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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(s)	<p>Subpart R- Special Industries: 16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; and Appendices A-2, B, C, D and E to §1910.269;</p> <p>Subpart V-Electric Power Transmission and Distribution: 16VAC25-175-1926.960, Working On or Near Exposed Energized Parts; and 16VAC25-175-1926.968, Definitions, §1926.968; and Appendix B to Subpart V</p>
Regulation title(s)	16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; 16VAC25-175-1926.960, Working On or Near Exposed Energized Parts, §1926.960; and 16VAC25-175-1926.968, Definitions, §1926.968; and Appendix B to Subpart V of Part 1926
Action title	Corrections to 16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; and to Appendices A-2, B, C, D and E to §1910.269; Corrections to 16VAC25-175-1926.960, Working On or Near Exposed Energized Parts, §1926.960; and Corrections to 16VAC25-175-1926.968, Definitions, §1926.968; and to Appendix B to Subpart V
Final agency action date	December 11, 2014
Date this document prepared	December 11, 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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA has corrected numerous errors found in its Final Rule for Electric Power Generation, Transmission, and Distribution, §1910.269; and Electrical Protective Equipment. Corrections to §1910.269 of Subpart R, Special Industries, and to §§ 1926.960 and 1926.968 of Subpart V, Electric Power Transmission and Distribution, are summarized below:

A. §1910.269 of Subpart R, Special Industries:

- Revised paragraph (h)(2)(i) to include the strength requirement for portable ladders that had been inadvertently dropped during the adoption of the provision in the final §1910.269. Paragraph now reads: "In the configurations in which they are used, portable ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load";
- Revised the equation in Table R-3, AC Live-Line Work Minimum Approach Distance, under the entry "For phase-to-phase system voltages of more than 72.5 kV, nominal", in the thirteenth row;
- In footnote 2, revised "Table 6 through Table 13" to read "Table 14 through Table 21";
- In Tables R-6 and R-7, removed the bracketed expression "[In meters or feet and inches]";
- Revised Appendix A-2, Application of §1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices, to correct the first question in the flow chart so that it refers to the definition of "qualified" in §1910.399, instead of the definition of that term in §1910.269(x);
- In Appendix B, Working on Exposed Energized Parts, § IV.D, removed the words "Table 7 through Table 14" wherever they appeared and added in their place the words "Table 14 through Table 21";
- In Appendix B, Working on Exposed Energized Parts, revised the title "Table 6- Minimum Approach Distances until March 31, 2015" to read "Table 6-Minimum Approach Distances until December 31, 2014";

- In Appendix C, Protection From Hazardous Differences in Electric Potential, redesignated footnotes 14, 15, 16, 17, and 18 as footnotes 1, 2, 3, 4, and 5, respectively.
- In Appendix D, Methods of Inspecting and Testing Wood Poles, redesignated footnotes 19 and 20 and footnotes 1 and 2, respectively;
- In Appendix E, Protection From Flames and Electric Arcs, redesignated footnotes 21, 22, 23, 24, 25, 26, 27, 28, and 29 as footnotes 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively;
- In Appendix E, redesignated footnotes 21, 22, 23, 24, 25, 26, 27, 28, and 29 as footnotes 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.

B. Subpart V of Part 1926, Electric Power Transmission and Distribution:

- In Tables V-5 and V-6 of §1926.960 of Subpart V, removed the parenthetical expression “(In Meters or Feet and Inches)” in the table headings;
- In §1926.968, Definitions, removed “§1926.1200” and added “§1926.59” in its place in the note to the definition of “Hazardous atmosphere” (5);
- In paragraph 2 of §1926.968, Definitions, removed the word “section” and added the word “subpart” in its place; and
- In Table 2 of Appendix B to Subpart V of Part 1926, removed the words “2. Multiply by $\sqrt{3}$ ” and added “2. Multiply by $\sqrt{2}$ ” in their place.

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 December 11, 2014, the Safety and Health Codes Board adopted federal OSHA’s Corrections to the Final Rule for Electric Power Generation, Transmission, and Distribution, §1910.269; Electrical Protective Equipment, as published in 79 FR 56955 on September 24, 2014, with an effective date of February 15, 2015.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The corrections to these standards will have no impact on the institution of the family and family stability.

**Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment;
Correcting Amendments**

As Adopted by the

Safety and Health Codes Board

Date: December 11, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2015

Subpart R – Special Industries

16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269; and
Appendices A-2, B, C, D and E to §1910.269;

Subpart V – Electric Power Transmission and Distribution

16VAC25-175-1926.960, Working On or Near Exposed Energized Parts, §1926.960
16VAC25-175-1926.968, Definitions, §1926.968; and
Appendix B to Subpart V of Part 1926

When the regulations, as set forth in the Correcting Amendments to the Final Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment, 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:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

September 24, 2014

February 15, 2015

PART 1910—[AMENDED]

Subpart R—Special Industries

- 2. Amend § 1910.269 as follows:
 - a. Revise paragraph (h)(2)(i);
 - b. In Table R-3:
 - i. Under the entry “For phase-to-phase system voltages of more than 72.5 kV, nominal”, in the thirteenth row, revise the equation;
 - ii. In footnote 2, revise “Table 6 through Table 13” to read “Table 14 through Table 21”;
 - c. In Tables R-6 and R-7, remove the bracketed expression “[In meters or feet and inches]”;
 - d. Revise Appendix A-2 to § 1910.269;
 - e. In Appendix B to § 1910.269, section IV.D, remove the words “Table 7 through Table 14” wherever they appear and add in their place the words “Table 14 through Table 21”;
 - f. Revise Table 6 in Appendix B to § 1910.269;

- g. In Appendix C to § 1910.269, redesignate footnotes 14, 15, 16, 17, and 18 as footnotes 1, 2, 3, 4, and 5, respectively;
 - h. In Appendix D to § 1910.269, redesignate footnotes 19 and 20 as footnotes 1 and 2, respectively; and
 - i. In Appendix E to § 1910.269, redesignate footnotes 21, 22, 23, 24, 25, 26, 27, 28, and 29 as footnotes 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.
- The revisions read as follows:

§ 1910.269 Electric power generation, transmission, and distribution.

* * * * *

(h) * * *

(2) * * *

(i) In the configurations in which they are used, portable ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load.

* * * * *

Table R-3—AC Live-Line Work Minimum Approach Distance

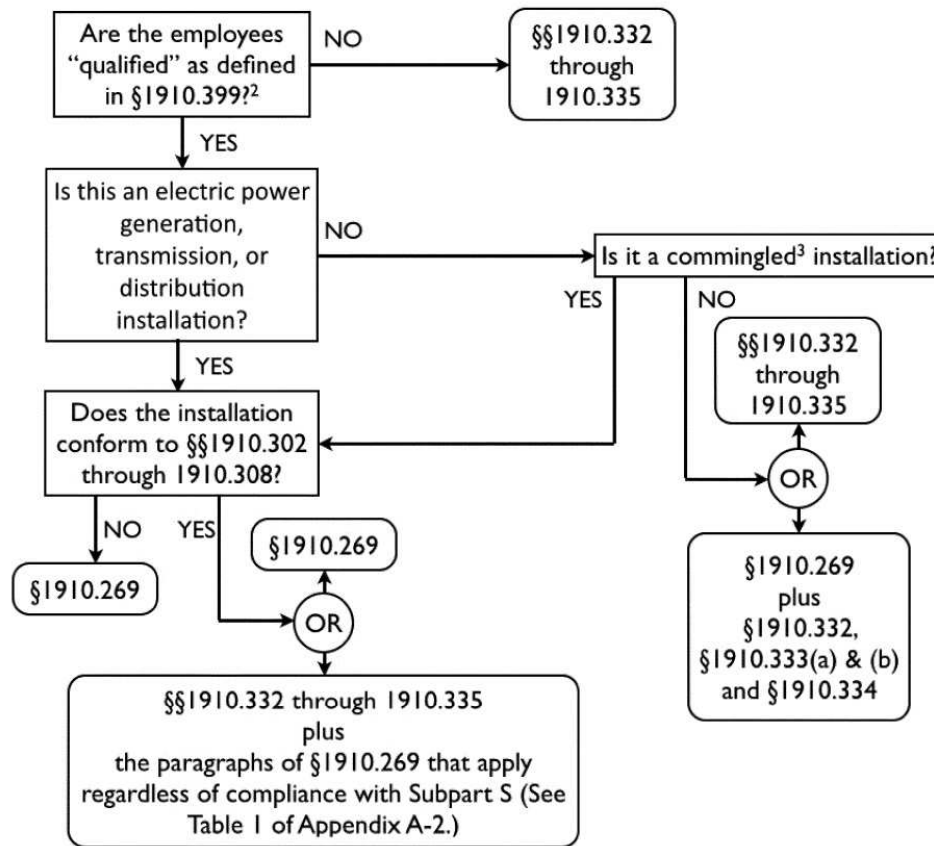
* * * * *

$$MAD = 0.3048(C + a)V_{L-G}TA + M$$

* * * * *

Appendix A-2 to § 1910.269—Application of § 1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices¹

BILLING CODE 4510-26-P



¹ This flowchart applies only to the electrical safety-related work practice and training requirements in §1910.269 and §§1910.332 through 1910.335.

² See §§1910.269(a)(1)(ii)(B) and 1910.331(b) and (c)(1).

³ This means commingled to the extent that the electric power generation, transmission, or distribution installation poses the greater hazard.

BILLING CODE 4510-26-C

TABLE 1—ELECTRICAL SAFETY REQUIREMENTS IN § 1910.269

Compliance with Subpart S will comply with these paragraphs of § 1910.269 ¹	Paragraphs that apply regardless of compliance with Subpart S ²
(d), electric-shock hazards only	(a)(2), (a)(3) and (a)(4).
(h)(3)	(b)
(i)(2) and (i)(3)	(c)
(k)	(d), for other than electric-shock hazards.
(l)(1) through (l)(5), (l)(7), and (l)(10) through (l)(12)	(e)
(m)	(f)
(p)(4)	(g)
(s)(2)	(h)(1) and (h)(2).
(u)(1) and (u)(3) through (u)(5)	(i)(4)
(v)(3) through (v)(5)	(j)

56962 Federal Register / Vol. 79, No. 185 / Wednesday, September 24, 2014 / Rules and Regulations

TABLE 1—ELECTRICAL SAFETY REQUIREMENTS IN § 1910.269—Continued

Compliance with Subpart S will comply with these paragraphs of § 1910.269 ¹	Paragraphs that apply regardless of compliance with Subpart S ²
(w)(1) and (w)(7)	(l)(6), (l)(8) and (l)(9). (n) (o) (p)(1) through (p)(3). (q) (r) (s)(1) (t) (u)(2) and (u)(6) (v)(1), (v)(2), and (v)(6) through (v)(12). (w)(2) through (w)(6), (w)(8), and (w)(9).

¹ If the electrical installation meets the requirements of §§ 1910.302 through 1910.308 of this part, then the electrical installation and any associated electrical safety-related work practices conforming to §§ 1910.332 through 1910.335 of this part are considered to comply with these provisions of § 1910.269 of this part.

² These provisions include electrical safety and other requirements that must be met regardless of compliance with subpart S of this part.

* * * * *

TABLE 6—MINIMUM APPROACH DISTANCES UNTIL DECEMBER 31, 2014

Voltage range phase to phase (kV)	Phase-to-ground exposure		Phase-to-phase exposure	
	m	ft	m	ft
0.05 to 1.0	Avoid Contact		Avoid Contact	
1.1 to 15.0	0.64	2.10	0.66	2.20
15.1 to 36.0	0.72	2.30	0.77	2.60
36.1 to 46.0	0.77	2.60	0.85	2.80
46.1 to 72.5	0.90	3.00	1.05	3.50
72.6 to 121	0.95	3.20	1.29	4.30
138 to 145	1.09	3.60	1.50	4.90
161 to 169	1.22	4.00	1.71	5.70
230 to 242	1.59	5.30	2.27	7.50
345 to 362	2.59	8.50	3.80	12.50
500 to 550	3.42	11.30	5.50	18.10
765 to 800	4.53	14.90	7.91	26.00

Note: The clear live-line tool distance must equal or exceed the values for the indicated voltage ranges.

* * * * *

PART 1926—[AMENDED]

Subpart V—Electric Power Transmission and Distribution

■ 3. The authority citation for subpart V of part 1926 continues to read as follows:

Authority: 40 U.S.C. 3701 *et seq.*; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 1-2012 (77 FR 3912); and 29 CFR Part 1911.

§ 1926.960 [Amended]

■ 4. In § 1926.960, in Tables V-5 and V-6, remove the parenthetical expression "(In Meters or Feet and Inches)" in the table headings.

§ 1926.968 [Amended]

■ 5. Amend § 1926.968 as follows:

■ a. In the note to the definition of "Hazardous atmosphere" (5), remove "§ 1926.1200" and add "§ 1926.59" in its place; and

■ b. In paragraph 2 of the definition of "Lines", remove the word "section" and add the word "subpart" in its place.

Appendix B to Subpart V of Part 1926 [Amended]

■ 6. In Appendix B to Subpart V, in Table 2, remove the words "2. Multiply by $\sqrt{3}$ " and add "2. Multiply by $\sqrt{2}$ " in their place.

[FR Doc. 2014-22148 Filed 9-23-14; 8:45 am]

BILLING CODE 4510-26-P