parts</i>
	<i>Appendix C -Protection From Hazardous Differences in Electric Potential</i>
	<i>Appendix D -Methods of Inspecting and Testing Wood Poles</i>
	<i>Appendix E - Protection From Flames and Electric Arcs</i>

	<i>Appendix F – Work-Positioning Equipment Inspection Guidelines</i>
	<i>Appendix G – Reference Documents</i>
	Subpart X – Stairways and Ladders
	1926.1053, Ladders
	Subpart CC – Cranes and Derricks in Construction
	1926.1400, Scope
	1926.1410, Power Line Safety (All Voltages) – Equipment Operations Closer than the Table A Zone

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA adopted a new Construction Industry standard on electrical protective equipment, §1926.97, and revised the standard on the construction of electric power transmission and distribution lines and equipment, Part 1926, Subpart V. Federal OSHA also revised the General Industry counterparts to these two Construction Industry standards, §§ 1910.137 and 1910.269, respectively. Finally, federal OSHA revised its General Industry standard on foot protection, §1910.136, to require employers to ensure that each affected employee uses protective footwear when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.

These revisions make the Construction Industry standard more consistent with the General Industry standard. The final rules for General Industry and the Construction Industry include new or revised provisions on host employers and contractors, training, job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection from electric arcs, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults.

The new provisions on host employers and contractors include requirements for host employers and contract employers to exchange information on hazards and on the conditions, characteristics, design, and operation of the host employer's installation. These new provisions also include a requirement for host employers and contract employers to coordinate their work rules and procedures to protect all employees. [79 FR 20317]

The new standard also revises the General Industry and Construction Industry standards for electrical protective equipment. The new standard for electrical protective equipment, which matches the corresponding General Industry standard, applies to all Construction Industry work and replaces the incorporation of out-of-date consensus standards with a set of performance-oriented requirements that is consistent with the latest revisions of the relevant consensus standards. The final Construction Industry rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. Both the General Industry and Construction Industry standards for electrical protective equipment will include new requirements for equipment made of materials other than rubber.

Like federal OSHA, VOSH seeks to use the same delayed compliance deadlines as the federal date schedule for the phased-in period for this final rule. The additional time granted to employers will serve to reduce the transitional costs associated with the final rule.

Federal OSHA has also included numerous comparable appendices in §1910.269 and in Subpart V of Part 1926 of the final rule. Among other things, these comparable appendices provide the following:

- Information relating to the determination of appropriate minimum approach distances;
- Information on the inspection and testing of wood poles;
- Guidance on the selection of protective clothing and other protective equipment for employees exposed to flames or electric arcs;
- Tables for estimating incident-energy levels based on voltage, fault current, and clearing times; and
- References to additional sources of information that supplement the requirements of Subpart V.

The new federal final rule for Electric Power Generation, Transmission, and Distribution and Electrical Protective Equipment now provides comprehensive and uniform levels of worker protections across industries that previously were lacking in this standard and were addressed by the Board in 2004 through the adoption of the following Virginia Unique regulation: 16VAC25-155, General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry – Subpart V (1926.950 (c)(1)(i)). Since this Virginia Unique regulation is no longer necessary, it should be repealed should the Board choose to adopt the new federal final rule.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 5, 2014, the Safety and Health Codes Board adopted federal OSHA’s Final Rule for Electric Power Generation, Distribution and Electric Protective Equipment, Parts 1910 and 1926, as published in 79 FR 20316 on April 11, 2014, and repealed 16VAC25-155, General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry – Subpart V (§1926.950 (c)(1)(i)). The effective date is September 1, 2014.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These regulatory actions will have no impact on the institution of the family and family stability.

Note: The Safety and Health Codes Board adopted the entire regulation concerning Electric Power Generation, Distribution and Electric Protective Equipment, Parts 1910 and 1926, with the **exception** of the following: “1926.6, Incorporation by Reference.”

**Electric Power Generation, Transmission, and Distribution, and
Electrical Protective Equipment, Parts 1910 and 1926; Final Rule**

As Adopted by the

Safety and Health Codes Board

Date: June 5, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 1, 2014

**Electric Power Generation, Transmission, and Distribution, and
Electrical Protective Equipment, Parts 1910 and 1926**

When the regulations, as set forth in the Final Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment, Parts 1910 and 1926, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
July 10, 2014	September 1, 2014

(Please refer to implementation schedule of various provisions on the next page)

To access the Final Rule for Electric Power Generation, Transmission, and Distribution, Parts 1910 and 1926; Electrical Protective Equipment, §1926.97, please click on the link below, the regulatory text begins on page 20629:

http://www.osha.gov/FedReg_osha_pdf/FED20140411.pdf

Implementation Schedule for federal OSHA and VOSH.

Requirement	Subpart V	§1910.269	VOSH Compliance Date
Fall protection must be used by a qualified employee climbing or changing location on poles, towers, or similar structures unless the employer can demonstrate that the climbing with fall protection is infeasible or creates a greater hazard than climbing or changing location without it.	§1926.954(b)(3)(iii)(C)	(g)(2)(iv)(C)(3)	April 1, 2015
Work-positioning systems must be rigged so that an employee can free fall no more than 0.6 m (2 ft).	§1926.954(b)(3)(iv)	(g)92)(iv)(D)	April 1, 2015
Until the compliance deadline, employers may continue to use the minimum approach distances in existing Subpart V and 1926.269 for voltages of 5.1 kilovolts and more. After the compliance deadline, employers must determine the maximum anticipated per-unit transient overvoltage, phase-to-ground in accordance with 1926.960(c)(1)(ii) and 1910.269(l)(3)(ii) and must establish minimum approach distances in accordance with 1926.960(c)(1)(i) and 1910.269(l)(3)(i).	§1926.960(c)(1) and Table V-2	(l)(3) and Table R-3	April 1, 2015
The employer must make a reasonable estimate of the incident heat energy to which the employee would be exposed.	§1926.960(g)(2)	(l)(8)(ii)	Jan. 1, 2015
The employer must ensure that the outer layer of clothing, except for clothing not required to be arc rated, is flame resistant when the estimated incident heat energy exceeds 2.0 cal/cm ² .	§1926.960(g)(4)(iv)	(l)(8)(iv)(D)	April 1, 2015
The employer must ensure that employees with exposure to electric-arc hazards wear protective clothing and other protective equipment with an arc rating greater than or equal to the estimated heat energy whenever that estimate exceeds 2.0 cal/cm ² .	§1926.960(g)(5)	(l)(8)(v)	April 1, 2015