



COMMONWEALTH of VIRGINIA

DEPARTMENT OF LABOR AND INDUSTRY

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AGENDA

SAFETY AND HEALTH CODES BOARD

State Corporation Commission  
1300 East Main Street, Court Room A  
Second Floor  
Richmond, Virginia

Thursday, October 13, 2011

10:00 a.m.

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes for Public Hearing and for Board Meeting of January 20, 2011
4. Update and Introduction of New Board Member  
*Presenter -- John Crisanti*
5. Elections of Officers
6. Opportunity for the Public to Address the Board on this issues pending before the Board today or on any other topic that may be of concern to the Board or within the scope of authority of the Board.

*This will be the only opportunity for public comment at this meeting. Please limit remarks to 5 minutes in consideration of others wishing to address the Board.*

7. **Old Business**

a) Report on Periodic Review of Certain Regulations:

- 1) 16 VAC25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors; and
- 2) 16 VAC 25-75, Telecommunications, General, Approach Distances.

*Presenter – Reba O’Connor*

b) Review of Board Bylaws

*Presenter – John Crisanti*

8. **New Business**

a) Federal-Identical Regulation:

- 1) General Working Conditions in Shipyard Employment, Final Rule [Parts 1910 and 1915]

*Presenter – John Crisanti*

- 2) Standards Improvement Project – Phase III

*Presenter – John Crisanti*

b) Update Board on Virginia Electronic Data Interchange (EDI) Program for Travel Reimbursement

*Presenter – Regina P. Cobb*

9. Items of Interest from the Department of Labor and Industry

Comments Re: Commissioner Carol Amato

*Presenter – John Crisanti*

10. Items of Interest from Members of the Board

11. Meeting Adjournment

**DRAFT**

**SAFETY AND HEALTH CODES BOARD  
MEETING MINUTES  
THURSDAY, JANUARY 20, 2011**

**BOARD MEMBERS PRESENT:** Mr. Chuck Stiff, Chair  
Mr. Charles Bird  
Mr. Jerome Brooks, DEQ representative  
Ms. Anna Jolly, Secretary  
Mr. Satish Korpe  
Ms. Rebecca Le Prell, VDH representative  
Ms. Milly Rodriguez, Vice Chair  
Mr. Tommy Thurston

**BOARD MEMBERS ABSENT:** Mr. Gregory Hart  
Dr. James Mundy  
Ms. Eloisa Rea  
Mr. Danny Sutton

**STAFF PRESENT:** Mr. Courtney M. Malveaux, Commissioner, Dept. of Labor and Industry  
Mr. Bill Burge, Assistant Commissioner -- VOSH  
Mr. Glenn Cox, Director of VOSH Programs  
Mr. Ron Graham, Director, Occupational Health Compliance  
Mr. John Crisanti, Manager, Office of Planning and Evaluation  
Ms. Reba O'Connor, Regulatory Coordinator  
Elizabeth Peay, Esq., Assistant Attorney General  
Ms. Sharon Sykes, Intern  
Ms. Zannette W. Taylor  
Ms. Jennifer Wester, Director, Cooperative Programs Division  
Ms. Regina Cobb, Agency Management Analyst Senior

**OTHERS PRESENT:** Ms. Beverly Lukowsky, Shorthand Reporter, Chandler & Halasz, Inc.  
Ms. Beverly Crandell, Federal OSHA

**ORDERING OF AGENDA**

Chairman Chuck Stiff called the meeting to order at 10:05 a.m., and noted that there was a quorum. Mr. Stiff then asked for a motion from the Board to approve the Agenda. On proper motion by Ms. Rodriguez and seconded by Ms. Jolly, the Agenda was approved, as submitted. The motion was carried by unanimous voice vote.

**APPROVAL OF MINUTES**

Mr. Stiff asked the Board for a motion to approve the Minutes for the August 18, 2010 Board meeting. On proper motion by Ms. Jolly and seconded by Ms. Rodriguez, the Minutes were approved, as submitted, by unanimous voice vote.

## **UPDATE AND INTRODUCTION OF NEW BOARD MEMBERS**

Mr. John Crisanti, Manager of the Office of Planning and Evaluation for the Department, introduced two relatively new members, both who had attended the August 2010 Board meeting, but were not formally introduced: Ms. Rebecca LePrell, who represents the Health Commissioner (*ex officio*), Dr. Karen Remley, and Mr. Jerome Brooks, who represents the Director of the Department of Environmental Quality (*ex officio*), Mr. David Paylor.

Mr. Crisanti then informed the Board that the terms of five Board members expired last June. He stated that of those five expired terms, two members, Mr. Roger Burkhart and Mr. Linwood Saunders, expressed a desire not to be considered for re-appointment. He noted that the other three individuals whose terms expired were: Mr. Lou Cernak, Mr. Frank Hartsoe and Mr. Daryl Hines, whose positions have been filled by new members.

Next, Mr. Crisanti introduced recently appointed members: Mr. Charles E. Bird, representing labor in the Construction Industry; Mr. Thomas Thurston, representing labor in the manufacturing industry; Mr. Gregory Hart (absent), representing an Insurance Company; and Mr. Michael J. Pischke (absent), representing the Boiler and Pressure Vessel industry.

Chairman Stiff then welcomed all new members.

## **CHAIR APPOINTS SECRETARY**

Chairman Stiff appointed Anna Jolly as Board Secretary.

## **PUBLIC COMMENTS**

Mr. Stiff opened the floor to comments from the public, however, there were no comments.

## **OLD BUSINESS**

### ***Update on 16 VAC 25-73, Tree Trimming Operations***

Mr. John Crisanti filled in for Mr. Jay Withrow, Director of the Division of Legal Support for the Department of Labor and Industry, who is currently on medical leave.

Mr. Crisanti briefly explained the regulatory process and informed the Board that Gov. McDonnell approved the Tree Trimming Operations regulation on December 16, 2010, for publication in the Virginia Register. He explained that the Department needs to notify the Register when the Department wants the regulation to be published and what the effective date needs to be, but the Department has not determined that yet. He continued by explaining that the Department needs to finalize the news release far enough in advance so that the tree care industry associations can disseminate information to interested communities before the information is published. He added that the Department also needs to work out a solution with the Registrar's Office for dealing with removing references in the tree trimming final regulation to 16 VAC 25-95, Medical Services and First Aid Standards for General Industry and for the Construction Industry, which was not approved by the Secretary's Office. Mr. Crisanti added that Mr. Withrow believes that he has developed language that will satisfy the Registrar.

Mr. Crisanti explained that when Mr. Withrow returns from medical leave hopefully in February, the Department needs to distribute outreach and training materials so that Department compliance personnel can enforce the new standard.

Mr. Crisanti informed the Board that the Department would update them by email as these issues are resolved.

***16 VAC 25-95, Medical Services and First Aid Standards for General Industry and for the Construction Industry***

Mr. Crisanti stated that once again he was standing in for Mr. Withrow. He reminded the Board that it formally approved the first aid final regulation late in 2009. He explained that the regulatory process as follows: after the Board approval the regulation as final, it was reviewed by the Department of Planning and Budget, which approved the regulation with some reservations in terms of the fiscal impact; then the final regulation went to the Secretary's Office where it was not approved to go to the Governor's office for final approval.

Mr. Crisanti concluded by requesting the Board to consider the Department's request to rescind the Board's approval of the First Aid Regulation and allow the Department to go forward with the discussions with interested parties.

Chairman Stiff asked Mr. Crisanti why the Secretary did not approve the final regulation. Mr. Crisanti responded that the Department has not gotten into the substantive issues concerning why the secretary did not want to move forward with this regulation. He added that the Department was waiting for the Board's blessing before proceeding. Mr. Crisanti promised to keep the Board updated once the Department meets with interested parties and determines what the issues are and how to address them. Ms. Rodriguez asked if the Board votes to rescind would this open the regulation up for more discussion. Mr. Crisanti assured her and Ms. Jolly that the Department would return to work on the regulation from the proposed stage again once the outstanding issues have been determined and there has been an effort to reach accommodation with interested parties.

Mr. Korpe asked about the time anticipated to redo this regulation. Mr. Crisanti informed him that it depends on what the issues are and how difficult it is to reach accommodation with those parties that have concerns and, once the issues are ironed out, there would be a 60-day comment period, perhaps another hearing, development of a final board package, etc. Mr. Crisanti estimated that the Department might be looking at early to late fall, or by the end of the year. He added that the Department would keep the Board involved by email once there are concrete changes to report.

Ms. Jolly moved to accept Mr. Crisanti's motion, which was seconded by Ms. Rodriguez and unanimously approved by voice vote.

**NEW BUSINESS**

***Notice of Periodic Review of Certain Existing Regulations***

Ms. Reba O'Connor, Regulatory Coordinator for the Department of Labor and Industry, stated that Governor McDonnell's Executive Order 14 (2010), "Development and Review of Regulations Proposed by State Agencies," governs the periodic review or re-evaluation of existing regulations and the regulatory process to promulgate new regulations or amend current regulations.

After explaining the review process, she informed the Board that two regulations of the Board have been identified for review in 2010: 1) 16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors; and 2) 16 VAC 25-75, Telecommunications, General, Approaches Distances.

Ms. O'Connor stated that the Department is asking for approval to publish a notice of periodic review in the Virginia Register and to begin the review of these regulations. She added that she will present the recommendations for the Board's consideration at the next meeting.

Ms. Jolly moved to go forward with the periodic review, and Ms. Rodriguez seconded the motion which was unanimously approved by voice vote.

***Cranes and Derricks in Construction, §§1926.1400 through 1926.1442, Final Rule, and Other Related Standards***

Mr. Glenn Cox, Director of VOSH Programs for the Department of Labor and Industry, requested the Board to consider for adoption federal OSHA's final rule for Cranes and Derricks in Construction, and other related standards, as published in 75 FR 47906 on August 9, 2010.

Mr. Cox informed the Board that the revised standard will require employers to perform crane inspections, utilize qualified or certified crane operators, address ground conditions, maintain safe distances from power lines using the encroachment prevention precautions, and to fulfill other obligations under the standards. He added that OSHA stated that the new rule is designed to prevent the leading cause of fatalities, including electrocution, crush by, struck by hazards during assembly and disassembly and collapse and overturns. Next, Mr. Cox called the Board's attention to the list of exclusions from the standard on page 4 of the briefing package. He informed the Board that OSHA excluded many lifting devices, including machinery that has been converted to a non-hoisting lifting use, as well as air lifts, forklifts, except when they are configured to hoist and lowered by means of a wench or a hook or horizontally moves the suspended the flow; and that would be big items: excavators, backhoes, and digger derricks.

He explained that it is estimated that there are approximately 7,250 establishments in Virginia with more than 130,000 employees that will be affected by this standard. He added that the training has to be done at no cost to the employees.

With respect to the standard's impact on employees, Mr. Cox explained that employees will be safer. He added that the impact on the Department will be minimal, mostly in the preparation of the standard and answering the questions.

Mr. Cox explained that the benefit and costs of the revised regulation will result in fewer fatalities and injuries. He stated that the cost of the Cranes and Derricks standard in Virginia would be approximately \$190,000.

He listed many of the significant requirements in the final standard, including: qualified rigger required; pre-erection inspection of tower crane parts; use of synthetic slings; assessment of ground conditions, qualification or certification of crane operators; employers must provide training for overhead power lines; signal persons; operators and operators-in-training; competent persons and qualified persons; crush/pinch points; tag out; and training administration; authority to stop operations; and operational aids.

Mr. Korpe asked about the levels of inspection for cranes and derricks. Mr. Cox responded that the employer must ensure the inspection of the crane is conducted and that the assembly or disassembly either has to follow the manufacturer's requirements or an engineer has to approve the assembly or disassembly of the crane. Mr. Bird, who has been involved with the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) since the development of the revised final rule, explained that there is an AD assembly and disassembly supervisor that is required for that process, and they need to be a qualified person. He added that there are some inspection requirements for the tower crane, particularly. The new standard includes pre-assembly inspections.

In conclusion, Mr. Cox recommended that the Board adopt federal OSHA's final Rule for Cranes and Derricks in Construction, §§1926.1400 through 1926.1442, and other related standards, as authorized by Virginia Code §40.1-22(5) and 2.2-4006.A.4(c), with an effective date of April 15, 2011.

Ms. Jolly moved to accept Mr. Cox's recommendation. Mr. Bird properly seconded the motion which was unanimously approved by voice vote.

Mr. Cox added that there is a conflict between the requirements of Virginia's Overhead High Voltage Line Safety Act and the revised Crane standard. He informed the Board that, in order to eliminate the conflict with the existing Virginia Overhead High Voltage Line Safety Act ("the Act"), which VOSH enforces directly, the Department will be developing a statutory amendment package for the 2012 General Assembly session that will amend §59.2-413 of the Code of Virginia to exempt the Act from applicability to cranes and derricks covered by the new standard where the voltages in question are in excess of 50 KV. This statutory change will allow for the greater safety distances incorporated in this new standard to be applicable without being in conflict with the Act.

### **Items of Interest from Members from the Department of Labor and Industry**

Commissioner Malveaux thanked the Board members for their time and effort in serving on the Board and his staff for their due diligence throughout the Department. Additionally, he congratulated the newly appointed Board members.

He informed the Board about the additional two percent budgetary cut that the Department has experienced. He stated that there are about 18 unfilled positions across the board that the Department would love to have filled. He also informed the Board that the Department of General Services will be relocating Labor and Industry to the old Verizon Building at 6<sup>th</sup> and East Main Streets by the end of the year.

Commissioner Malveaux also stated that the severe violators enforcement program (SVEP) will include substantial increases of penalties, and that the Occupational Safety and Health State Plan States Association (OSHSPA) would be meeting at the end of January to discuss how the OSHSPA states, including Virginia, will deal with SVEP to make sure that Virginia is "as effective as" the federal program while doing things that make sense in Virginia.

He noted that when he has attended the OSHSPA meetings with other commissioners, he has learned that Virginia has lower unemployment and better workplace safety than most states. He added that Virginia's numbers for fatality and incidents have been decreasing. He stated that the downturn of the economy could not account for the decreases in incidents, therefore, it must be attributed to the Board's work, and the Department staff's work, and new regulations and continued diligence.

### **Items of Interest from Members from the Board**

Mr. Korpe stated that he had a couple of items that he wanted to discuss concerning the election of officers. He stated that he, like others, had been on the Board for a number of years without being given the opportunity to serve as an officer on the Board. He stated that there is no process in place for determining how members are appointed and become board officers. He added that some members get appointed over and over again, while others do not get selected because they do not belong to the employers' side or to labor's side (the traditional alternating scheme). He added that some members represent the public, and they do not get a chance to hold an office.

His second issue was that he felt that the board members should have coffee before the meeting or lunch after the meeting to get to know each other, but repeatedly the Board has been told by the staff that such meetings were against statutory restrictions; that anything outside the meeting room between two or more members would constitute a meeting of the Board. He stated that the Board should not restrict its connections to every three months, four times a year, and the members do not know what the other members are thinking about the issues.

Mr. Korpe then returned to his first issue in which he expressed his concerns about the nomination process – he stated that traditionally the chairman appoints the secretary who automatically becomes the [Vice] Chair, therefore, there is no proper procedure of nomination or discussion. He recommended that the Board needs to have a procedure in place, e.g., seniority, or recommendation and give the position to someone who never had a position.

In response to Mr. Korpe, Chairman Stiff disagreed that there is no process for electing officers of the Board. Chairman Stiff informed Mr. Korpe that the process is in the Board's Bylaws. Chairman Stiff agreed with Mr. Korpe that the Board has a process in place where traditionally the elected officer positions alternate from employer side to labor side which was an equity issue that the Board tried to address in the form of a public meeting. He continued by stating that the election process involved nominations and discussions and then voting. Chairman Stiff acknowledged that the position of public sector representative, which was his initial appointment to the Board, is something that the Board can discuss. Chairman Stiff then addressed Mr. Korpe's second issue about Board members meeting outside of the public venue. Chairman Stiff then stated that there was some limitation to Board members meeting outside of the public venue. He then asked Department staff for a refresher course on the Bylaws and what statutory limitations exist.

Mr. Crisanti reminded Mr. Korpe of a previous discussion they had had about meetings of three or more Board members constituting a public meeting of the Board, and this discussion was followed by an email or letter addressing this issue. Mr. Crisanti pointed out that there are specific provisions of the Freedom of Information Act that address the interaction of three or more Board members for Board-related business representing a meeting of the Board. He added that with such "meetings" all of the filings need to come into play under the Administrative Process Act ("the APA"). Mr. Crisanti stated that this Act covers every policy board in the state and also impacts local government. Mr. Crisanti continued by stating that such meetings are not legal, and there are criminal sanctions for violating the Act, when three or more Board members meet outside of the Board meeting and discuss Board business, whether it is local government or state government. Mr. Crisanti offered to re-send the email addressing this issue to Mr. Korpe. In response to Mr. Korpe's question, Mr. Crisanti admitted that two members could meet and that would not be considered a "meeting".

In response to Mr. Korpe's statement that there is no procedure in place, Chairman Stiff stated that the process according to the Bylaws is that the chair and the vice chair are nominated, the nominations are discussed and voted on, and the secretary is appointed by the Chair.

After a very lengthy discussion, Chairman Stiff requested that the Department staff briefly refresh the board on a couple of points in the Bylaws. Mr. Crisanti agreed to provide a refresher session and to entertain any changes the Board wishes. Mr. Crisanti then requested Board members to send him their resumes and he would get a package together and forward it to each Board member so that the Board members could learn more about each other.

## **Adjournment**



There being no further business, Mr. Stiff requested a motion for adjournment. Ms. Rodriguez made the motion to adjourn the meeting. Mr. Korpe seconded the motion which was carried unanimously by voice vote. The meeting adjourned at 11:18 a.m.



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF LABOR AND INDUSTRY

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### VIRGINIA SAFETY AND HEALTH CODES BOARD BRIEFING PACKAGE FOR OCTOBER 13, 2011

#### PERIODIC REVIEW OF EXISTING REGULATIONS

##### **I. Background and Process**

Governor McDonnell's Executive Order 14 (2010), "Development and Review of Regulations Proposed by State Agencies," governs the Periodic Review or re-evaluation of existing regulations and the regulatory process to promulgate new regulations or amend current regulations.

At its meeting on January 20, 2011, the Department notified the Board that two regulations had been identified for Periodic Review. The review was to include a determination as to whether the regulations are necessary for the protection of public health, safety, and welfare, and whether they are clearly written and easily understandable. The Board approved the Department's request to publish a notice of periodic review in the VA Register.

The Virginia Regulatory Town Hall web site contains the citations for the federal/state authority for these regulations and a contact person for each regulation.

##### **II. Current Status**

The following regulations have been reviewed.

1. 16 VAC 25-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors; and
2. 16 VAC 25-75, Telecommunications, General, Approach Distances.

Public Comment for these regulations began March 14, 2011 and ended April 5, 2011.

One comment was posted by Keith Johnson on April 4, 2011 in support of the Boiler Regulation. Mr. Johnson wrote, “thanks [sic] for taking the time to discuss this, I feel strongly about it. If possible, as you gain expertise, would you mind updating your site with more info about boiler and pressure vessel [sic] ? as it is extremely helpful for me.”

There were no comments on the Telecommunications regulation.

### **III. Review and Analysis**

Pursuant to § 2.2-4007.1 E and F of the Code of Virginia, the Department is obligated to evaluate the economic impact of this regulation on small business. The following factors must be considered:

- (1) the continued need for the regulation;
- (2) the complexity of the regulation;
- (3) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and
- (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

The discussion must also include the agency’s determination as to whether the regulation should be amended, repealed, or retained consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

#### **16 VAC 15-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**

By requiring contract fee inspectors to provide annual proof of indemnification, this regulation protects small business owners of boiler and pressure vessels by providing proof that contract fee inspectors have indemnified these owners against losses caused by negligent inspection and certification. Although contract fee inspectors will have to invest a small portion of time in copying and mailing a certificate of insurance or proof of other indemnification, the regulation is not overly complex and does not overlap, duplicate or conflict with federal or state law or regulation. Contract fee inspectors must also pay related copy and postage costs, but these are relatively small. This regulation provides flexible options for contract fee inspectors and minimizes, to the greatest extent possible, the impact on the regulated community.

#### **16 VAC 25-75, Telecommunications, General, Approach Distances**

This regulation requires that telecommunications workers protect themselves from both electrical parts upon which they are directly working and from electric wires adjacent to any area in which they are working. There is a continuing need for the regulation because it ensures the safety of telecommunications workers in the same manner provided for general industry and construction industry workers. The regulation, which became effective June 25, 2007, is not overly complex, and does not overlap, duplicate, or conflict with federal or state law or regulation. Since telecommunications workers are already required to be trained on methods for de-energizing or isolating or insulating themselves from live electrical parts through the use of blankets and other protective measures already included in 16 VAC 25-90-1910.268, no significant additional cost or implementation impact for small employers was involved. The current Periodic Review is the first instance of an evaluation of this regulation following its promulgation. Since that time,

technology, economic conditions, and other related factors have not changed sufficiently to warrant amendments to the regulation.

#### **IV. Recommendations**

##### **16 VAC 15-55, Financial Responsibility of Boiler and Pressure Vessel Contract Fee Inspectors**

This Periodic Review is the first evaluation of this regulation since it became effective February 19, 2007. As a result of this Periodic Review, the Department recommends retention of the existing regulation in its current form. The Department also recommends that the Board state in any motion it may make in regard to this regulatory action that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of these regulations or any other regulation which has been adopted in accordance with the applicable subsection of the Administrative Process Act.

##### **16 VAC 25-75, Telecommunications, General, Approach Distances**

This Periodic Review is the first evaluation of this regulation since it became effective March 22, 2007. As a result of this Periodic Review, the Department recommends retention of the above existing regulation in its current form. The Department also recommends that the Board state in any motion it may make in regard to this regulatory action that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of these regulations or any other regulation which has been adopted in accordance with the applicable subsection of the Administrative Process Act.

#### **Contact Person:**

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## Virginia Administrative Code

### **16VAC25-55-10. Definitions.**

The words and terms, "board," "boiler," "Chief Inspector" and "pressure vessel," when used in this chapter shall have the same meanings as defined in 16VAC-25-50-10 unless the context clearly indicates otherwise.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Contract fee inspector" means any certified boiler inspector contracted to inspect boilers or pressure vessels on an independent basis by the owner or operator of the boiler or pressure vessel.

"Contract fee inspection agency" means a company that directly employs contract fee inspectors or has contractual arrangements with other contract fee inspectors for the purpose of providing boiler and pressure vessel certificate inspections to the general public.

"Market share" means a fraction, (i) the numerator of which is the total fees charged by the inspector or agency under 16VAC25-50-150 for conducting power boiler and high temperature water boiler, heating boiler, and pressure vessel inspections in the most recent calendar year and (ii) the denominator of which is the total fees charged by all inspectors and agencies under 16VAC25-50-150 for conducting power boiler and high temperature water boiler, heating boiler, and pressure vessel inspections in the most recent calendar year.

Statutory Authority

§ 40.1-51.9:2 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 12, eff. March 22, 2007.

### **16VAC25-55-20. Financial requirements.**

A. Current certified contract fee inspectors shall provide documentation of financial responsibility to the Chief Inspector for approval by June 20, 2007, in such form as required by the Chief Inspector.

Contract fee inspectors initially certified on or after March 21, 2007, shall provide such documentation to

the Chief Inspector within 30 days following the issuance of the certification of the contract fee inspector. The Chief Inspector may revoke a contract fee inspector's inspector identification card as described in 16VAC25-50-70 for failure to provide documentation of financial responsibility within the required timeframe.

B. Financial responsibility of a contract fee inspector shall be demonstrated by maintenance of an instrument of insurance, guaranty, surety or by self-insurance, individually or in any combination thereof, for the purpose of compensation to third parties, for bodily injury and property damage resulting from, or directly relating to, an inspector's negligent inspection or recommendation for certification of a boiler or pressure vessel as follows:

1. An aggregate limit of \$500,000 or more for any contract fee inspector or contract fee inspection agency with less than 1.0% market share;
2. An aggregate limit of \$1 million or more for any contract fee inspector or contract fee inspection agency from 1.0% up to and including 10% market share; and
3. An aggregate limit of \$2 million or more for any contract fee inspector or contract fee inspection agency with more than 10% market share.

Contract fee inspectors may be covered under an instrument or instruments of insurance, guaranty, surety or the self-insurance of their employer or a company on behalf of which they have a contractual arrangement to provide boiler and pressure vessel inspections. To be acceptable as proof of financial responsibility for inspections not conducted for the benefit of their employer or company with which the inspector has a contractual arrangement, such instrument, instruments or self-insurance must also cover the contract fee inspector for such inspections. Where contract fee inspectors are not covered for inspections conducted on their own behalf under the instrument of insurance, guaranty, surety or self-insurance of their employer or company with which they have a contractual arrangement, they must provide a separate instrument that covers such inspections.

Contract fee inspectors who elect to self-insure for the full amount of their financial responsibility under this regulation shall maintain assets of an amount sufficient to cover the full minimum liability amount in regulation for his level of market share and shall provide audited financial statements showing total assets and liabilities.

Contract fee inspectors who elect to partially self-insure shall maintain assets in an amount sufficient to cover the stated partial liability amount and shall provide audited financial statements showing their total assets and liabilities. Such assets shall be held in combination with an instrument or instruments of insurance, guaranty, or surety to provide a total amount sufficient to cover the minimum liability amount in regulation for his level of market share. They shall provide copies of such documents to the Chief Inspector.

Aggregate limits approved at such time shall remain in effect until the occurrence of an event described in subsection E of this section.

C. Within 30 days of receipt of documentation of financial responsibility submitted by a contract fee inspector for the purpose of complying with these regulations, the Chief Inspector shall issue a determination to the contract fee inspector as to whether the documentation provided is acceptable. Documentation approval by the Chief Inspector is a requirement to operate as a contract fee inspector within the Commonwealth of Virginia.

D. A contract fee inspector shall notify the Chief Inspector at least 30 days before the effective date of any change in coverage, expiration, or cancellation of an instrument of insurance, guaranty, surety or self-insurance. In the case of self-insurance, the contract fee inspector shall notify the Chief Inspector immediately upon such time as he can no longer maintain self-insurance at the required limit and has not secured insurance, guaranty or a surety to cover his liability to the required limit.

E. Acceptance of proof of financial responsibility shall expire on the effective date of any change in the inspector's instrument of insurance, guaranty or surety, or the expiration date of the inspector's certification whichever is sooner. Application for renewal of acceptance of proof of financial responsibility shall be filed at least 30 days before.

#### Statutory Authority

§ 40.1-51.9:2 of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 23, Issue 12, eff. March 22, 2007.

**16VAC25-75-10. General; approach distances.**

A. No employee shall be permitted to approach or take any conductive object closer to exposed energized parts than shown in subsection B (Table R-2) of this section unless:

1. The employee is insulated or guarded from the energized parts (insulating gloves or insulating gloves and sleeves worn in accordance with [16VAC25-90-1910.269\(l\)\(3\)](#) are only considered insulation of that part of the employee's extremities covered by the insulating gloves or insulating gloves and sleeves);
2. The energized part is insulated or guarded from him and any other conductive object at a different potential; or
3. The power conductors and equipment are deenergized and grounded.

B. Approach distances to exposed energized overhead power lines and parts.

Voltage range (phase to phase, RMS)	Approach distance (inches)
300 V and less	(1)
Over 300 V, not over 750V	12
Over 750 V not over 2 kV	18
Over 2 kV, not over 15 kV	24
Over 15 kV, not over 37 kV	36
Over 37 kV, not over 87.5 kV	42
Over 87.5 kV, not over 121 kV	48
Over 121 kV, not over 140kV	54

<sup>(1)</sup> Avoid contact.

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# **Bylaws for the Safety and Health Codes Board**

As adopted by the  
Safety and Health Codes Board

Date: December 14, 2004



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: December 14, 2004

# BYLAWS FOR THE SAFETY AND HEALTH CODES BOARD

## **I. ORGANIZATION AND MEMBERSHIP.**

The Safety and Health Codes Board (the “Board”) is comprised of fourteen members appointed by the Executive who have the requisite previous vocation, employment, affiliation or ex-officio status to represent their various constituencies as required in § 40.1-22(1) of the *Code of Virginia*. For the purposes of these Bylaws, the term “Commissioner” shall mean the Commissioner of Labor and Industry or his staff unless otherwise specified. The term “Department” shall mean the Department of Labor and Industry unless otherwise specified.

## **II. POWERS AND DUTIES OF THE BOARD.**

The powers and duties of the Board are mandated in § 40.1-22 of the *Code of Virginia*. Section 40.1-22(5) provides that “The Board, with the advice of the Commissioner, is hereby authorized to adopt, alter, amend, or repeal rules and regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970 (P. L. 91-596), and as may be necessary to carry out its functions established under this title.”

Further, “All such rules and regulations shall be designed to protect and promote the safety and health of such employees. In making such rules and regulations to protect the occupational safety and health of employees, the Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity. However, such standards shall be at least as stringent as the standards promulgated by the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596).”

“In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.” (§ 40.1-22(5) of the *Code of Virginia*.)

## **III. OFFICERS.**

Annually in its first meeting after the start of the state fiscal year, the Board shall, by open ballot, elect from among its members, a Chair and a Vice-chair who shall not be eligible to directly succeed themselves. The Chair or Vice-chair may be removed from office by majority resolution of the Board.

A. Duties of the Chair:

1. To preside over all meetings of the Board except as in paragraph B. below;
2. To sign or otherwise authorize documents relating to actions of the Board;
3. To make all rulings on procedures and points of order. (*Such rulings are final unless overruled by a majority vote of the Board.*)
4. To appoint a Secretary from the members of the Board;
5. To appoint Board committee members and committee Chairs, subject to ratification by the Board;
6. To maintain regular liaison with the Department;
7. To be the spokesperson and representative of the Board for any matter dealt with by Board resolution or these Bylaws; and
8. To perform such other duties as determined by the Board within the scope of its authority.

B. Duties of the Vice-chair are to perform the duties of the Chair in the absence of the Chair.

C. Duties of the Secretary who, in conjunction with staff of the Department, shall be responsible for keeping a faithful copy of the minutes of the meeting. Any parts of the meetings designated as public hearings shall be stenographically or otherwise recorded to assure a complete and accurate record of the remarks and events of the hearing.

#### IV. **MEETINGS.**

With the exception of closed meetings conducted in accordance with the Virginia Freedom of Information Act, all meetings and hearings of the Board shall constitute business of the citizens of the Commonwealth and shall be open to the public. At all such open meetings of the Board, there shall be a designated time when members of the public may address the Board on any subject or issue under the jurisdiction of the Board. The Board shall meet at least once every six months as required by the *Code of Virginia* with other meetings called by the Chair or any three members of the Board. The meeting time and place shall be fixed by the Board in conjunction with staff of the Department. The first meeting held after the first of July of each year shall be designated as the “annual meeting” and shall include the annual election of officers.

The Board shall notify its members of all meetings or public hearings of the Board not less than 30 calendar days prior to the scheduled date of such meeting or hearing and have a notice to the public regarding the meeting posted on the Department’s website.

The Chair or, in the absence of the Chair, the Vice-chair shall preside over the meetings. If both the Chair and the Vice-chair are absent, the meeting shall be chaired by the Secretary.

The meetings and public hearings of the Board and any committees or subcommittees it may choose to create shall be governed by:

- i.) These bylaws; and
- ii.) Parliamentary procedure as defined in *Robert’ Rules of Order*.

## **V. QUORUM.**

Five members of the Board in attendance shall constitute a quorum for the transaction of business for all matters before the Board. The attendance of a sufficient number of members to constitute a quorum at any meeting or public hearing of the Board shall be established by the Chair who shall report that a quorum is present for inclusion in the minutes of such meetings or public hearings. Upon the calling of a meeting to order where no quorum is present, and after a reasonable time period as determined by the Chair, the meeting shall be adjourned and rescheduled to a date fixed by the Chair in conjunction with staff of the Department.

## **VI. AGENDA.**

Unless circumstances otherwise dictate, a proposed agenda shall be sent to each member of the Board at least two weeks prior to the time for meeting. Any member of the Board may notify the Commissioner of any item he/she wishes to be placed on the agenda, and it shall be placed on the agenda for the Board. Unless otherwise directed by the Chair or vote of the Board, the proposed agenda shall be set in the following order:

- A. Call to Order.
- B. Approval of the agenda for the meeting.
- C. Approval of the minutes of any previous meetings.
- D. Election of Officers (*first meeting after July only*).
- E. Opportunity for Public Comment to the Board.
- F. Old Business.
- G. New Business.
- H. Items of interest from the Department.
- I. Items of interest from any member of the Board.
- J. Adjournment.

## **VII. CONDUCT OF MEETING.**

The Chair or, in the absence of the Chair, the Vice-chair shall preside over the meetings. If both the Chair and the Vice-chair are absent, the meeting shall be chaired by the Secretary.

The meetings and public hearings of the Board and any committees or subcommittees it may choose to create shall be governed by:

- i.) These bylaws; and
- ii.) Parliamentary procedure as defined in Robert's Rules of Order.

## **VIII. MOTIONS.**

Any member excluding the Chair may make a motion concerning any item on the agenda which is pending before the Board. The Chair shall require the movant to either reduce the motion to writing or to state it clearly. In case of oral motions, or oral amended motions, the Chair shall require the Secretary to repeat the motion after it is made. All motions are required to have a second. The Chair

shall allow reasonable time to debate any motion and, at his or her discretion, may set time limits and the order of debate. The Chair's limitation on debate can be over-ridden by a majority vote of a quorum of those present. All motions may be amended provided there is a second, and an amended motion shall take precedence over the main motion. Amendments to amended motions shall either be accepted or voted upon without debate.

**IX. DESIGNATED REPRESENTATIVES.**

The Commissioner of Health or the Executive Director of the Department of Environmental Quality may authorize a representative to sit in his or her place on the Board. Such authorization shall be made in writing to the Chair of the Board. The designation shall state the name of the authorized representative, and the letter of appointment shall be made a part of the permanent minutes of the Board. The authorized representative for the Commissioner of Health or Executive Director of the Department of Environmental Quality will have full membership status. Any other members may authorize a representative to sit in his or her place in the same manner as is provided for the Commissioner of Health and Executive Director of the Department of Environmental Quality except that such authorized representative is not entitled to vote on matters before the Board or be counted as part of a quorum.

**X. VOTING.**

At all meetings, each member is entitled to have one vote. All voting shall be by open ballot or voice vote. A simple majority vote in the affirmative will suffice to approve motions brought before the Board. There shall be no voting by proxy.

**XI. CLOSED MEETINGS.**

No closed meeting of the Board shall be held unless a majority of those present vote in open session to hold such meeting. The reason for such meeting shall be one designated in the Virginia Freedom of Information Act. The general subject matter and the purpose of the executive session shall be fully stated in the agenda or in the minutes of the Board. Minutes of an closed meeting shall be taken only as the Chair shall direct.

**XII. EXECUTION OF DOCUMENTS.**

The execution of documents, putting forth the agreed actions of the Board for implementation by the Department of Labor and Industry, shall be deemed to be properly executed if witnessed by a staff member of the Department.

**XIII. REIMBURSEMENT AND PER DIEM.**

Reimbursement for expenses and payment of per diem shall be in accordance with State statutory and regulatory requirements and the state employee travel policy as implemented by the Department.

**XIV. TERMS OF APPOINTMENT.**

Terms of Board appointments are for four years as set out in the *Code of Virginia*, except where a Board member is appointed to fill the remainder of an existing term.

**XV. RESIGNATION OF BOARD MEMBERS.**

The resignation of a member of the Board shall be made by notice in writing, addressed and delivered by post to the Secretary of the Commonwealth of Virginia, the Board Chair, and the Commissioner of Labor and Industry.

**XVI. CONFLICT OF INTEREST.**

A conflict of interest arises when a private or personal interest of a Board member supersedes or competes with dedication to the interests of the Board. All issues of conflict of interest for the Board are covered by the State and Local Government Conflict of Interests Act, Chapter 31 of Title 2.2 of the *Code of Virginia*.

**XVII. VACANCIES.**

Upon notification of a vacancy, the Chair shall inform the Commissioner of Labor and Industry and request that he inform the Secretary of Commerce and Trade and the Secretary of the Commonwealth to begin the process of filling the vacancy.

**XVIII. CIRCULATION OF MINUTES.**

Copies of the draft minutes of Board meetings will be sent to members of the Board following each meeting upon transcription. The draft minutes will also be publicly posted on the Department's website.

**XIX. PRECEDENCE.**

Where State law, regulation or any travel and reimbursement policies or procedures of the Department are found to be at variance with the bylaws of the Board, the law, regulation, policy or procedure shall take precedence.

**XX. SUNDRY PROVISIONS.**

These bylaws may be amended in full or in part by a two-thirds affirmative vote of a quorum at a meeting called wholly or in part for that purpose. All proposed amendments to the bylaws shall be circulated in writing to the entire membership and the Commissioner at least two weeks prior to the vote.



# **COMMONWEALTH of VIRGINIA**

## **DEPARTMENT OF LABOR AND INDUSTRY**

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### **VIRGINIA SAFETY AND HEALTH CODES BOARD**

#### **BRIEFING PACKAGE**

**FOR October 13, 2011**

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#### **General Working Conditions in Shipyard Employment; Revised Final Rule; and Corrections**

##### **I. Action Requested.**

The Virginia Occupational Safety and Health (VOSH) Program requests the Safety and Health Codes Board to consider for adoption federal OSHA's revisions to the existing Final Rule for the General Working Conditions in Shipyard Employment, as published in 76 FR 24575 on May 2, 2011, and subsequent corrections to §§1910.145 and 1910.147, as published in 76 FR 44265 on July 25, 2011.

The proposed effective date for the final rule and corrections is January 15, 2012, except for the provisions in §1915.89, which would become effective and enforceable on April 15, 2012.

##### **II. Summary of the Final Rule.**

Federal OSHA revised and updated standards to the existing Subpart F of 29 CFR part 1915 that addresses hazards in general working conditions in shipyard employment. Shipyard employment activities are performed aboard vessels, in confined or enclosed spaces below deck, on scaffold and on busy crowded docks. These revisions update

existing requirements to reflect advances in industry practices and technology, consolidate certain safety and health requirements into a single subpart, and provide protection from hazards not previously addressed, including the control of hazardous energy.

If adopted by the Board, the final rule would cover diverse working conditions in shipyard employment, including sanitation, medical services and first aid, motor vehicle and pedestrian safety, lighting, housekeeping, and hazardous energy. It would apply to all shipyard employment at landside facilities, on vessels and in vessel sections. The revised final rule would not apply to landside fish-processing facilities, which will continue to be covered by Part 1910 general industry requirements.

In addition, on July 25, 2011, federal OSHA published a correction to §§ 1910.145 and 1910.147 of this revised standard. In the first sentence in paragraph (a)(1) of §1910.145, OSHA substituted “intended to indicate” following “(as included in paragraphs (c) through (e) of this section)” for “that indicate”. The corrected sentence now reads: “These specifications apply to the design, application, and use of signs or symbols (as included in paragraphs (c) through (e) of this section) **intended to** (*emphasis added*) indicate and, insofar as possible, define specific hazards that could harm workers or the public, or both, or to property damage”.

The first sentence in paragraph (a)(1)(i) of §1910.147 was corrected to read: “This standard covers the servicing and maintenance of machines and equipment in which the **unexpected** (*emphasis added*) energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.”

### **III. Basis, Purpose and Impact of the Revised Final Rule.**

#### **A. Basis.**

In 1972, federal OSHA adopted many of the provisions for the initial Subpart F from existing federal OSHA standards and national consensus standards. Since then, those national consensus standards have been updated and revised. OSHA reviewed the updated standards and, when they encompassed new technology and requirements to provide greater workplace safety and health, OSHA incorporated those changes in this revised final rule.

In 1982, the Shipbuilders Council of America and the American Waterways Shipyard Conference requested that OSHA: (1) revise and update the existing shipyard standards, including Subpart F; and (2) consolidate into a single set of shipyard standards those general industry standards that apply to shipyards, particularly landside operations.

In response to these recommendations, OSHA established the Shipyard Employment Standards Advisory Committee (SESAC) in November 1988. SESAC met from 1988 until 1993 to develop recommendations and provide technical expertise in developing draft regulatory language for revising the shipyard safety standards. SESAC finalized its recommendations for revisions to 29 CFR Part 1915, Subpart F in 1993. In September 1995, the Maritime Advisory Committee on Occupational Safety and Health (MAOSH) approved the



recommendations and draft regulatory language that SESAC developed and made additional recommendations, including that OSHA do a separate rulemaking on the control of hazardous energy.

The Safety and Health Codes Board has addressed on numerous occasions standards seeking to improve the working conditions in Shipyard Employment. In 1996, OSHA promulgated amended regulations for the Personal Protective Equipment (PPE) for Shipyard Employment which the Board adopted on June 17, 1996, with an effective date of September 1, 1996. In 2002, OSHA promulgated technical amendments to its standards for shipyard employment. These amendments were adopted by the Board on December 2, 2002, and became effective on March 1, 2003. On December 14, 2004, and on December 6, 2006, the Board adopted federal OSHA's standard for Fire Protection in Shipyard Employment, effective on March 15, 2005 and March 21, 2007, respectively.

OSHA published this rule as a draft in December 2007, and held public hearings in September and October 2008, with the public comment period closing in February 2009. OSHA published this final rule on May 2, 2011, and subsequent corrections to the final rule on July 25, 2011.

**B. Purpose.**

The revised final rule updates current requirements to reflect advances in industry practices and technology, consolidates and streamlines some existing safety and health requirements into single sections. It provides protection from hazards not addressed by existing standards, including the control of hazardous energy.

**C. Hazards.**

Shipyard employment exposes workers to many different hazards due to the nature of their work which includes a variety of industrial operations, such as steel fabrication, welding, abrasive blasting, electrical work, pipefitting, rigging, stripping and coating applications. Shipyard employment workers also operate and service complex machinery and equipment (i.e., powered industrial trucks, cranes, and vessel systems). The hazards, associated with these operations and equipment, are increased because they are often performed outdoors in all types of weather.

The safe coordination of shipyard employment activities is complicated also because most shipyards are multi-employer worksites where shipyard workers, ship's crew, contractors, and subcontractors work side-by-side and often on the same vessel system at the same time.

**C. Impact on Employers.**

In the Commonwealth of Virginia, all private sector maritime activity is directly enforced by federal OSHA and solely under OSHA's jurisdiction. However, public sector maritime activity is under VOSH's jurisdiction, in accordance with

the state plan agreement with federal OSHA, and is set out at 29 CFR 1952.375(b)(1).

Federal OSHA believes that impacted employers will benefit from the reorganization and plain-language features of the final rule, which will facilitate employer compliance with the rule, and thus, improve safety and health in general working conditions in shipyards.

The final rule would affect those public sector establishments within VOSH's authority that are engaged in shipyard employment operations onboard vessels, on vessel sections, and at landside operations, regardless of geographic location.

Affected establishments and employees engaged in such public sector shipyard employment may include shipbuilding, ship repair and shipbreaking establishments (NAICS 336611), and inland water passenger transportation (NAICS 483212).

In Virginia, there would be minimal, if any, impact on public sector employers resulting from adoption of these revised standards because currently there is only very limited public sector maritime-related activity in Virginia. The Virginia Department of Transportation (VDOT) owns and operates two ferries (NAICS 483) that ply the James River between Jamestown and Surry carrying passengers and cars which may fall under this standard. Since, according to OSHA, the final rule does not affect USCG-inspected vessels, which includes ferries, therefore there may be no impact from this final rule on public sector employers in Virginia.

Generally, federal OSHA believes that compliance with these new provisions will decrease the number of injuries and fatalities which, in turn, will reduce expenditures for medical care, rehabilitation, death benefits, lost-work time, and repairs to damaged facilities and equipment.

**D. Impact on Employees.**

Compliance with these new provisions is anticipated to decrease the number of employee injuries and fatalities. As previously mentioned, any impact on public sector employees in Virginia, if any, resulting from adoption of these revised standards would likely be limited to VDOT employees who work on the above-referenced publicly-owned and operated ferries (NAICS 483) which carry passengers and cars. These employees would be safer because of the increased safety and health protections provided in the revised standards.

**E. Impact on the Department of Labor and Industry.**

It is anticipated that any impact on the Department resulting from adoption of these revised standards would be negligible. Any such costs would be related to training VOSH compliance staff on the standard.

Federal regulations 29 CFR 1953.23(a) and (b) require that Virginia, within six months of the occurrence of a federal program change, to adopt identical

changes or promulgate equivalent changes which are at least as effective as the federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting these revisions will allow Virginia to conform to the federal program change.

**F. Technology Feasibility**

The revised final rule addresses various workplace hazards in shipyard employment, including control of hazardous energy and motor vehicle safety. It does not require technology that is not already in use in many affected establishments. Many of the requirements involve implementing work-practice controls that can be communicated to employees through training. Based on current industry practice and its findings, federal OSHA determined that the final rule is technologically feasible.

**G. Benefit/Cost**

OSHA believes that compliance with the final rule will yield substantial benefits in terms of lives saved, injuries avoided, and accident-related cost savings. In assessing the benefits of the final rule, OSHA focused on the rule's primary and substantial new requirements: 1) CPR training for first aid providers; 2) the control of hazardous energy during servicing operations (lockout/tags-plus); 3) motor vehicle safety, including pedestrian safety at shipyards; and 4) servicing multi-piece rim wheels. Although the final rule also includes other provisions, they primarily update, consolidate, and clarify existing requirements.

**IV. Summary/Highlights of the Standard**

- Significant requirements in this new rule include:
  - accounting for employees working alone;
  - providing an adequate number of trained first aid providers;
  - control of hazardous energy; and
  - use of seatbelts while operating motor vehicles.
- Standard includes guidance on training and maintenance for those employers currently using automatic external defibrillators (AEDs) in shipyard employment even though the standard does not require employers to provide AEDs.
- Lockout/tags-plus (§1915.89), which is a modified version of the general industry standard for control of hazardous energy (§1910.147), will be applied across all servicing operations in shipyard employment, including fish-processing plants onboard fishing vessels.

**V. Implementation Schedule**

With adoption by the Board, all sections of this final rule, except for §1915.89, will be scheduled to become effective and enforceable on January 15, 2012. For §1915.89, to ensure that employers have ample time to modify their lockout/tags-plus programs and practices, VOSH, like OSHA, is allowing 180 days from date of adoption, or April 15, 2012.

## **RECOMMENDED ACTION**

Staff of the Department of Labor and Industry recommends that the Safety and Health Codes Board adopt federal OSHA's Final Rule for General Working Conditions in Shipyard Employment, and subsequent corrections to §§1910.145 and 1910.147, as authorized by Virginia Code §§ 40.1-22(5) and 2.2-4006.A.4(c), with an effective date of January 15, 2012, except for §1915.89 which will become effective on April 15, 2012.

The Department also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of this, or any other regulation, which has been adopted in accordance with the above-cited subsection A.4(c) of the Administrative Process Act.

**General Working Conditions in Shipyard Employment;  
Revised Final Rule; and Corrections**

As Adopted by the  
Safety and Health Codes Board

Date: \_\_\_\_\_



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: \_\_\_\_\_

16 VAC 25-90-1910.145	16 VAC 25-90-1910.147	16 VAC 25-90-1910.77
16 VAC 25-100-1915.80	16 VAC 25-100-1915.81	16 VAC 25-100-1915.82
16 VAC 25-100-1915.83	16 VAC 25-100-1915.84	16 VAC 25-100-1915.85
16 VAC 25-100-1915.86	16 VAC 25-100-1915.87	16 VAC 25-100-1915.88
16 VAC 25-100-1915.89	16 VAC 25-100-1915.90	16 VAC 25-100-1915.91
16 VAC 25-100-1915.92	16 VAC 25-100-1915.93	16 VAC 25-100-1915.94
16 VAC 25-100-1915.162	16 VAC 25-100-1915.163	16 VAC 25-100-1915.164
16 VAC 25-100-1915.181		

When the regulations, as set forth in the Final Rule for General Working Conditions in Shipyard Employment, Parts 1910 and 1915, and subsequent corrections to §§1910.145 and 1910.147, 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

August 1, 2011

January 15, 2012

October 31, 2011

April 15, 2012

■ 3. In § 1910.147, paragraphs (a)(1) is revised to read as follows:

§ 1910.147 The control of hazardous energy (lockout/tagout).

(a) Scope, application, and purpose—(1) Scope.

(i) This standard covers the servicing and maintenance of machines and equipment in which the energization or start up of the machines or equipment, or release of stored energy, could harm employees. This standard establishes minimum performance requirements for the control of such hazardous energy.

(ii) This standard does not cover the following:

(A) Construction and agriculture employment;

(B) Employment covered by parts 1915, 1917, and 1918 of this title;

(C) Installations under the exclusive control of electric utilities for the purpose of power generation, transmission and distribution, including related equipment for communication or metering;

(D) Exposure to electrical hazards from work on, near, or with conductors or equipment in electric-utilization installations, which is covered by subpart S of this part; and

(E) Oil and gas well drilling and servicing.

\* \* \* \* \*

Subpart N—[Amended]

■ 4. The authority citation for subpart N of 29 CFR part 1910 is revised to read as follows:

Authority: Secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), or 4-2010 (75 FR 55355) as applicable.

Section 1910.177, also issued under 29 CFR part 1911.

§ 1910.177 [Amended]

■ 5. In § 1910.177, paragraph (a)(2) is revised to read as follows:

(a) \* \* \*

(2) This section does not apply to employers and places of employment regulated under the Longshoring Standards, 29 CFR part 1918; Construction Safety Standards, 29 CFR part 1926; or Agriculture Standards, 29 CFR part 1928.

\* \* \* \* \*

PART 1915—[AMENDED]

■ 6. The authority citation for part 1915 is revised to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), or 4-2010 (75 FR 55355) as applicable; 29 CFR part 1911.

■ 7. In § 1915.5, add paragraph (d)(1)(xii) and (d)(1)(xiii) to read as follows:

§ 1915.5 Incorporation by reference.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(xii) ANSI/IESNA RP-7-01, Recommended Practice for Lighting Industrial Facilities, ANSI approved July 26, 2001, IBR approved for § 1915.82(a)(3).  
(xiii) ANSI/ISEA Z308.1-2009, Revision of ANSI Z308.1-2003, Minimum Requirements for Workplace First Aid Kits and Supplies, ANSI approved May 8, 2009, IBR approved for § 1915.87 Appendix A.

\* \* \* \* \*

Subpart F—[Amended]

■ 8. Subpart F of 29 CFR part 1915 is revised to read as follows:

Subpart F—General Working Conditions

Sec.

1915.80 Scope, application, definitions and effective dates.

1915.81 Housekeeping.

1915.82 Lighting.

1915.83 Utilities.

1915.84 Working alone.

1915.85 Vessel radar and communication systems.

1915.86 Lifeboats.

1915.87 Medical services and first aid.

1915.88 Sanitation.

1915.89 Control of hazardous energy (lockout/tagout).

1915.90 Safety color code for marking physical hazards.

1915.91 Accident prevention signs and tags.

1915.92 Retention of DOT markings, placards, and labels.

1915.93 Motor vehicle safety equipment, operation, and maintenance.

1915.94 Servicing of multi-piece and single-piece rim wheels.

Subpart F—General Working Conditions

§ 1915.80 Scope, application, definitions, and effective dates.

(a) The provisions of this subpart apply to general working conditions in shipyard employment, including work on vessels, on vessel sections, and at landside operations, regardless of geographic location.

(b) Definitions applicable to this subpart.

XIII. Amendments to Standards

For the reasons set forth in the preamble, OSHA amends 29 CFR parts 1910 and 1915 as follows:

PART 1910—[AMENDED]

Part 1910 of title 29 of the Code of Federal Regulations is hereby amended as follows:

Subpart J—[Amended]

■ 1. The authority citation for subpart J of 29 CFR part 1910 is revised to read as follows:

Authority: Secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), or 4-2010 (75 FR 55355) as applicable.

Section 1910.145, also issued under 29 CFR 1911.2.

■ 2. In § 1910.145, paragraphs (a)(1) and (f)(1)(ii) are revised to read as follows:

§ 1910.145 Specifications for accident prevention signs and tags.

(a) Scope. (1) These specifications apply to the design, application, and use of signs or symbols (as included in paragraphs (c) through (e) of this section) that indicate and, insofar as possible, define specific hazards that could harm workers or the public, or both, or to property damage. These specifications are intended to cover all safety signs except those designed for streets, highways, and railroads. These specifications do not apply to plant bulletin boards or to safety posters.

\* \* \* \* \*

(f) \* \* \*

(1) \* \* \*

(ii) This paragraph (f) does not apply to construction or agriculture.

\* \* \* \* \*



(1) *Additional safety measure.* A component of the tags-plus system that provides an impediment (in addition to the energy-isolating device) to the release of energy or the energization or startup of the machinery, equipment, or system being serviced. Examples of additional safety measures include, but are not limited to, removing an isolating circuit element; blocking a controlling switch; blocking, blanking, or bleeding lines; removing a valve handle or wiring it in place; opening an extra disconnecting device.

(2) *Affected employee.* An employee who normally operates or uses the machinery, equipment, or system that is going to be serviced under lockout/tags-plus or who is working in the area where servicing is being performed under lockout/tags-plus. An affected employee becomes an authorized employee when the employer assigns the employee to service any machine, equipment, or system under a lockout/tags-plus application.

(3) *Authorized employee.* (i) An employee who performs one or more of the following lockout/tags-plus responsibilities:

(A) Executes the lockout/tags-plus procedures;

(B) Installs a lock or tags-plus system on machinery, equipment, or systems; or

(C) Services any machine, equipment, or system under lockout/tags-plus application.

(ii) An affected employee becomes an authorized employee when the employer assigns the employee to service any machine, equipment, or system under a lockout/tags-plus application.

(4) *Capable of being locked out.* An energy-isolating device is capable of being locked out if it has a locking mechanism built into it, or it has a hasp or other means of attachment to which, or through which, a lock can be affixed. Other energy-isolating devices are capable of being locked out if lockout can be achieved without the need to dismantle, rebuild, or replace the energy-isolating device or permanently alter its energy-control capability.

(5) *Contract employer.* An employer, such as a painting, joinery, carpentry, or scaffolding subcontractor, that performs shipyard-related services or work under contract to the host employer or to another employer under contract to the host employer at the host employer's worksite. This excludes employers who provide services that are not directly related to shipyard employment, such as mail delivery, office supply, and food vending services.

(6) *Dummy load.* A device used in place of an antenna to aid in the testing of a radio transmitter that converts transmitted energy into heat to minimize energy radiating outward or reflecting back to its source during testing.

(7) *Energy-isolating device.* A mechanical device that, when utilized or activated, physically prevents the release or transmission of energy. Energy-isolating devices include, but are not limited to, manually operated electrical circuit breakers; disconnect switches; line valves; blocks; and any similar device used to block or isolate energy. Control-circuit devices (for example, push buttons, selector switches) are not considered energy-isolating devices.

(8) *Hazardous energy.* Any energy source, including mechanical (for example, power transmission apparatus, counterbalances, springs, pressure, gravity), pneumatic, hydraulic, electrical, chemical, and thermal (for example, high or low temperature) energies, that could cause injury to employees.

(9) *Hazardous substances.* A substance that may cause injury, illness, or disease, or otherwise harm an employee by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful.

(10) *Health care professional.* A physician or any other healthcare professional whose legally permitted scope of practice allows the provider to independently provide, or be delegated the responsibility to provide, some or all of the advice or consultation this subpart requires.

(11) *Host employer.* An employer that is in charge of coordinating shipyard-related work, or that hires other employers to perform shipyard-related work or to provide shipyard-related services, at a multi-employer worksite.

(12) *Isolated location.* An area in which employees are working alone or with little assistance from others due to the type, time, or location of their work. Such locations include remote locations or other work areas where employees are not in close proximity to others.

(13) *Lock.* A device that utilizes a positive means, either a key or combination lock, to hold an energy-isolating device in a "safe" position that prevents the release of energy and the startup or energization of the machinery, equipment, or system to be serviced.

(14) *Lockout.* The placement of a lock on an energy-isolating device in accordance with an established procedure, thereby ensuring that the

energy-isolating device and the equipment being controlled cannot be operated until the lock is removed.

(15) *Lockout/tags-plus coordinator.*

An employee whom the employer designates to coordinate and oversee all lockout and tags-plus applications on vessels or vessel sections and at landside work areas when employees are performing multiple servicing operations on the same machinery, equipment, or systems at the same time, and when employees are servicing multiple machinery, equipment, or systems on the same vessel or vessel section at the same time. The lockout/tags-plus coordinator also maintains the lockout/tags-plus log.

(16) *Lockout/tags-plus materials and hardware.* Locks, chains, wedges, blanks, key blocks, adapter pins, self-locking fasteners, or other hardware used for isolating, blocking, or securing machinery, equipment, or systems to prevent the release of energy or the startup or energization of machinery, equipment, or systems to be serviced.

(17) *Motor vehicle.* Any motor-driven vehicle operated by an employee that is used to transport employees, material, or property. For the purposes of this subpart, motor vehicles include passenger cars, light trucks, vans, motorcycles, all-terrain vehicles, small utility trucks, powered industrial trucks, and other similar vehicles. Motor vehicles do not include boats, or vehicles operated exclusively on a rail or rails.

(18) *Motor vehicle safety equipment.*

Systems and devices integral to or installed on a motor vehicle for the purpose of effecting the safe operation of the vehicle, and consisting of such systems or devices as safety belts, airbags, headlights, tail lights, emergency/hazard lights, windshield wipers, defogging or defrosting devices, brakes, horns, mirrors, windshields and other windows, and locks.

(19) *Navy ship's force.* The crew of a vessel that is owned or operated by the U.S. Navy, other than a time- or voyage-chartered vessel, that is under the control of a Commanding Officer or Master.

(20) *Normal production operations.*

The use of machinery or equipment, including, but not limited to, punch presses, bending presses, shears, lathes, keel press rollers, and automated burning machines, to perform a shipyard-employment production process.

(21) *Portable toilet.* A non-sewered portable facility for collecting and containing urine and feces. A portable toilet may be either flushable or non-

flushable. For purposes of this section, portable toilets do not include privies.

(22) *Potable water.* Water that meets the standards for drinking purposes of the state or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Water Regulations (40 CFR part 141).

(23) *Readily accessible/available.* Capable of being reached quickly enough to ensure, for example, that emergency medical services and first aid intervention are appropriate or that employees can reach sanitation facilities in time to meet their health and personal needs.

(24) *Sanitation facilities.* Facilities, including supplies, maintained for employee personal and health needs such as potable drinking water, toilet facilities, hand-washing and -drying facilities, showers (including quick-drenching or flushing) and changing rooms, eating and drinking areas, first aid stations, and on-site medical-service areas. Sanitation supplies include soap, waterless cleaning agents, single-use drinking cups, drinking water containers, toilet paper, and towels.

(25) *Serviceable condition.* The state or ability of supplies or goods, or of a tool, machine, vehicle, or other device, to be used or to operate in the manner prescribed by the manufacturer.

(26) *Servicing.* Workplace activities that involve the construction, installation, adjustment, inspection, modification, testing, or repair of machinery, equipment, or systems. Servicing also includes maintaining machines, equipment, or systems when performing these activities would expose the employee to harm from the start-up or energization of the system being serviced, or the release of hazardous energy.

(27) *Sewered toilet.* A fixture maintained for the purpose of urination and defecation that is connected to a sanitary sewer, septic tank, holding tank (bilge), or on-site sewage-disposal treatment facility, and that is flushed with water.

(28) *Shield.* To install a covering, protective layer, or other effective measure on or around steam hoses or temporary steam-piping systems, including metal fittings and couplings, to protect employees from contacting hot surfaces or elements.

(29) *Short bight.* A loop created in a line or rope that is used to tie back or fasten objects such as hoses, wiring, and fittings.

(30) *Tag.* A prominent warning device that includes a means of attachment that can be securely fastened to an energy-

isolating device in accordance with an established procedure to indicate that the energy-isolating device and the equipment being controlled must not be operated until the tag is removed by an authorized employee.

(31) *Tags-plus system.* A system to control hazardous energy that consists of an energy-isolating device with a tag affixed to it, and at least one additional safety measure.

(32) *Verification of isolation.* The means necessary to detect the presence of hazardous energy, which may involve the use of a test instrument (for example, a voltmeter), and, for other than electric shock protection, a visual inspection, or a deliberate attempt to start-up the machinery, equipment, or system.

(33) *Vermin.* Insects, birds, and other animals, such as rodents and feral cats, that may create safety and health hazards for employees.

(34) *Vessel section.* A subassembly, module, or other component of a vessel being built or repaired.

(35) *Walkway.* Any surface, whether vertical, slanted, or horizontal, on which employees walk, including areas that employees pass through, to perform their job tasks. Walkways include, but are not limited to, access ways, designated walkways, aisles, exits, gangways, ladders, ramps, stairs, steps, passageways, and scaffolding. If an area is, or could be, used to gain access to other locations, it is to be considered a walkway.

(36) *Work area.* A specific area, such as a machine shop, engineering space, or fabrication area, where one or more employees are performing job tasks.

(37) *Working surface.* Any surface where work is occurring, or areas where tools, materials, and equipment are being staged for performing work.

(38) *Worksite.* A general work location where one or more employees are performing work, such as a shipyard, pier, barge, vessel, or vessel section.

(c) *Effective dates.* This final rule becomes effective and enforceable on August 1, 2011, except for the provisions in § 1915.89, which become effective and enforceable on October 31, 2011.

#### § 1915.81 Housekeeping.

##### (a) General requirements.

(1) The employer shall establish and maintain good housekeeping practices to eliminate hazards to employees to the extent practicable.

(2) The employer shall eliminate slippery conditions, such as snow and ice, on walkways and working surfaces as necessary. If it is not practicable for

the employer to remove slippery conditions, the employer either shall:

(i) Restrict employees to designated walkways and working surfaces where the employer has eliminated slippery conditions; or

(ii) Provide slip-resistant footwear in accordance with 29 CFR part 1915, subpart I.

(3) The employer shall store materials in a manner that does not create a hazard for employees.

(4) The employer shall maintain easy and open access to each fire-alarm box, fire-call station, fire-fighting equipment, and each exit, including ladders, staircases, scaffolds, and gangways.

(5) The employer shall dispose of flammable and combustible substances, such as paint thinners, solvents, rags, scrap, and waste, or store them in covered fire-resistant containers at the end of each workshift or when the job is completed, whichever occurs first.

##### (b) Walkways.

(1) In addition to the requirements in paragraph (a), the employer also shall ensure that each walkway:

(i) Provides adequate passage;

(ii) Is clear of debris, including solid and liquid wastes, that may create a hazard for employees;

(iii) Is clear of tools, materials, equipment, and other objects that may create a hazard for employees; and

(iv) Is clear of hoses and electrical service cords. The employer shall:

(A) Place each hose and cord above walkways in a location that will prevent injury to employees and damage to the hoses and cords;

(B) Place each hose and cord underneath walkways;

(C) Place each hose and cord on walkways, provided the hoses and cords are covered by crossovers or other means that will prevent injury to employees and damage to the hoses and cords; or

(D) Protect each hose and cord by other suitable means.

(2) While a walkway or part of a walkway is being used as a working surface, the employer shall cordon off that portion to prevent it from being used as a walkway.

(c) *Working surfaces.* In addition to the requirements in paragraph (a), the employer also shall ensure that each working surface:

(1) Is cleared of tools, materials, and equipment that are not necessary to perform the job in progress;

(2) Is cleared of debris, including solid and liquid wastes, at the end of each workshift or job, whichever occurs first;

(3) Is maintained, so far as practicable, in a dry condition. When a wet process

is used, the employer shall maintain drainage and provide false floors, platforms, mats, or other dry standing places. When the employer demonstrates that this procedure is not practicable, the employer shall provide each employee working in the wet

process with protective footwear, in accordance with 29 CFR part 1915, subpart I.

**§ 1915.82 Lighting.**

(a) *General Requirements.* (1) The employer shall ensure that each work

area and walkway is adequately lighted whenever an employee is present.

(2) For landside areas, the employer shall provide illumination that meets the levels set forth in Table F-1 to § 1915.82.

TABLE F-1 TO § 1915.82—MINIMUM LIGHTING INTENSITIES IN FOOT-CANDLES

Lumens (foot-candles)	Area or operation
3	General areas on vessels and vessel sections such as accessways, exits, gangways, stairs, and walkways.
5	General landside areas such as corridors, exits, stairs, and walkways.
5	All assigned work areas on any vessel or vessel section.
5	Landside tunnels, shafts, vaults, pumping stations, and underground work areas.
10	Landside work areas such as machine shops, electrical equipment rooms, carpenter shops, lofts, tool rooms, warehouses, and outdoor work areas.
10	Changing rooms, showers, sewer toilets, and eating, drinking, and break areas.
30	First aid stations, infirmaries, and offices.

**Note to table F-1 to § 1915.82:** The required illumination levels in this table do not apply to emergency or portable lights.

(3) For vessels and vessel sections, the employer shall provide illumination that meets the levels set forth in the table to paragraph (a)(2) or meet ANSI/IESNA RP-7-01 (incorporated by reference, see 1915.5).

(4) When adequate illumination is not obtainable by permanent lighting sources, temporary lighting may be used as supplementation.

(5) The employer shall ensure that neither matches nor open-flame devices are used for lighting.

(b) *Temporary lights.* The employer shall ensure that temporary lights meet the following requirements:

(1) Lights with bulbs that are not completely recessed are equipped with guards to prevent accidental contact with the bulb;

(2) Lights are equipped with electric cords designed with sufficient capacity to safely carry the electric load;

(3) Connections and insulation on electric cords are maintained in a safe condition;

(4) Lights and lighting stringers are not suspended solely by their electric cords unless they are designed by the manufacturer to be suspended in this way;

(5) Lighting stringers do not overload branch circuits;

(6) Branch circuits are equipped with over-current protection with a capacity that does not exceed the rated current-carrying capacity of the cord used;

(7) Splices have insulation with a capacity that exceeds that of the original insulation of the cord; and

(8) Exposed, non-current-carrying metal parts of lights are grounded. The employer shall ensure that grounding is provided either through a third wire in

the cord containing the circuit conductors or through a separate wire that is grounded at the source of the current. Grounding shall be done in accordance with the requirements of 29 CFR 1910, subpart S.

(c) *Portable lights.* (1) In any dark area that does not have permanent or temporary lights, where lights are not working, or where lights are not readily accessible, the employer shall provide portable or emergency lights and ensure that employees do not enter those areas without such lights.

(2) Where the only means of illumination on a vessel or vessel section are from lighting sources that are not part of the vessel or vessel section, the employer shall provide portable or emergency lights for the safe movement of each employee. If natural sunlight provides sufficient illumination, portable or emergency lights are not required.

(d) *Explosion-proof, self-contained lights.* The employer shall provide and ensure that each employee uses only explosion-proof, self-contained temporary and portable lights, approved for hazardous conditions by a nationally recognized testing laboratory (NRTL), in any area that the atmosphere is determined to contain a concentration of flammable vapors that are at or above 10 percent of the lower explosive limit (LEL) as specified in 29 CFR part 1915, subparts B and C.

**§ 1915.83 Utilities.**

(a) *Steam supply system.* (1) The employer shall ensure that the vessel's steam piping system, including hoses, is designed to safely handle the working pressure prior to supplying steam from an outside source. The employer shall obtain a written or oral determination from a responsible vessel's

representative, a contractor, or any other person who is qualified by training, knowledge, or experience to make such determination that the working pressure of the vessel's steam piping system is safe.

(2) The employer shall ensure that each outside steam supply connected to a vessel's steam piping system meets the following requirements:

(i) A pressure gauge and a relief valve are installed at the point where the temporary steam hose joins the vessel's steam piping system;

(ii) Each relief valve is set to relieve excess steam at, and is capable of relieving steam at, a pressure that does not exceed the safe working pressure of the system in its present condition;

(iii) There are no means of inadvertently disconnecting any relief valve from the system that it protects;

(iv) Each pressure gauge and relief valve is legible and located so it is visible and readily accessible; and

(v) Each relief valve is positioned so it is not likely to cause injury if steam is released.

(b) *Steam hoses.* The employer shall ensure that each steam hose meets the following requirements:

(1) The steam hose and its fittings are used in accordance with manufacturer's specifications;

(2) Each steam hose is hung tightly with short bights that prevent chafing and to reduce tension on the hose and its fittings;

(3) Each steam hose is protected from damage; and

(4) Each steam hose or temporary steam piping, including metal fittings and couplings, that pass through a walking or working area is shielded to protect employees from contact.

(c) *Electric shore power.* When a vessel is supplied with electric shore

power, the employer shall take the following precautions prior to energizing any of the vessel's circuits:

- (1) Ensure that the vessel is grounded;
- (2) Equip each circuit to be energized with over-current protection that does not exceed the rated current-carrying capacity of the conductors; and
- (3) Ensure that each circuit to be energized is in a safe condition. The employer must obtain a determination of the safe condition, either orally or in writing, from a responsible vessel's representative, a contractor, or any other person who is qualified by training, knowledge, or experience to make such determination.

(d) *Heat lamps.* The employer shall ensure that each heat lamp, including the face, is equipped with surround-type guards to prevent contact with the lamp and bulb.

#### § 1915.84 Working alone.

(a) Except as provided in § 1915.51(c)(3) of this part, whenever an employee is working alone, such as in a confined space or isolated location, the employer shall account for each employee:

- (1) Throughout each workshift at regular intervals appropriate to the job assignment to ensure the employee's safety and health; and
- (2) At the end of the job assignment or at the end of the workshift, whichever occurs first.

(b) The employer shall account for each employee by sight or verbal communication.

#### § 1915.85 Vessel radar and communication systems.

(a) The employer shall service each vessel's radar and communication systems in accordance with 29 CFR 1915.89, Control of Hazardous Energy.

(b) The employer shall secure each vessel's radar and communication system so it is incapable of energizing or emitting radiation before any employee begins work:

- (1) On or in the vicinity of the system;
- (2) On or in the vicinity of a system equipped with a dummy load; or
- (3) Aloft, such as on a mast or king post.

(c) When a vessel's radar or communication system is operated, serviced, repaired, or tested, the employer shall ensure that:

- (1) There is no other work in progress aloft; and
- (2) No employee is closer to the system's antenna or transmitter than the manufacturer's specified safe minimum distance for the type, model, and power of the equipment.

(d) The employer shall ensure that no employee enters an area designated as

hazardous by manufacturers' specifications while a radar or communication system is capable of emitting radiation.

(e) The requirements of this section do not apply when a radar or communication system is incapable of emitting radiation at levels that could injure workers in the vicinity of the system, or if the radar or communication system is incapable of energizing in a manner than could injure workers working on or in the vicinity of the system.

#### § 1915.86 Lifeboats.

(a) Before any employee works in or on a stowed or suspended lifeboat, the employer shall secure the lifeboat independently from the releasing gear to prevent it from falling or capsizing.

(b) The employer shall not permit any employee to be in a lifeboat while it is being hoisted or lowered, except when the employer demonstrates that it is necessary to conduct operational tests or drills over water, or in the event of an emergency.

(c) The employer shall not permit any employee to work on the outboard side of a lifeboat that is stowed on chocks unless the lifeboat is secured by gripes or another device that prevents it from swinging.

#### § 1915.87 Medical services and first aid.

(a) *General requirement.* The employer shall ensure that emergency medical services and first aid are readily accessible.

(b) *Advice and consultation.* The employer shall ensure that healthcare professionals are readily available for advice and consultation on matters of workplace health.

(c) *First aid providers.* (1) The employer shall ensure that there is an adequate number of employees trained as first aid providers at each worksite during each workshift unless:

- (i) There is an on-site clinic or infirmary with first aid providers during each workshift; or
- (ii) The employer can demonstrate that outside first aid providers (i.e., emergency medical services) can reach the worksite within five (5) minutes of a report of injury or illness. The employer must take appropriate steps to ascertain that emergency medical assistance will be readily available promptly if an injury or illness occurs.

(2) The employer shall ensure that a first aid provider is able to reach an injured/ill employee within five (5) minutes of a report of a serious injury, illness, or accident such as one involving cardiac arrest, acute breathing problems, uncontrolled bleeding,

suffocation, electrocution, or amputation.

(3) The employer shall use the following factors in determining the number and location of employees who must have first aid training: size and location of each worksite; the number of employees at each worksite; the hazards present at each worksite; and the distance of each worksite from hospitals, clinics, and rescue squads.

(4) The employer shall ensure that first aid providers are trained to render first aid, including cardiopulmonary resuscitation (CPR).

(5) The employer shall ensure that each first aid provider maintains current first aid and CPR certifications, such as issued by the Red Cross, American Heart Association, or other equivalent organization.

(d) *First aid supplies.* (1) The employer shall provide and maintain adequate first aid supplies that are readily accessible to each worksite. An employer's on-site infirmary or clinic containing first aid supplies that are readily accessible to each worksite complies with this requirement.

(2) The employer shall ensure that the placement, content, and amount of first aid supplies are adequate for the size and location of each worksite, the number of employees at each worksite, the hazards present at each worksite, and the distance of each worksite from hospitals, clinics, and rescue squads.

(3) The employer shall ensure that first aid supplies are placed in a weatherproof container.

(4) The employer shall maintain first aid supplies in a dry, sterile, and serviceable condition.

(5) The employer shall replenish first aid supplies as necessary to ensure that there is an adequate supply when needed.

(6) The employer shall inspect first aid supplies at sufficient intervals to ensure that they are adequate and in a serviceable condition.

(e) *Quick-drenching and flushing facilities.* Where the potential exists for an employee to be splashed with a substance that may result in an acute or serious injury, the employer shall provide facilities for quick-drenching or flushing the eyes and body. The employer shall ensure that such a facility is located for immediate emergency use within close proximity to operations where such substances are being used.

(f) *Basket stretchers.* (1) The employer shall provide an adequate number of basket stretchers, or the equivalent, readily accessible to where work is being performed on a vessel or vessel section. The employer is not required to

provide basket stretchers or the equivalent where emergency response services have basket stretchers or the equivalent that meet the requirements of this paragraph.

(2) The employer shall ensure each basket stretcher, or the equivalent, is equipped with:

(i) Permanent lifting bridles that enable the basket stretcher, or the equivalent, to be attached to hoisting gear capable of lifting at least 5,000 pounds (2,270 kg);

(ii) Restraints that are capable of securely holding the injured/ill employee while the basket stretcher, or the equivalent, is lifted or moved; and

(iii) A blanket or other suitable covering for the injured/ill employee.

(3) The employer shall store basket stretchers, or the equivalent, and related equipment (i.e., restraints, blankets) in a clearly marked location in a manner that prevents damage and protects the equipment from environmental conditions.

(4) The employer shall inspect stretchers, or the equivalent, and related equipment at intervals that ensure the equipment remains in a safe and serviceable condition, but at least once a year.

#### Appendix A to § 1915.87—First Aid Kits and Automated External Defibrillators (Non-Mandatory)

1. First aid supplies are required to be adequate and readily accessible under paragraphs § 1915.87(a) and (d). An example of the minimal contents of a generic first aid kit for workplace settings is described in ANSI/ISEA Z308.1–2009, “Minimum Requirements for Workplace First Aid Kits and Supplies” (incorporated by reference as specified in § 1915.5). The contents of the kit listed in this ANSI standard should be adequate for small worksites. When larger operations or multiple operations are being conducted at the same worksite, employers should determine the need for additional first aid kits, additional types of first aid equipment and supplies, and additional quantities and types of supplies and equipment in the first aid kits.

2. In a similar fashion, employers that have unique or changing first aid needs at their worksite may need to enhance their first aid kits. The employer can use the OSHA 300 Log, OSHA 301 Incident Report form, or other reports to identify these unique problems. Consultation from the local fire or rescue department, appropriate healthcare professional or local emergency room may be helpful to employers in these circumstances. By assessing the specific needs of their worksite, employers can ensure that reasonably anticipated supplies are available. Employers should assess the specific needs of their worksite periodically, and augment first aid kits appropriately.

3. If it is reasonably anticipated that employees will be exposed to blood or other

potentially infectious materials while using first aid supplies, employers must provide appropriate personal protective equipment (PPE) in compliance with the provisions of the Occupational Exposure to Bloodborne Pathogens standard, § 1910.1030(d)(3). This standard lists appropriate PPE for this type of exposure, such as gloves, gowns, face shields, masks, and eye protection.

4. Employers who provide automated external defibrillators (AEDs) at their workplaces should designate who will use AEDs and train those employees so they know how to correctly use the AEDs. Although a growing number of AEDs are now designed to be used by any person, even without training, training reinforces proper use and promotes the usefulness of AEDs as part of an effective cardiopulmonary resuscitation plan. For AEDs to be effective, employers should:

a. Ensure that AEDs are located so they can be utilized within three to five minutes of a report of an accident or injury;

b. Ensure that employees use AEDs in accordance with manufacturers’ specifications; and

c. Inspect, test, and maintain AEDs in accordance with manufacturers’ specifications.

#### § 1915.88 Sanitation.

(a) *General requirements.* (1) The employer shall provide adequate and readily accessible sanitation facilities.

(2) The employer shall establish and implement a schedule for servicing, cleaning, and supplying each facility to ensure it is maintained in a clean, sanitary, and serviceable condition.

(b) *Potable water.* (1) The employer shall provide potable water for all employee health and personal needs and ensure that only potable water is used for these purposes.

(2) The employer shall provide potable drinking water in amounts that are adequate to meet the health and personal needs of each employee.

(3) The employer shall dispense drinking water from a fountain, a covered container with single-use drinking cups stored in a sanitary receptacle, or single-use bottles. The employer shall prohibit the use of shared drinking cups, dippers, and water bottles.

(c) *Non-potable water.* (1) The employer may use non-potable water for other purposes such as firefighting and cleaning outdoor premises so long as it does not contain chemicals, fecal matter, coliform, or other substances at levels that may create a hazard for employees.

(2) The employer shall clearly mark non-potable water supplies and outlets as “not safe for health or personal use.”

(d) *Toilets.* (1) *General requirements.* The employer shall ensure that sewered and portable toilets:

(i) Provide privacy at all times. When a toilet facility contains more than one

toilet, each toilet shall occupy a separate compartment with a door and walls or partitions that are sufficiently high to ensure privacy; and

(ii) Are separate for each sex, except as provided in (d)(1)(ii)(B) of this section;

(A) The number of toilets provided for each sex shall be based on the maximum number of employees of that sex present at the worksite at any one time during a workshift. A single-occupancy toilet room shall be counted as one toilet regardless of the number of toilets it contains; and

(B) The employer does not have to provide separate toilet facilities for each sex when they will not be occupied by more than one employee at a time, can be locked from the inside, and contain at least one toilet.

(iii) The employer shall establish and implement a schedule to ensure that each sewered and portable toilet is maintained in a clean, sanitary, and serviceable condition.

(2) *Minimum number of toilets.* (i) The employer shall provide at least the following number of toilets for each sex. Portable toilets that meet the requirements of paragraph (d)(3) of this section may be included in the minimum number of toilets.

TABLE F–2 TO § 1915.88

Number of employees of each sex	Minimum number of toilets per sex
1 to 15 .....	1
16 to 35 .....	2
36 to 55 .....	3
56 to 80 .....	4
81 to 110 .....	5
111 to 150 .....	6
Over 150 .....	1 additional toilet for each additional 40 employees.

**Note to Table F–2 of § 1915.88:** When toilets will only be used by men, urinals may be provided instead of toilets, except that the number of toilets in such cases shall not be reduced to less than two-thirds of the minimum specified.

(3) *Portable toilets.* (i) The employer shall provide portable toilets, pursuant to paragraph (d)(2)(i) and Table to paragraph (d)(2) of this section, only when the employer demonstrates that it is not feasible to provide sewered toilets, or when there is a temporary increase in the number of employees for a short duration of time.

(ii) The employer shall ensure that each portable toilet is vented and equipped, as necessary, with lighting.

(4) *Exception for normally unattended worksites and mobile work crews.* The requirement to provide toilets does not apply to normally unattended worksites

and mobile work crews, provided that the employer ensures that employees have immediately available transportation to readily accessible sanitation facilities that are maintained in a clean, sanitary, and serviceable condition and meet the other requirements of this section.

(e) *Handwashing facilities.* (1) The employer shall provide handwashing facilities at or adjacent to each toilet facility.

(2) The employer shall ensure that each handwashing facility:

(i) Is equipped with either hot and cold or lukewarm running water and soap, or with waterless skin-cleansing agents that are capable of disinfecting the skin or neutralizing the contaminants to which the employee may be exposed; and

(ii) If the facility uses soap and water, it is supplied with clean, single-use hand towels stored in a sanitary container and a sanitary means for disposing of them, clean individual sections of continuous cloth toweling, or a hand-drying air blower.

(3) The employer shall inform each employee engaged in the application of paints or coatings or in other operations in which hazardous or toxic substances can be ingested or absorbed about the need for removing surface contaminants from their skins surface by thoroughly washing their hands and face at the end of the workshift and prior to eating, drinking, or smoking.

(f) *Showers.* (1) When showers are required by an OSHA standard, the employer shall provide one shower for each 10, or fraction of 10, employees of each sex who are required to shower during the same workshift.

(2) The employer shall ensure that each shower is equipped with soap, hot and cold water, and clean towels for each employee who uses the shower.

(g) *Changing rooms.* When an employer provides protective clothing to prevent employee exposure to hazardous or toxic substances, the employer shall provide the following:

(1) Changing rooms that provide privacy for each sex; and

(2) Storage facilities for street clothes, as well as separate storage facilities for protective clothing.

(h) *Eating, drinking, and break areas.* The employer shall ensure that food, beverages, and tobacco products are not consumed or stored in any area where employees may be exposed to hazardous or toxic substances.

(i) *Waste disposal.* (1) The employer shall provide waste receptacles that meet the following requirements:

(i) Each receptacle is constructed of materials that are corrosion resistant,

leak-proof, and easily cleaned or disposable;

(ii) Each receptacle is equipped with a solid tight-fitting cover, unless it can be kept in clean, sanitary, and serviceable condition without the use of a cover;

(iii) Receptacles are provided in numbers, sizes, and locations that encourage their use; and

(iv) Each receptacle is emptied as often as necessary to prevent it from overflowing and in a manner that does not create a hazard for employees. Waste receptacles for food shall be emptied at least every day, unless unused.

(2) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage that could endanger their safety and health.

(3) The employer shall ensure that employees working beneath or on the outboard side of a vessel are not contaminated by drainage or waste from overboard discharges.

(j) *Vermin control.* (1) To the extent reasonably practicable, the employer shall clean and maintain the workplace in a manner that prevents vermin infestation.

(2) Where vermin are detected, the employer shall implement and maintain an effective vermin-control program.

#### **§ 1915.89 Control of hazardous energy (lockout/tags-plus).**

(a) *Scope, application, and effective dates.* (1) *Scope.* This section covers the servicing of machinery, equipment, and systems when the energization or startup of machinery, equipment, or systems, or the release of hazardous energy, could endanger an employee.

(2) *Application.* (i) This section applies to the servicing of any machinery, equipment, or system that employees use in the course of shipyard employment work and that is conducted:

(A) In any landside facility that performs shipyard employment work; and

(B) On any vessel or vessel section.

(ii) This section applies to such servicing conducted on a vessel by any employee including, but not limited to, the ship's officers and crew unless such application is preempted by the regulations of another federal agency.

(3) When other standards in 29 CFR part 1915 and applicable standards in 29 CFR part 1910 require the use of a lock or tag, the employer shall use and supplement them with the procedural and training requirements specified in this section.

(4) *Exceptions.* This section does not apply to:

(i) Work on cord-and-plug-connected machinery, equipment, or system, provided the employer ensures that the machinery, equipment, or system is unplugged and the plug is under the exclusive control of the employee performing the servicing;

(ii) Minor servicing activities performed during normal production operations, including minor tool changes and adjustments, that are routine, repetitive, and integral to the use of the machinery, equipment, or system, provided the employer ensures that the work is performed using measures that provide effective protection from energization, startup, or the release of hazardous energy.

(b) *Lockout/tags-plus program.* The employer shall establish and implement a written program and procedures for lockout and tags-plus systems to control hazardous energy during the servicing of any machinery, equipment, or system in shipyard employment. The program shall cover:

(1) Procedures for lockout/tags-plus systems while servicing machinery, equipment, or systems in accordance with paragraph (c) of this section;

(2) Procedures for protecting employees involved in servicing any machinery, equipment, or system in accordance with paragraphs (d) through (m) of this section;

(3) Specifications for locks and tags-plus hardware in accordance with paragraph (n) of this section;

(4) Employee information and training in accordance with paragraph (o) of this section;

(5) Incident investigations in accordance with paragraph (p) of this section; and

(6) Program audits in accordance with paragraph (q) of this section.

(c) *General requirements.* (1) The employer shall ensure that, before any authorized employee performs servicing when energization or startup, or the release of hazardous energy, may occur, all energy sources are identified and isolated, and the machinery, equipment, or system is rendered inoperative.

(2) If an energy-isolating device is capable of being locked, the employer shall ensure the use of a lock to prevent energization or startup, or the release of hazardous energy, before any servicing is started, unless the employer can demonstrate that the utilization of a tags-plus system will provide full employee protection as set forth in paragraph (c)(6) of this section.

(3) If an energy-isolating device is not capable of being locked, the employer shall ensure the use of a tags-plus system to prevent energization or

startup, or the release of hazardous energy, before any servicing is started.

(4) Each tags-plus system shall consist of:

(i) At least one energy-isolating device with a tag affixed to it; and

(ii) At least one additional safety measure that, along with the energy-isolating device and tag required in (c)(4)(i) of this section, will provide the equivalent safety available from the use of a lock.

**Note to paragraph (c)(4) of this section:**

When the Navy ship's force maintains control of the machinery, equipment, or systems on a vessel and has implemented such additional measures it determines are necessary, the provisions of paragraph (c)(4)(ii) of this section shall not apply, provided that the employer complies with the verification procedures in paragraph (g) of this section.

(5) After October 31, 2011, the employer shall ensure that each energy-isolating device for any machinery, equipment, or system is designed to accept a lock whenever the machinery, equipment, or system is extensively repaired, renovated, modified, or replaced, or whenever new machinery, equipment, or systems are installed. This requirement does not apply when a shipyard employer:

(i) Does not own the machinery, equipment, or system; or

(ii) Builds or services a vessel or vessel section according to customer specifications.

(6) *Full employee protection.* (i) When a tag is used on an energy-isolating device that is capable of being locked out, the tag shall be attached at the same location that the lock would have been attached, and;

(ii) The employer shall demonstrate that the use of a tags-plus system will provide a level of safety equivalent to that obtained by using a lock. In demonstrating that an equivalent level of safety is achieved, the employer shall:

(A) Demonstrate full compliance with all tags-plus-related provisions of this standard; and

(B) Implement such additional safety measures as are necessary to provide the equivalent safety available from the use of a lock.

**Note to paragraph (c)(6) of this section:**

When the Navy ship's force maintains control of the machinery, equipment, or systems on a vessel and has implemented such additional measures it determines are necessary, the provisions of paragraph (c)(6)(ii)(B) of this section do not apply, provided that the employer complies with the verification procedures in paragraph (g) of this section.

(7) *Lockout/tags-plus coordination.* (i) The employer shall establish and

implement lockout/tags-plus coordination when:

(A) Employees on vessels and in vessel sections are servicing multiple machinery, equipment, or systems at the same time; or

(B) Employees on vessels, in vessel sections, and at landside facilities are performing multiple servicing operations on the same machinery, equipment, or system at the same time.

(ii) The coordination process shall include a lockout/tags-plus coordinator and a lockout/tags-plus log. Each log shall be specific to each vessel, vessel section, and landside work area.

(iii) The employer shall designate a lockout/tags-plus coordinator who is responsible for overseeing and approving:

(A) The application of each lockout and tags-plus system;

(B) The verification of hazardous-energy isolation before the servicing of any machinery, equipment, or system begins; and

(C) The removal of each lockout and tags-plus system.

(iv) The employer shall ensure that the lockout/tags-plus coordinator maintains and administers a continuous log of each lockout and tags-plus system. The log shall contain:

(A) Location of machinery, equipment, or system to be serviced;

(B) Type of machinery, equipment, or system to be serviced;

(C) Name of the authorized employee applying the lockout/tags-plus system;

(D) Date that the lockout/tags-plus system is applied;

(E) Name of authorized employee removing the lock or tags-plus system; and

(F) Date that lockout/tags-plus system is removed.

**Note to paragraph (c)(7) of this section:**

When the Navy ship's force serves as the lockout/tags-plus coordinator and maintains control of the lockout/tags-plus log, the employer will be in compliance with the requirements in paragraph (c)(7) of this section when coordination between the ship's force and the employer occurs to ensure that applicable lockout/tags-plus procedures are followed and documented.

(d) *Lockout/tags-plus written procedures.* (1) The employer shall establish and implement written procedures to prevent energization or startup, or the release of hazardous energy, during the servicing of any machinery, equipment, or system. Each procedure shall include:

(i) A clear and specific outline of the scope and purpose of the lockout/tags-plus procedure;

(ii) The means the employer will use to enforce compliance with the lockout/tags-plus program and procedures; and

(iii) The steps that must be followed for:

(A) Preparing for shutting down and isolating of the machinery, equipment, or system to be serviced, in accordance with paragraph (e) of this section;

(B) Applying the lockout/tags-plus system, in accordance with paragraph (f) of this section;

(C) Verifying isolation, in accordance with paragraph (g) of this section;

(D) Testing the machinery, equipment, or system, in accordance with paragraph (h) of this section;

(E) Removing lockout/tags-plus systems, in accordance with paragraph (i) of this section;

(F) Starting up the machinery, equipment, or system that is being serviced, in accordance with paragraph (j) of this section;

(G) Applying lockout/tags-plus systems in group servicing operations, in accordance with paragraph (k) of this section;

(H) Addressing multi-employer worksites involved in servicing any machinery, equipment, or system, in accordance with paragraph (l) of this section; and

(I) Addressing shift or personnel changes during servicing operations, in accordance with paragraph (m) of this section.

**Note to paragraph (d)(1) of this section:**

The employer need only develop a single procedure for a group of similar machines, equipment, or systems if the machines, equipment, or systems have the same type and magnitude of energy and the same or similar types of controls, and if a single procedure can satisfactorily address the hazards and the steps to be taken to control these hazards.

(2) The employer's lockout procedures do not have to be in writing for servicing machinery, equipment, or systems, provided that all of the following conditions are met:

(i) There is no potential for hazardous energy to be released (or to reaccumulate) after shutting down, or restoring energy to, the machinery, equipment, or system;

(ii) The machinery, equipment, or system has a single energy source that can be readily identified and isolated;

(iii) The isolation and lock out of that energy source will result in complete de-energization and deactivation of the machinery, equipment, or system, and there is no potential for reaccumulation of energy;

(iv) The energy source is isolated and secured from the machinery, equipment, or system during servicing;

(v) Only one lock is necessary for isolating the energy source;

(vi) The lock is under the exclusive control of the authorized employee performing the servicing;

(vii) The servicing does not create a hazard for any other employee; and

(viii) The employer, in utilizing this exception, has not had any accidents or incidents involving the activation or reenergization of this type of machinery, equipment, or system during servicing.

(e) *Procedures for shutdown and isolation.* (1) Before an authorized employee shuts down any machinery, equipment, or system, the employer shall:

(i) Ensure that the authorized employee has knowledge of:

(A) The source, type, and magnitude of the hazards associated with energization or startup of the machine, equipment, or system;

(B) The hazards associated with the release of hazardous energy; and

(C) The means to control these hazards; and

(ii) Notify each affected employee that the machinery, equipment, or system will be shut down and deenergized prior to servicing, and that a lockout/tags-plus system will be implemented.

(2) The employer shall ensure that the machinery, equipment, or system is shut down according to the written procedures the employer established.

(3) The employer shall use an orderly shutdown to prevent exposing any employee to risks associated with hazardous energy.

(4) The employer shall ensure that the authorized employee relieves, disconnects, restrains, or otherwise renders safe all potentially hazardous energy that is connected to the machinery, equipment, or system.

**Note to paragraph (e) of this section:** When the Navy ship's force shuts down any machinery, equipment, or system, and relieves, disconnects, restrains, or otherwise renders safe all potentially hazardous energy that is connected to the machinery, equipment, or system, the employer will be in compliance with the requirements in paragraph (e) of this section when the employer's authorized employee verifies that the machinery, equipment, or system being serviced has been properly shut down, isolated, and deenergized.

(f) *Procedures for applying lockout/tags-plus systems.* (1) The employer shall ensure that only an authorized employee applies a lockout/tags-plus system.

(2) When using lockout systems, the employer shall ensure that the authorized employee affixes each lock in a manner that will hold the energy-isolating device in a safe or off position.

(3) When using tags-plus systems, the employer shall ensure that the

authorized employee affixes a tag directly to the energy-isolating device that clearly indicates that the removal of the device from a safe or off position is prohibited.

(4) When the tag cannot be affixed directly to the energy-isolating device the employer shall ensure that the authorized employee locates it as close as safely possible to the device, in a safe and immediately obvious position.

(5) The employer shall ensure that each energy-isolating device that controls energy to the machinery, equipment, or system is effective in isolating the machinery, equipment, or system from all potentially hazardous energy source(s).

**Note to paragraph (f) of this section:** When the Navy ship's force applies the lockout/tags-plus systems or devices, the employer will be in compliance with the requirements in paragraph (f) of this section when the employer's authorized employee verifies the application of the lockout/tags-plus systems or devices.

(g) *Procedures for verification of deenergization and isolation.* (1) Before servicing machinery, equipment, or a system that has a lockout/tags-plus system, the employer shall ensure that the authorized employee, or the primary authorized employee in a group lockout/tags-plus application, verifies that the machinery, equipment, or system is deenergized and all energy sources isolated.

(2) The employer shall ensure that the authorized employee, or the primary authorized employee in a group lockout/tags-plus application, continues verifying deenergization and isolation while servicing the machinery, equipment, or system.

(3) Each authorized employee in a group lockout/tags-plus application who will be servicing the machinery, equipment, or system must be given the option to verify that the machinery, equipment, or system is deenergized and all energy sources isolated, even when verification is performed by the primary authorized employee.

(h) *Procedures for testing.* In each situation in which a lockout/tags-plus system must be removed temporarily and the machinery, equipment, or system restarted to test it or to position a component, the employer shall ensure that the authorized employee does the following in sequence:

(1) Clears tools and materials from the work area;

(2) Removes nonessential employees from the work area;

(3) Removes each lockout/tags-plus system in accordance with paragraph (i) of this section;

(4) Restarts the machinery, equipment, or system and then proceeds with testing or positioning; and

(5) After completing testing or positioning, deenergizes and shuts down the machinery, equipment, or system and reapplies all lockout/tags-plus systems in accordance with paragraphs (e)-(g) of this section to continue servicing.

**Note to paragraph (h) of this section:** When the Navy ship's force serves as the lockout/tags-plus coordinator, performs the testing, and maintains control of the lockout/tags-plus systems or devices during testing, the employer is in compliance with paragraph (h) when the employer's authorized employee acknowledges to the lockout/tags-plus coordinator that the employer's personnel and tools are clear and the machinery, equipment, or system being serviced is ready for testing, and upon completion of the testing, verifies the reapplication of the lockout/tags-plus systems.

(i) *Procedures for removal of lockout and tags-plus systems.* (1) Before removing any lockout/tags-plus system and restoring the machinery, equipment, or system to use, the employer shall ensure that the authorized employee does the following:

(i) Notifies all other authorized and affected employees that the lockout/tags-plus system will be removed;

(ii) Ensures that all employees in the work area have been safely positioned or removed; and

(iii) Inspects the work area to ensure that nonessential items have been removed and machinery, equipment, or system components are operationally intact.

(2) The employer shall ensure that each lock or tags-plus system is removed by the authorized employee who applied it.

(3) When the authorized employee who applied the lockout/tags-plus system is not available to remove it, the employer may direct removal by another authorized employee, provided the employer developed and incorporated into the lockout/tags-plus program the specific procedures and training that address such removal, and demonstrates that the specific procedures used provide a level of employee safety that is at least as effective in protecting employees as removal of the system by the authorized employee who applied it. After meeting these requirements, the employer shall do the following in sequence:

(i) Verify that the authorized employee who applied the lockout/tags-plus system is not in the facility;

(ii) Make all reasonable efforts to contact the authorized employee to



inform him/her that the lockout/tags-plus system has been removed; and  
 (iii) Ensure that the authorized employee who applied the lock or tags-plus system has knowledge of the removal before resuming work on the affected machinery, equipment, or system.

**Note to paragraph (i) of this section:** When the Navy ship's force serves as lockout/tags-plus coordinator and removes the lockout/tags-plus systems or devices, the employer is in compliance with the requirements in paragraph (i) of this section when the employer's authorized employee informs the lockout/tags-plus coordinator that the procedures in paragraph (i)(1) of this section have been performed.

(j) *Procedures for startup.* (1) Before an authorized employee turns on any machinery, equipment, or system after servicing is completed, the employer shall ensure that the authorized employee has knowledge of the source, type, and magnitude of the hazards associated with energization or startup, and the means to control these hazards.

(2) The employer shall execute an orderly startup to prevent or minimize any additional or increased hazard(s) to employees. The employer shall perform the following tasks before starting up the machinery, equipment, or system:

- (i) Clear tools and materials from the work area;
- (ii) Remove any non-essential employees from the work area; and
- (iii) Start up the machinery, equipment, or system according to the detailed procedures the employer established for that machinery, equipment, or system.

**Note to paragraph (j) of this section:** When the Navy ship's force serves as lockout/tags-plus coordinator and maintains control of the lockout/tags-plus systems or devices during startup, and the employer is prohibited from starting up the machinery, equipment, or system, the employer is in compliance with the requirements in paragraph (j) of this section when the employer's authorized employee informs the lockout/tags-plus coordinator the procedures in paragraphs (j)(2)(i) and (j)(2)(ii) of this section have been performed.

(k) *Procedures for group lockout/tags-plus.* When more than one authorized employee services the same machinery, equipment, or system at the same time, the following procedures shall be implemented:

(1) *Primary authorized employee.* The employer shall:

- (i) Assign responsibility to one primary authorized employee for each group of authorized employees performing servicing on the same machinery, equipment, or system;
- (ii) Ensure that the primary authorized employee determines the

safe exposure status of each authorized employee in the group with regard to the lockout/tags-plus system;

(iii) Ensure that the primary authorized employee obtains approval from the lockout/tags-plus coordinator to apply and remove the lockout/tags-plus system; and

(iv) Ensure that the primary authorized employee coordinates the servicing operation with the coordinator when required by paragraph (c)(7)(i) of this section.

(2) *Authorized employees.* The employer shall either:

(i) Have each authorized employee apply a personal lockout/tags-plus system; or

(ii) Use a procedure that the employer can demonstrate affords each authorized employee a level of protection equivalent to the protection provided by having each authorized employee apply a personal lockout/tags-plus system. Such procedures shall incorporate a means for each authorized employee to have personal control of, and accountability for, his or her protection such as, but not limited to, having each authorized employee:

(A) Sign a group tag (or a group tag equivalent), attach a personal identification device to a group lockout device, or performs a comparable action before servicing is started; and

(B) Sign off the group tag (or the group tag equivalent), remove the personal identification device, or perform a comparable action when servicing is finished.

**Note to paragraph (k)(2) of this section:**

When the Navy ship's force maintains control of the machinery, equipment, or systems on a vessel and prohibits the employer from applying or removing the lockout/tags-plus system or starting up the machinery, equipment, or systems being serviced, the employer is in compliance with the requirements in paragraphs (k)(1)(iii) and (k)(2), provided that the employer ensures that the primary authorized employee takes the following steps in the following order: (1) Before servicing begins and after deenergization, (a) verifies the safe exposure status of each authorized employee, and (b) signs a group tag (or a group tag equivalent) or performs a comparable action; and (2) after servicing is complete and before reenergization, (a) verifies the safe exposure status of each authorized employee, and (b) signs off the group tag (or the group tag equivalent) or performs a comparable action.

(l) *Procedures for multi-employer worksites.* (1) The host employer shall establish and implement procedures to protect employees from hazardous energy in multi-employer worksites. The procedures shall specify the responsibilities for host and contract employers.

(2) *Host employer responsibilities.*

The host employer shall carry out the following responsibilities in multi-employer worksites:

(i) Inform each contract employer about the content of the host employer's lockout/tags-plus program and procedures;

(ii) Instruct each contract employer to follow the host employer's lockout/tags-plus program and procedures; and

(iii) Ensure that the lockout/tags-plus coordinator knows about all servicing operations and communicates with each contract employer who performs servicing or works in an area where servicing is being conducted.

(3) *Contract employer responsibilities.* Each contract employer shall perform the following duties when working in a multi-employer worksite:

(i) Follow the host employer's lockout/tags-plus program and procedures;

(ii) Ensure that the host employer knows about the lockout/tags-plus hazards associated with the contract employer's work and what the contract employer is doing to address these hazards; and

(iii) Inform the host employer of any previously unidentified lockout/tags-plus hazards that the contract employer identifies at the multi-employer worksite.

**Note 1 to paragraph (l) of this section:** The host employer may include provisions in its contract with the contract employer for the contract employer to have more control over the lockout/tags-plus program if such provisions will provide an equivalent level of protection for the host employer's and contract employer's employees as that provided by paragraph (l) of this section.

**Note 2 to paragraph (l) of this section:** When the U.S Navy contracts directly with a contract employer and the Navy ship's force maintains control of the lockout/tags-plus systems or devices, that contract employer shall consider the Navy to be the host employer for the purposes of § 1915.89(l)(3).

(m) *Procedures for shift or personnel changes.* (1) The employer shall establish and implement specific procedures for shift or personnel changes to ensure the continuity of lockout/tags-plus protection.

(2) The employer shall establish and implement provisions for the orderly transfer of lockout/tags-plus systems between authorized employees when they are starting and ending their workshifts, or when personnel changes occur during a workshift, to prevent energization or startup of the machinery, equipment, or system being serviced or the release of hazardous energy.

(n) *Lockout/tags-plus materials and hardware.* (1) The employer shall provide locks and tags-plus system hardware used for isolating, securing, or blocking machinery, equipment, or systems from all hazardous-energy sources.

(2) The employer shall ensure that each lock and tag is uniquely identified for the purpose of controlling hazardous energy and is not used for any other purpose.

(3) The employer shall ensure that each lock and tag meets the following requirements:

(i) *Durable.* (A) Each lock and tag is capable of withstanding the existing environmental conditions for the maximum period of time that servicing is expected to last;

(B) Each tag is made so that weather conditions, wet or damp conditions, corrosive substances, or other conditions in the work area where the tag is used or stored will not cause it to deteriorate or become illegible;

(ii) *Standardized.* (A) Each lock and tag is standardized in at least one of the following areas: color, shape, or size; and

(B) Each tag is standardized in print and format;

(iii) *Substantial.* (A) Each lock is sturdy enough to prevent removal without the use of extra force or unusual techniques, such as bolt cutters or other metal-cutting tools;

(B) Each tag and tag attachment is sturdy enough to prevent inadvertent or accidental removal;

(C) Each tag attachment has the general design and basic safety characteristics of a one-piece, all-environment-tolerant nylon tie;

(D) Each tag attachment is non-reusable, attachable by hand, self-locking, and non-releasable, and has a minimum unlocking strength of 50 pounds;

(iv) *Identifiable.* Each lock and tag indicates the identity of the authorized employee applying it; and

(v) Each tag warns of hazardous conditions that could arise if the machinery, equipment, or system is energized and includes a legend such as one of the following: "Do Not Start," "Do Not Open," "Do Not Close," "Do Not Energize," or "Do Not Operate."

(o) *Information and training.* (1) *Initial training.* The employer shall train each employee in the applicable requirements of this section no later than October 31, 2011.

(2) *General training content.* The employer shall train each employee who is, or may be, in an area where lockout/tags-plus systems are being used so they know:

(i) The purpose and function of the employer's lockout/tags-plus program and procedures;

(ii) The unique identity of the locks and tags to be used in the lockout/tags-plus system, as well as the standardized color, shape or size of these devices;

(iii) The basic components of the tags-plus system: an energy-isolating device with a tag affixed to it and an additional safety measure;

(iv) The prohibition against tampering with or removing any lockout/tags-plus system; and

(v) The prohibition against restarting or reenergizing any machinery, equipment, or system being serviced under a lockout/tags-plus system.

(3) *Additional training requirements for affected employees.* In addition to training affected employees in the requirements in paragraph (o)(2) of this section, the employer also shall train each affected employee so he/she knows:

(i) The use of the employer's lockout/tags-plus program and procedures;

(ii) That affected employees are not to apply or remove any lockout/tags-plus system; and

(iii) That affected employees are not to bypass, ignore, or otherwise defeat any lockout/tags-plus system.

(4) *Additional training requirements for authorized employees.* In addition to training authorized employees in the requirements in paragraphs (o)(2) and (o)(3) of this section, the employer also shall train each authorized employee so he/she knows:

(i) The steps necessary for the safe application, use, and removal of lockout/tags-plus systems to prevent energization or startup or the release of hazardous energy during servicing of machinery, equipment, or systems;

(ii) The type of energy sources and the magnitude of the energy available at the worksite;

(iii) The means and methods necessary for effective isolation and control of hazardous energy;

(iv) The means for determining the safe exposure status of other employees in a group when the authorized employee is working as a group's primary authorized employee.

(v) The requirement for tags to be written so they are legible and understandable to all employees;

(vi) The requirement that tags and their means of attachment be made of materials that will withstand the environmental conditions encountered in the workplace;

(vii) The requirement that tags be securely attached to energy-isolating devices so they cannot be accidentally removed while servicing machinery, equipment, or systems;

(viii) That tags are warning devices, and alone do not provide physical barriers against energization or startup, or the release of hazardous energy, provided by locks, and energy-isolating devices; and

(ix) That tags must be used in conjunction with an energy-isolating device to prevent energization or startup or the release of hazardous energy.

(5) *Additional training for lockout/tags-plus coordinator.* In addition to training lockout/tags-plus coordinators in the requirements in paragraphs (o)(2), (o)(3), and (o)(4) of this section, the employer shall train each lockout/tags-plus coordinator so he/she knows:

(i) How to identify and isolate any machinery, equipment, or system that is being serviced; and

(ii) How to accurately document lockout/tags-plus systems and maintain the lockout/tags-plus log.

(6) *Employee retraining.*

(i) The employer shall retrain each employee, as applicable, whenever:

(A) There is a change in his/her job assignment that presents new hazards or requires a greater degree of knowledge about the employer's lockout/tags-plus program or procedures;

(B) There is a change in machinery, equipment, or systems to be serviced that presents a new energy-control hazard;

(C) There is a change in the employer's lockout/tags-plus program or procedures; or

(D) It is necessary to maintain the employee's proficiency.

(ii) The employer also shall retrain each employee, as applicable, whenever an incident investigation or program audit indicates that there are:

(A) Deviations from, or deficiencies in, the employer's lockout/tags-plus program or procedures; or

(B) Inadequacies in an employee's knowledge or use of the lockout/tags-plus program or procedures.

(iii) The employer shall ensure that retraining establishes the required employee knowledge and proficiency in the employer's lockout/tags-plus program and procedures and in any new or revised energy-control procedures.

(7) Upon completion of employee training, the employer shall keep a record that the employee accomplished the training, and that this training is current. The training record shall contain at least the employee's name, date of training, and the subject of the training.

(p) *Incident investigation.* (1) The employer shall investigate each incident that resulted in, or could reasonably have resulted in, energization or startup, or the release of hazardous energy,

while servicing machinery, equipment, or systems.

(2) Promptly but not later than 24 hours following the incident, the employer shall initiate an incident investigation and notify each employee who was, or could reasonably have been, affected by the incident.

(3) The employer shall ensure that the incident investigation is conducted by at least one employee who has the knowledge of, and experience in, the employer's lockout/tags-plus program and procedures, and in investigating and analyzing incidents involving the release of hazardous energy. The employer may also use additional individuals to participate in investigating the incident.

(4) The employer shall ensure that the individual(s) conducting the investigation prepare(s) a written report of the investigation that includes:

- (i) The date and time of the incident;
- (ii) The date and time the incident investigation began;
- (iii) Location of the incident;
- (iv) A description of the incident;
- (v) The factors that contributed to the incident;

(vi) A copy of any lockout/tags-plus log that was current at the time of the incident; and

(vii) Any corrective actions that need to be taken as a result of the incident.

(5) The employer shall review the written incident report with each employee whose job tasks are relevant to the incident investigation findings, including contract employees when applicable.

(6) The employer shall ensure that the incident investigation and written report are completed, and all corrective actions implemented, within 30 days following the incident.

(7) If the employer demonstrates that it is infeasible to implement all of the corrective actions within 30 days, the employer shall prepare a written abatement plan that contains an explanation of the circumstances causing the delay, a proposed timetable for the abatement, and a summary of the steps the employer is taking in the interim to protect employees from hazardous energy while servicing machinery, equipment, or systems.

(q) *Program audits.* (1) The employer shall conduct an audit of the lockout/tags-plus program and procedures currently in use at least annually to ensure that the procedures and the requirements of this section are being followed and to correct any deficiencies.

(2) The employer shall ensure that the audit is performed by:

- (i) An authorized employee other than the one(s) currently using the energy-control procedure being reviewed; or
- (ii) Individuals other than an authorized employee who are knowledgeable about the employer's lockout/tags-plus program and procedures and the machinery, equipment, or systems being audited.

(3) The employer shall ensure that the audit includes:

- (i) A review of the written lockout/tags-plus program and procedures;
- (ii) A review of the current lockout/tags-plus log;
- (iii) Verification of the accuracy of the lockout/tags-plus log;
- (iv) A review of incident reports since the last audit;
- (v) A review conducted between the auditor and authorized employees regarding the authorized employees' responsibilities under the lockout systems being audited; and

(vi) A review conducted between the auditor and affected and authorized employees regarding their responsibilities under the tags-plus systems being audited.

(4) The employer shall ensure that, within 15 days after completion of the audit, the individual(s) who conducted the audit prepare and deliver to the employer a written audit report that includes at least:

- (i) The date of the audit;
- (ii) The identity of the individual(s) who performed the audit;
- (iii) The identity of the procedure and machinery, equipment, or system that were audited;
- (iv) The findings of the program audit and recommendations for correcting deviations or deficiencies identified during the audit;

(v) Any incident investigation reports since the previous audit; and

(vi) Descriptions of corrective actions the employer has taken in response to the findings and recommendations of any incident investigation reports prepared since the previous audit.

(5) The employer shall promptly communicate the findings and recommendations in the written audit report to each employee having a job task that may be affected by such findings and recommendations.

(6) The employer shall correct the deviations or inadequacies in the lockout/tags-plus program within 15 days after receiving the written audit report.

(r) *Recordkeeping.* (1) Table to paragraph (r)(1) of this section specifies what records the employer must retain and how long the employer must retain them:

TABLE TO PARAGRAPH (R)(1) OF THIS SECTION—RETENTION OF RECORDS REQUIRED BY § 1915.89

The employer must keep the following records . . .	For at least . . .
(i) Current lockout/tags-plus program and procedures .....	Until replaced by updated program and procedures.
(ii) Training records .....	Until replaced by updated records for each type of training.
(iii) Incident investigation reports .....	Until the next program audit is completed.
(iv) Program audit report .....	12 months after being replaced by the next audit report.

(2) The employer shall make all records required by this section available to employees, their representatives, and the Assistant Secretary in accordance with the procedures and time periods specified in 29 CFR 1910.1020(e)(1) and (e)(3).

(s) *Appendices.* Non-mandatory Appendix A to this section is a guideline to assist employers and employees in complying with the requirements of this section, and to

provide them with other useful information. The information in Appendix A does not add to, or in any way revise, the requirements of this section.

**Appendix A to § 1915.89 (Non-Mandatory)—Typical Minimal Lockout/Tags-Plus Procedures**

**General**

**Lockout/Tags-Plus Procedure**

Lockout/Tags-Plus Procedure for

[Name of company for single procedure or identification of machinery, equipment, or system if multiple procedures used.]

**Purpose**

This procedure establishes the minimum requirements for the lockout/tags-plus application of energy-isolating devices on vessels and vessel sections, and for landside facilities whenever servicing is done on machinery, equipment, or systems in shipyards. This procedure shall be used to

ensure that all potentially hazardous-energy sources have been isolated and the machinery, equipment, or system to be serviced has been rendered inoperative through the use of lockout or tags-plus procedures before employees perform any servicing when the energization or start-up of the machinery, equipment, or system, or the release of hazardous energy could cause injury.

#### Compliance With This Program

All employees are required to comply with the restrictions and limitations imposed on them during the use of lockout or tags-plus applications. Authorized employees are required to perform each lockout or tags-plus application in accordance with this procedure. No employee, upon observing that machinery, equipment, or systems are secured using lockout or tags-plus applications, shall attempt to start, open, close, energize, or operate that machinery, equipment, or system.

Type of compliance enforcement to be taken for violation of the above.

#### Procedures for Lockout/Tags-Plus Systems

(1) Notify each affected employee that servicing is required on the machinery, equipment, or system, and that it must be isolated and rendered inoperative using a lockout or tags-plus system.

Method of notifying all affected employees.

(2) The authorized employee shall refer to shipyard employer's procedures to identify the type and magnitude of the energy source(s) that the machinery, equipment, or system uses, shall understand the hazards of the energy, and shall know the methods to control the energy source(s).

Type(s) and magnitude(s) of energy, its hazards and the methods to control the energy.

(3) If the machinery, equipment, or system is operating, shut it down in accordance with the written procedures (depress the stop button, open switch, close valve, etc.) established by the employer.

Type(s) and location(s) of machinery, equipment, or system operating controls.

(4) Secure each energy-isolating device(s) through the use of a lockout or tags-plus system (for instance, disconnecting, blanking, and affixing tags) so that the energy source is isolated and the machinery, equipment, or system is rendered inoperative.

Type(s) and location(s) of energy-isolating devices.

(5) *Lockout System.* Affix a lock to each energy-isolating device(s) with assigned individual lock(s) that will hold the energy-isolating device(s) in a safe or off position. Potentially hazardous energy (such as that found in capacitors, springs, elevated machine members, rotating flywheels, hydraulic systems, and air, gas, steam, or water pressure, etc.) must be controlled by

methods such as grounding, repositioning, blocking, bleeding down, etc.

(6) *Tags-Plus System.* Affix a tag to each energy-isolating device and provide at least one additional safety measure that clearly indicates that removal of the device from the safe or off position is prohibited. Potentially hazardous energy (such as that found in capacitors, springs, elevated machine members, rotating flywheels, hydraulic systems and air, gas, steam, or water pressure, etc.) must be controlled by methods such as grounding, repositioning, blocking, bleeding down, etc.

Type(s) of hazardous energy—methods used to control them.

(7) Ensure that the machinery, equipment, or system is relieved, disconnected, restrained, or rendered safe from the release of all potentially hazardous energy by checking that no personnel are exposed, and then verifying the isolation of energy to the machine, equipment, or system by operating the push button or other normal operating control(s), or by testing to make certain it will not operate.

CAUTION: Return operating control(s) to the safe or off position after verifying the isolation of the machinery, equipment, or system.

Method of verifying the isolation of the machinery, equipment, or system.

(8) The machinery, equipment, or system is now secured by a lockout or tags-plus system, and servicing by the authorized person may be performed.

#### Procedures for Removal of Lockout/Tags-Plus Systems

When servicing is complete and the machinery, equipment, or system is ready to return to normal operating condition, the following steps shall be taken:

(1) Notify each authorized and affected employee(s) that the lockout/tags-plus system will be removed and the machinery, equipment, or system reenergized.

(2) Inspect the work area to ensure that all employees have been safely positioned or removed.

(3) Inspect the machinery, equipment, or system and the immediate area around the machinery, equipment, or system to ensure that nonessential items have been removed and that the machinery, equipment or system components are operationally intact.

(4) Reconnect the necessary components, remove the lockout/tags-plus material and hardware, and reenergize the machinery, equipment, or system through the established detailed procedures determined by the employer.

(5) Notify all affected employees that servicing is complete and the machinery, equipment, or system is ready for testing or use.

#### § 1915.90 Safety color code for marking physical hazards.

The requirements applicable to shipyard employment under this section are identical to the requirements set forth at 29 CFR 1910.144 of this chapter.

#### § 1915.91 Accident prevention signs and tags.

The requirements applicable to shipyard employment under this section are identical to the requirements set forth at 29 CFR 1910.145 of this chapter.

#### § 1915.92 Retention of DOT markings, placards, and labels.

(a) Any employer who receives a package of hazardous material that is required to be marked, labeled, or placarded in accordance with the U.S. Department of Transportation Hazardous Materials Regulations (49 CFR parts 171 through 180) shall retain those markings, labels, and placards on the package until the packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazards.

(b) Any employer who receives a freight container, rail freight car, motor vehicle, or transport vehicle that is required to be marked or placarded in accordance with the U.S. Department of Transportation Hazardous Materials Regulations shall retain those markings and placards on the freight container, rail freight car, motor vehicle, or transport vehicle until the hazardous materials are sufficiently removed to prevent any potential hazards.

(c) The employer shall maintain markings, placards, and labels in a manner that ensures that they are readily visible.

(d) For non-bulk packages that will not be reshipped, the requirements of this section are met if a label or other acceptable marking is affixed in accordance with 29 CFR 1910.1200, Hazard Communication.

(e) For the purposes of this section, the term "hazardous material" and any other terms not defined in this section have the same definition as specified in the U.S. Department of Transportation Hazardous Materials Regulations.

#### § 1915.93 Motor vehicle safety equipment, operation and maintenance.

(a) *Application.* (1) This section applies to any motor vehicle used to transport employees, materials, or property at worksites engaged in shipyard employment. This section does not apply to motor vehicle operation on public streets and highways.

(2) The requirements of this section apply to employer-provided motor vehicles. The requirements of paragraphs (b)(2), (b)(4), and (c)(2) of this section also apply to employee-provided motor vehicles.

(3) Only the requirements of paragraphs (b)(1) through (b)(3) apply to powered industrial trucks, as defined in § 1910.178. The maintenance,

inspection, operation, and training requirements in 29 CFR 1910.178 continue to apply to powered industrial trucks used for shipyard employment.

(b) *Motor vehicle safety equipment.*

(1) The employer shall ensure that each motor vehicle acquired or initially used after August 1, 2011 is equipped with a safety belt for each employee operating or riding in the motor vehicle. This requirement does not apply to any motor vehicle that was not equipped with safety belts at the time of manufacture.

(2) The employer shall ensure that each employee uses a safety belt, securely and tightly fastened, at all times while operating or riding in a motor vehicle.

(3) The employer shall ensure that vehicle safety equipment is not removed from any employer-provided vehicle. The employer shall replace safety equipment that is removed.

(4) The employer shall ensure that each motor vehicle used to transport an employee has firmly secured seats for each employee being transported and that all employees being transported are using such seats.

(c) *Motor vehicle maintenance and operation.* (1) The employer shall ensure that each motor vehicle is maintained in a serviceable and safe operating condition, and removed from service if it is not in such condition.

(2) The employer shall ensure that, before a motor vehicle is operated, any tools and materials being transported are secured if their movements may create a hazard for employees.

(3) The employer shall implement measures to ensure that motor vehicle operators are able to see, and avoid harming, pedestrians and bicyclists at shipyards. Measures that employers may implement to comply with this requirement include:

(i) Establishing dedicated travel lanes for motor vehicles, bicyclists, and pedestrians;

(ii) Installing crosswalks and traffic control devices such as stop signs, mirrors at blind spots, or physical barriers to separate travel lanes;

(iii) Establishing appropriate speed limits for all motor vehicles;

(iv) Establishing "no drive" times to allow for safe movement of pedestrians;

(v) Providing reflective vests or other gear so pedestrians and bicyclists are clearly visible to motor vehicle operators;

(vi) Ensuring that bicycles have reflectors, lights, or other equipment to maximize visibility of the bicyclist; or

(vii) Other measures that the employer can demonstrate are as effective in protecting pedestrians and bicyclists as those measures specified in paragraphs (c)(3)(i) through (c)(3)(vi) of this section.

**§ 1915.94 Servicing multi-piece and single-piece rim wheels.**

The requirements applicable to shipyard employment under this section are identical to the requirements set forth at 29 CFR 1910.177 of this chapter.

**Subpart J—[Amended]**

■ 9. In § 1915.162, paragraph (a)(1) is revised as follows:

**§ 1915.162 Ship's boilers.**

(a) \* \* \*

(1) The isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, blanked, and then locked or tagged, in accordance with § 1915.89, indicating that employees are working on the boiler. This lock or tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the boiler, or until the work on the boiler is completed, in accordance with § 1915.89. When valves are welded instead of bolted, at least two isolation and shutoff valves connecting the dead boiler with the live system or systems shall be secured, and then locked or tagged, in accordance with § 1915.89.

\* \* \* \* \*

■ 10. In § 1915.163, paragraph (a)(1) is revised to read as follows:

**§ 1915.163 Ship's piping systems.**

(a) \* \* \*

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and then locked or tagged, in accordance with § 1915.89, indicating that employees are working on the systems. The lock or tag shall not be removed or the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed, in accordance with § 1915.89. When valves are welded instead of bolted, at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, and then locked or tagged, in accordance with § 1915.89.

\* \* \* \* \*

■ 11. In § 1915.164, paragraphs (a)(2) and (a)(3) are revised to read as follows:

**§ 1915.164 Ship's propulsion machinery.**

(a) \* \* \*

(2) If the jacking gear is steam driven, the employer shall ensure that the stop valves to the jacking gear are secured, and then locked or tagged, in accordance with § 1915.89.

(3) If the jacking gear is electrically driven, the circuit controlling the jacking gear shall be de-energized by tripping the circuit breaker, opening the switch, or removing the fuse, whichever is appropriate, and then locked or tagged in accordance with § 1915.89.

\* \* \* \* \*

■ 12. In § 1915.181, paragraph (c) is revised to read as follows:

**§ 1915.181 Electric circuits and distribution boards.**

\* \* \* \* \*

(c) De-energizing the circuit shall be accomplished by opening the circuit breaker, opening the switch, or removing the fuse, whichever method is appropriate. The circuit breaker, switch, or fuse location shall then be locked out or tagged in accordance with § 1915.89.

[FR Doc. 2011-9567 Filed 4-29-11; 8:45 am]

BILLING CODE 4510-26-P



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**DEPARTMENT OF LABOR****Occupational Safety and Health  
Administration****29 CFR Part 1910**

[Docket No. OSHA-S049-2006-0675  
(Formerly Docket No. S-049)]

RIN 1218-AB50

**General Working Conditions in  
Shipyards Employment; Correction**

**AGENCY:** Occupational Safety and Health  
Administration (OSHA), Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** The Occupational Safety and  
Health Administration is correcting a  
final rule on General Working  
Conditions in Shipyards Employment  
published in the **Federal Register** of  
May 2, 2011 (76 FR 24576).

**DATES:** Effective August 1, 2011.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

In FR Doc. 2011-9567 appearing on  
page 24576 in the **Federal Register** of  
Monday, May 2, 2011, the following  
corrections are made:

**§ 1910.145 [Corrected]**

■ 1. On page 24698, in the first column,  
in § 1910.145, in paragraph (a)(1), the  
first sentence "These specifications  
apply to the design, application, and use  
of signs or symbols (as included in  
paragraphs (c) through (e) of this  
section) that indicate and, insofar as  
possible, define specific hazards that  
could harm workers or the public, or  
both, or to property damage" is  
corrected to read "These specifications  
apply to the design, application, and use  
of signs or symbols (as included in  
paragraphs (c) through (e) of this

section) intended to indicate and,  
insofar as possible, to define specific  
hazards of a nature such that failure to  
designate them may lead to accidental  
injury to workers or the public, or both,  
or to property damage."

**§ 1910.147 [Corrected]**

■ 2. On page 24698, in the second  
column, in § 1910.147, in paragraph  
(a)(1)(i), the first sentence "This  
standard covers the servicing and  
maintenance of machines and  
equipment in which the energization or  
start up of the machines or equipment,  
or release of stored energy, could harm  
employees" is corrected to read "This  
standard covers the servicing and  
maintenance of machines and  
equipment in which the *unexpected*  
energization or start up of the machines  
or equipment, or release of stored  
energy could cause injury to  
employees."

Signed at Washington, DC, on July 19,  
2011.

**David Michaels,**

*Assistant Secretary of Labor for Occupational  
Safety and Health.*

[FR Doc. 2011-18601 Filed 7-22-11; 9:45 am]

**BILLING CODE 4510-26-P**

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# **COMMONWEALTH of VIRGINIA**

## **DEPARTMENT OF LABOR AND INDUSTRY**

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### **VIRGINIA SAFETY AND HEALTH CODES BOARD**

#### **BRIEFING PACKAGE**

**FOR October 13, 2011**

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#### **STANDARDS IMPROVEMENT PROJECT - PHASE III; Final Rule**

##### **I. Action Requested.**

The Virginia Occupational Safety and Health (VOSH) Program requests the Safety and Health Codes Board to consider for adoption federal OSHA's final rule for the Standards Improvement Project - Phase III, as published in 76 FR 33590 on June 8, 2011.

The proposed effective date is January 15, 2012.

##### **II. Summary of the Amended Standards.**

Federal OSHA proposed a number of actions to amend its standards, including revisions to the Agency's general industry, maritime, construction, and agricultural standards. The ongoing Standards Improvement Project (SIP) removes or revises individual requirements within rules that are confusing, outdated, duplicative, or inconsistent.

Federal OSHA has identified several requirements for this phase of the Standards Improvement Project, including rigging, NIOSH records, and training certifications for improvement based on OSHA's review of its standards, suggestions and comments from the public, or recommendations from the Office of Management and Budget (OMB). If adopted by the Board, SIP-III will:

- Revise the title of the Means of Egress standard to “Exit Routes and Emergency Planning” to more accurately represent the requirements of the standard;
- Update the Means of Egress provisions by adding another compliance alternative to the exit routes standards so employers can comply with the exit-route provisions of either the National Fire Protection Association 2009 Life Safety Code or the International Code Council 2009 International Fire Code;
- Remove requirements from several general industry substance-specific standards for employers to prepare and maintain training-certification records because other effective means exist to verify employee training (e.g., employer observation of employees, employee interviews by OSHA compliance officers);
- Make seven revisions related to respiratory protection standard at §1910.134, including:
  - Updating and clarifying a provision in the Respiratory Protection standard that after-market breathing-gas containers not meeting NIOSH approval are not acceptable for use (1910.134(i)(9));
  - Revising the medical evaluation questionnaire, Appendix C, Part A, Section 2, in the Respiratory Protection standard by replacing the word “fits” with the less offensive word “seizures”;
  - Clarifying that compliance with Appendix D of the Respiratory Protection standard, which contains information for employees using respirators when not required to do so under the standard, is then mandatory if the employee chooses to use a respirator;
  - Aligning air cylinder testing requirements for self-contained breathing apparatuses (1910.134(i)(4)(i)) with federal Department of Transportation regulations;
  - Revising the Asbestos standard for shipyards (1915.1001) and construction (1926.1101) to correct omissions and require the implementation of respiratory protection programs;
  - Reinstating the original respirator-use requirements in paragraph (c)(4)(iv) of 1910.1003 (full facepiece, supplied-air respirators) for workers exposed to four of the 13 carcinogen standards that had been inadvertently omitted; and
  - Removing the requirement for employers to keep fit-test records from the 1,3 -- Butadiene standard for employees because this requirement is redundant with provisions of 1910.1051(m)(3).
- Make two revisions under Subpart J, General Environmental Controls:
  - Revising and updating the definition of the term “potable water” in the Sanitation standards for general industry (1910.141(a)(2)) and



construction (1926.51(a)(6)), and the Field Sanitation standard for agriculture (1928.110(b)) to be consistent with the current EPA standard, instead of the former (and outdated) Public Health service Corps definition;

- Revising the Bloodborne Pathogens standard by removing the word “hot” from the definition of “handwashing facilities” at §1910.1030(b) in the phrase “hot air drying machines,” which permits employers to use new technologies (e.g., high-velocity air blowers) that do not involve “hot” or “warm” air in the workplace. This revision applies to sanitation standards for general industry (1910.141(d)(2)(iv)), marine terminals (1917.127(a)(1)(iii)), and construction (1926.51(f)(3)(iv)).
- Update OSHA’s standards regulating slings for general industry (1910.184); shipyard employment (§§1915.112, 1915.113, and 1915.118) and construction (1926.251) by removing outdated tables that specify safe working loads and require, instead, that employers use the safe working-load information imprinted on a permanently affixed identification marking or tag. This revision is consistent with current ANSI standards.
- Remove two obsolete recordkeeping requirements in 1910.440 (b)(3)(i) and (b)(5) in Subpart T, Commercial Diving Operations, because the standard no longer requires medical examinations, and corrected a typographical error in 1910.440 (b)(4);
- Remove several standards in Subpart Z, Toxic and Hazardous Substances, that required employers to transfer medical records to the National Institute for Occupational Safety and Health (NIOSH) because NIOSH found that the records were not useful for research purposes and were expensive to store and maintain;
- Revise the monitoring requirements under the lead standards for general industry (1910.25) and construction (1926.62) to require employers to provide follow-up blood sampling tests when an employee’s blood lead level is at or above the numerical criterion for medical removal.
- Remove an outdated medical recommendation in its standard on occupational exposure to hazardous chemicals in laboratories (1910.1450);
- Revise a sentence to better clarify the original purpose of the shipyard confine-space standard, i.e., that OSHA does not consider abrasive blasting of the external surface of the vessel (the hull) to be hot work (1915.11(b));
- Add a definition to the longshoring standards of the term “ship’s stores” (1917.2) to eliminate confusion regarding the meaning of this term; and
- Update the requirement for inspecting a vessel’s cargo-handling gear consistent with ILO Convention 152 (1919.6, 1919.11, 1919.12, and 1919.15). This revision requires gear to be thoroughly examined before initial use, as well as every 12

months, and re-tested every five years, instead of every four years.

### III. **Basis, Purpose and Impact of the Amended Standards.**

#### A. **Basis.**

SIP-III is the third in a series of rulemaking actions to improve and streamline federal OSHA standards. SIP-III builds on the success of SIP - Phase I, published on June 18, 1998, and adopted by the Safety and Health Codes Board on October 19, 1998, with an effective date of January 1, 1999; and Phase II, published on January 5, 2005, and adopted by the Safety and Health Codes Board on May 24, 2005, with an effective date of August 15, 2005.

#### B. **Purpose.**

Historically, the Standards Improvement Project has removed or revised individual requirements within rules that were confusing, outdated, duplicative or inconsistent.

OSHA's action complies with Executive Order 13563 of the President, requesting federal agencies to review existing and proposed standards and regulations to ensure they effectively protect public health, welfare, safety and the environment while promoting economic growth, innovation, competitiveness, and job creation.

Federal OSHA has chosen in this project to revise old, obsolete, inconsistent or otherwise outdated provisions in its regulatory standards to improve clarity, as well as consistency with standards that it promulgated more recently. The purpose of the SIP project is to reduce the regulatory and fiscal burdens on employers, or provide employers continuity with more recently adopted regulations, compliance flexibility, while maintaining the same level of protection for employees.

#### C. **Impact on Employers.**

This revised standard will help employers to better understand their regulatory obligations facilitating increased compliance and reduced compliance costs without imposing any additional new cost burdens on employers. Additionally, businesses will no longer be burdened with the obligation to fill out unnecessary recordkeeping and reporting forms and can spend their time in more productive ways.

OSHA states that these additional compliance options for certain standards will benefit employers because they will provide them with the flexibility to use the compliance option that best serves their needs while maintaining the same level of protection. OSHA maintains that effective training ensures that employees understand proper work practices, which will reduce rates of injuries and illnesses. Removing the training-certification record requirements of paragraph (f)(4) of the general industry PPE standard, §1910.132; paragraph (e)(4) of the shipyard employment PPE standard, §1915.152; and paragraph (n)(4) of the general industry and construction Cadmium standards, §§1910.1027 and

1926.1127, respectively, all of which require employers to prepare and maintain a written record certifying compliance with the training requirements of these sections, will not change the requirements for employers to provide effective PPE and safety training.

Federal OSHA believes that as a result of removing the requirements for employers to transfer records to NIOSH, and to develop and maintain certification records, the revised standard would eliminate an estimated 1.9 million hours per year of redundant reporting burdens for employers nationally. The revised standard would eliminate an estimated 51,350 hours per year of reporting burdens for Virginia employers.

**D. Impact on Employees.**

The standard will maintain the same level of protection for employees. OSHA is not deleting any requirements that employers train workers appropriately in the use of PPE. It does not believe that removal of training-certification record requirements indicates a weakening of PPE training requirements. Instead, OSHA believes that worker training on the proper use of PPE is essential to ensure its effectiveness. OSHA believes that workers can demonstrate knowledge of the proper use of PPE, and employers can observe easily such use in the workplace, without the need for paper certifications. Employees can be retrained if they are not properly using PPE. Effective training of employees will ensure that they understand proper work practices which, in turn, will reduce rates of injuries and illnesses.

Prior to this final rule, all of OSHA's substance-specific health standards, with the exception of the Cadmium standards for general industry and construction, relied on demonstration of worker knowledge as evidence that employers provided workers with adequate training in the use of PPE. Removing the certification requirements will not change the requirements for employers to provide effective PPE and safety training to their employees.

**E. Impact on the Department of Labor and Industry.**

There is no significant impact anticipated for the Department as a result of adopting this revised standard. Minimal costs may exist for training compliance staff on the requirements of the amended standards.

Federal regulations 29 CFR 1953.23(a) and (b) require that Virginia, within six months of the occurrence of a federal program change, to adopt identical changes or promulgate equivalent changes which are at least as effective as the federal change. The Virginia Code reiterates this requirement in § 40.1-22(5). Adopting these revisions will allow Virginia to conform to the federal program change.

**F. Technological Feasibility**

OSHA believes that the final rule is technologically feasible for employers

because it reduces requirements or provides flexibility to employers by revising existing standards.

**G. Benefit/Cost**

By reducing record-storage and record-transfer requirements, as well as written training-certification requirements and changing rigging inspections from every four years to every five years, federal OSHA estimated that this final rule will result in annual cost savings to employers exceeding \$45 million nationally, and will reduce the paperwork burden by 1.85 million hours. The cost savings to Virginia employers is estimated to be \$1.2 million, and the paperwork burden is estimated to be reduced by 50,000 hours annually.

OSHA believes that having equipment (i.e., slings and shackles) marked with safe working loads (SWL) and other rigging information (instead of located in tables) will provide benefits to employers by permitting readily available and up-to-date sling information.

Federal OSHA determined that this final rule will not impose additional costs on any private-or public-sector entity. This final rule requires no additional expenditures by either public or private employers.

## **RECOMMENDED ACTION**

Staff of the Department of Labor and Industry recommends that the Safety and Health Codes Board adopt the final rule for Standards Improvement Project - Phase III, as authorized by Virginia Code §§ 40.1-22(5) and 2.2-4006.A.4(c), with an effective date of January 15, 2012.

The Department also recommends that the Board state in any motion it may make to amend this regulation that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this or any other regulation which has been adopted in accordance with the above-cited subsection A.4(c) of the Administrative Process Act.

**Standards Improvement Project - Phase III; Final Rule**

As Adopted by the  
Safety and Health Codes Board

Date: \_\_\_\_\_



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: \_\_\_\_\_

16 VAC25-90-1910.33	16 VAC 25-90-1910.34	16 VAC25-90-1910.35
16 VAC25-90-1910.36	16 VAC25-90-1910.132	16 VAC25-90-1910.134
16 VAC25-90-1910.141	16 VAC25-90-1910.184	16 VAC25-90-1910.440
16 VAC25-90-1910.1001	16 VAC25-90-1910.1003	16 VAC25-90-1910.1017
16 VAC25-90-1910.1018	16 VAC25-90-1910.1020	16 VAC25-90-1910.1025
16 VAC25-90-1910.1027	16 VAC25-90-1910.1028	16 VAC25-90-1910.1029
16 VAC25-90-1910.1030	16 VAC25-90-1910.1043	16 VAC25-90-1910.1044
16 VAC25-90-1910.1045	16 VAC25-90-1910.1047	16 VAC25-90-1910.1050
16 VAC25-90-1910.1051	16 VAC25-90-1910.1450	16 VAC25-100-1915.112
16 VAC25-100-1915.113	16 VAC25-100-1915.118	16 VAC25-100-1915.152
16 VAC25-100-1915.1001	16 VAC25-120-1917.2	16 VAC25-120-1917.127
16 VAC25-130-1918.2	16 VAC25-130-1918.95	16 VAC25-137-1919.6
16 VAC25-137-1919.11	16 VAC25-137-1919.12	16 VAC25-137-1919.15
16 VAC25-137-1919.18	16 VAC25-175-1926.60	16 VAC25-175-1926.62
16 VAC25-175-1926.251	16 VAC25-175-1926.1101	16 VAC25-175-1926.1127

When the regulations, as set forth in the Final Rule for Standards Improvement Project – Phase III, 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

July 8, 2011

January 15, 2012

## X. The Final Standard

For the reasons discussed in the preamble, the Occupational Safety and Health Administration is amending 29 CFR parts 1910, 1915, 1917, 1918, 1919, 1926, and 1928 as set forth below:

### PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

#### Subpart A—[Amended]

- 1. The authority citation for subpart A continues to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), or 4-2010 (75 FR 55355), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

#### Subpart E—Exit Routes and Emergency Planning

- 3. Revise the authority citation for subpart E to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

- 4. Revise the heading of subpart E to read as set forth above.
- 5. In § 1910.33, revise the entry listed for § 1910.35 to read as follows:

#### § 1910.33 Table of contents.

\* \* \* \* \*

#### § 1910.35 Compliance with Alternate Exit Route Codes.

\* \* \* \* \*

- 6. Revise the definition of the term "Occupant load" in paragraph (c) of § 1910.34 to read as follows:

#### § 1910.34 Coverage and definitions.

\* \* \* \* \*

(c) \* \* \*

*Occupant load* means the total number of persons that may occupy a workplace or portion of a workplace at any one time. The occupant load of a workplace is calculated by dividing the gross floor area of the workplace or portion of the workplace by the occupant load factor for that particular type of workplace occupancy. Information regarding the "Occupant load" is located in NFPA 101-2009, Life Safety Code, and in IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

- 7. Revise § 1910.35 to read as follows:

#### § 1910.35 Compliance with alternate exit-route codes.

OSHA will deem an employer demonstrating compliance with the exit-route provisions of NFPA 101, Life

Safety Code, 2009 edition, or the exit-route provisions of the International Fire Code, 2009 edition, to be in compliance with the corresponding requirements in §§ 1910.34, 1910.36, and 1910.37 (incorporated by reference, see section § 1910.6).

- 8. In § 1910.36, revise the notes to paragraphs (b) and (f) to read as follows:

#### § 1910.36 Design and construction requirements for exit routes.

\* \* \* \* \*

(b) \* \* \*  
(3) \* \* \*

**Note to paragraph (b) of this section:** For assistance in determining the number of exit routes necessary for your workplace, consult NFPA 101-2009, Life Safety Code, or IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

\* \* \* \* \*

(f) \* \* \*  
(2) \* \* \*

**Note to paragraph (f) of this section:** Information regarding the "Occupant load" is located in NFPA 101-2009, Life Safety Code, and in IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

\* \* \* \* \*

#### Subpart I—[Amended]

- 9. Revise the authority citation for subpart I to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Sections 1910.132, 1910.134, and 1910.138 of 29 CFR also issued under 29 CFR 1911.

Sections 1910.133, 1910.135, and 1910.136 of 29 CFR also issued under 29 CFR 1911 and 5 U.S.C. 553.

#### § 1910.132 [Amended]

- 10. Remove paragraph (f)(4) from § 1910.132.
- 11. In § 1910.134, revise paragraphs (i)(4)(i), (i)(9), and (o), and question 2a in Part A, Section 2 (Mandatory) of Appendix C, to read as follows:

#### § 1910.134 Respiratory protection.

\* \* \* \* \*

(i) \* \* \*  
(4) \* \* \*

(i) Cylinders are tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 180);

\* \* \* \* \*

(9) The employer shall use only the respirator manufacturer's NIOSH-approved breathing-gas containers,



marked and maintained in accordance with the Quality Assurance provisions of the NIOSH approval for the SCBA as issued in accordance with the NIOSH respirator-certification standard at 42 CFR part 84.

(o) Appendices. Compliance with Appendix A, Appendix B-1, Appendix B-2, Appendix C, and Appendix D to this section are mandatory.

Appendix C to § 1910.134: \* \* \*

Part A. Section 2. \* \* \*
2. \* \* \*
a. Seizures: Yes/No

Subpart J—[Amended]

12. Revise the authority citation for subpart J to read as follows:
Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable; and 29 CFR 1911.

Sections 1910.141, 1910.142, 1910.145, 1910.146, and 1910.147 also issued under 29 CFR 1911.

13. Revise the definition of "Potable water" in paragraph (a)(2), and revise paragraph (d)(2)(iv) of § 1910.141 to read as follows:

§ 1910.141 Sanitation.

(a) \* \* \*
(2) \* \* \*
Potable water means water that meets the standards for drinking purposes of the State or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR 141).

(d) \* \* \*
(2) \* \* \*
(iv) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

Subpart N—[Amended]

14. Revise the authority citation for subpart N to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR

35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable; and 29 CFR 1911.

Sections 1910.176, 1910.177, 1910.178, 1910.179, 1910.180, 1910.181, and 1910.184 also issued under 29 CFR part 1911.

15. Amend § 1910.184 as follows:

a. Add new paragraphs (c)(13) and (c)(14).

b. Revise paragraphs (e)(6), (e)(8), (f)(1), and (h)(1).

c. Remove and reserve paragraphs (e)(5), (g)(6), and (i)(5).

d. Remove Tables N-184-1 and N-184-3 through N-184-22.

e. Redesignate Table N-184-2 as N-184-1.

The addition and revisions read as follows:

§ 1910.184 Slings.

(c) \* \* \*

(13) Employers must not load a sling in excess of its recommended safe working load as prescribed by the sling manufacturer on the identification markings permanently affixed to the sling.

(14) Employers must not use slings without affixed and legible identification markings.

(e) \* \* \*

(5) [Reserved]

(6) Safe operating temperatures.

Employers must permanently remove an alloy steel-chain slings from service if it is heated above 1000 degrees F. When exposed to service temperatures in excess of 600 degrees F, employers must reduce the maximum working-load limits permitted by the chain manufacturer in accordance with the chain or sling manufacturer's recommendations.

(8) Effect of wear. If the chain size at any point of the link is less than that stated in Table N-184-1, the employer must remove the chain from service.

(f) Wire-rope slings—(1) Sling use.

Employers must use only wire-rope slings that have permanently affixed and legible identification markings as prescribed by the manufacturer, and that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

(g) \* \* \*

(6) [Reserved]

(h) Natural and synthetic fiber-rope slings—(1) Sling use.

Employers must use natural and synthetic fiber-rope slings that have permanently affixed and legible

identification markings stating the rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, type of fiber material, and the number of legs if more than one.

(i) \* \* \*

(5) [Reserved]

\* \* \*

Subpart T—[Amended]

16. Revise the authority citation for subpart T to read as follows:

Authority: 29 U.S.C. 653, 655, 657; 40 U.S.C. 333; 33 U.S.C. 941; Secretary of Labor's Order No. 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable, and 29 CFR 1911.

17. Remove and reserve paragraphs (b)(3)(i) and (b)(5), and revise paragraph (b)(4), of § 1910.440 to read as follows:

§ 1910.440 Recordkeeping requirements.

(b) \* \* \*

(3) \* \* \*

(i) [Reserved]

\* \* \*

(4) After the expiration of the retention period of any record required to be kept for five (5) years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer also shall comply with any additional requirements set forth in 29 CFR 1910.1020(h).

(5) [Reserved]

Subpart Z—[Amended]

18. Revise the authority citation for subpart Z to read as follows:

Authority: 29 U.S.C. 653, 655, and 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable, and 29 CFR 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, Tables Z-1, Z-2, and Z-3 also issued under 5 U.S.C. 553, Section 1910.1000 Tables Z-1, Z-2, and Z-3, but not under 29 CFR 1911, except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653. Section 1910.1030 also issued under Pub. L. 106-430, 114 Stat. 1901. Section 1910.1201 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 533.

- 19. Amend § 1910.1001 by removing paragraph (m)(6)(ii), and redesignating paragraph (m)(6)(i) as paragraph (m)(6).
- 20. Amend § 1910.1003 by revising paragraphs (c)(4)(iv) and (g)(2)(i) to read as follows:

**§ 1910.1003 13 Carcinogens (4-nitrobiphenyl, etc.).**

\* \* \* \* \*

- (c) \* \* \*
- (4) \* \* \*

(iv) Employers must provide each employee engaged in handling operations involving the carcinogens 4-Nitrobiphenyl, alpha-Naphthylamine, 3,3'-Dichlorobenzidine (and its salts), beta-Naphthylamine, Benzidine, 4-Aminodiphenyl, 2-Acetylaminofluorene, 4-Dimethylaminoazo-benzene, and N-Nitrosodimethylamine, addressed by this section, with, and ensure that each of these employees wears and uses, a NIOSH-certified air-purifying, half-mask respirator with particulate filters. Employers also must provide each employee engaged in handling operations involving the carcinogens methyl chloromethyl ether, bis-Chloromethyl ether, Ethyleneimine, and beta-Propiolactone, addressed by this section, with, and ensure that each of these employees wears and uses any self-contained breathing apparatus that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode, or any supplied-air respirator that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode in combination with an auxiliary self-contained positive-pressure breathing apparatus. Employers may substitute a respirator affording employees higher levels of protection than these respirators.

\* \* \* \* \*

- (g) \* \* \*
- (2) \* \* \*

(i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment.

**§ 1910.1017 [Amended]**

- 21. Remove paragraph (m)(3) from § 1910.1017.

**§ 1910.1018 [Amended]**

- 22. Amend § 1910.1018 by removing paragraphs (q)(4)(ii) and (q)(4)(iii), and redesignating paragraph (q)(4)(iv) as paragraph (q)(4)(i).

**§ 1910.1020 [Amended]**

- 23. Remove paragraphs (h)(3) and (h)(4) from § 1910.1020.
- 24. Amend § 1910.1025 as follows:
  - a. Revise paragraphs (j)(1)(i), (j)(2)(ii), (j)(2)(iv), (k)(1)(i)(B), and (k)(1)(iii)(A)(1).
  - b. Remove paragraphs (n)(5)(ii) and (n)(5)(iii), and redesignate paragraph (n)(5)(iv) as paragraph (n)(5)(ii).

The revisions read as follows:

**§ 1910.1025 Lead.**

\* \* \* \* \*

- (j) \* \* \*
- (1) \* \* \*

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level for more than 30 days per year.

\* \* \* \* \*

- (2) \* \* \*

(ii) *Follow-up blood sampling tests.* Whenever the results of a blood lead level test indicate that an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i)(A) of this section, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

\* \* \* \* \*

(iv) *Employee notification.* Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level is at or above 40 µg/100 g:

(A) Of that employee's blood lead level; and

(B) That the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under paragraph (k)(1)(i) of this section.

\* \* \* \* \*

- (k) \* \* \*
- (1) \* \* \*
- (i) \* \* \*

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six (6) months, whichever is longer) indicates

that the employee's blood lead level is at or above 50 µg/100 g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level below 40 µg/100 g of whole blood.

- (iii) \* \* \*
- (A) \* \* \*

(1) For an employee removed due to a blood lead level at or above 60 µg/100 g, or due to an average blood lead level at or above 50 µg/100 g, when two consecutive blood sampling tests indicate that the employee's blood lead level is below 40 µg/100 g of whole blood;

\* \* \* \* \*

- 25. Amend § 1910.1027 by removing paragraph (n)(4), redesignating paragraphs (n)(5) and (n)(6) as paragraphs (n)(4) and (n)(5), and revising newly designated paragraph (n)(4)(i) to read as follows:

**§ 1910.1027 Cadmium.**

\* \* \* \* \*

- (n) \* \* \*
- (4) \* \* \*

(i) Except as otherwise provided for in this section, access to all records required to be maintained by paragraphs (n)(1) through (3) of this section shall be in accordance with the provisions of 29 CFR 1910.1020.

\* \* \* \* \*

- 26. Amend § 1910.1028 revising paragraph (k)(4) as follows:

**§ 1910.1028 Benzene.**

\* \* \* \* \*

- (k) \* \* \*

(4) *Transfer of records.* The employer shall comply with the requirements involving transfer of records as set forth in 29 CFR 1910.1020(h).

\* \* \* \* \*

**§ 1910.1029 [Amended]**

- 27. Amend § 1910.1029 by removing paragraphs (m)(4)(ii) and (m)(4)(iii), and redesignating paragraph (m)(4)(iv) as paragraph (m)(4)(ii).

- 28. Amend § 1910.1030 as follows:
  - a. Revise the definition of "Handwashing facilities" in paragraph (b).

- b. Remove paragraph (h)(4)(ii) and redesignate paragraph (h)(4)(i) as paragraph (h)(4).

The revision reads as follows:

**§ 1910.1030 Bloodborne pathogens.**

\* \* \* \* \*

- (b) \* \* \*

*Handwashing facilities* means a facility providing an adequate supply of

running potable water, soap, and single-use towels or air-drying machines.

§ 1910.1043 [Amended]

■ 29. Amend § 1910.1043 by removing paragraphs (k)(4)(ii) and (k)(4)(iii), and redesignating paragraph (k)(4)(iv) as paragraph (k)(4)(ii).

§ 1910.1044 [Amended]

■ 30. Amend § 1910.1044 by removing paragraphs (p)(4)(ii) and (p)(4)(iii), and redesignating paragraph (p)(4)(iv) as paragraph (p)(4)(ii).

§ 1910.1045 [Amended]

■ 31. Amend § 1910.1045 by removing paragraphs (q)(5)(ii) and (q)(5)(iii), and redesignating paragraph (q)(5)(iv) as paragraph (q)(5)(ii).

§ 1910.1047 [Amended]

■ 32. Amend § 1910.1047 by removing paragraph (k)(5)(ii), and redesignating paragraph (k)(5)(i) as paragraph (k)(5).

§ 1910.1050 [Amended]

■ 33. Amend § 1910.1050 by removing paragraph (n)(7)(ii), and redesignating paragraph (n)(7)(i) as paragraph (n)(7).

■ 34. Amend § 1910.1051 as follows:
■ a. Remove and reserve paragraph (m)(3).
■ Revise paragraph (m)(6) as follows:

§ 1910.1051 1,3-Butadiene.

(m) \* \* \*
(3) [Reserved]

(6) Transfer of records. The employer shall transfer medical and exposure records as set forth in 29 CFR 1910.1020(h).

■ 35. In Appendix A to § 1910.1450, revise the "ingestion" paragraph under item (a) under Section E, subsection 1, to read as follows:

§ 1910.1450 Occupational exposure to hazardous chemicals in laboratories.

Appendix A to § 1910.1450—National Research Council Recommendations Concerning Chemical Hygiene in Laboratories (Non-Mandatory)

E. \* \* \*
1. \* \* \*
(a) Accidents and spills— \* \* \*
Ingestion: This is one route of entry for which treatment depends on the type and

amount of chemical involved. Seek medical attention immediately.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 36. Revise the authority citation for part 1915 to read as follows:

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable.

Section 1915.100 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553. Sections 1915.120 and 1915.152 of 29 CFR also issued under 29 CFR 1911.

■ 37. In Appendix A to subpart B, revise item number 1 under the heading "Section 1915.11(b) Definition of 'Hot work,'" to read as follows:

Appendix A to Subpart B of Part 1915—Compliance Assistance Guidelines for Confined and Enclosed Spaces and Other Dangerous Atmospheres

Section 1915.11(b) Definition of "Hot work."

1. Abrasive blasting of the external surface of the vessel (the hull) for paint preparation does not necessitate pumping and cleaning the tanks of the vessel.

■ 38. Revise paragraphs (a), (b)(1), (b)(3), (c)(1), and (c)(3) of § 1915.112 to read as follows:

§ 1915.112 Ropes, chains, and slings.

(a) Manila rope and manila-rope slings. Employers must ensure that manila rope and manila-rope slings:

- (1) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;
(2) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and
(3) Not be used without affixed and legible identification markings as required by paragraph (a)(1) of this section.

(b) Wire rope and wire-rope slings. (1) Employers must ensure that wire rope and wire-rope slings:

- (i) Have permanently affixed and legible identification markings as

prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed and legible identification markings as required by paragraph (b)(1)(i) of this section.

(3) When U-bolt wire rope clips are used to form eyes, employers must use Table G-1 in § 1915.118 to determine the number and spacing of clips. Employers must apply the U-bolt so that the "U" section is in contact with the dead end of the rope.

(c) Chain and chain slings. (1) Employers must ensure that chain and chain slings:

(i) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed and legible identification markings as required by paragraph (c)(1)(i) of this section.

(3) Employers must note interlink wear, not accompanied by stretch in excess of 5 percent, and remove the chain from service when maximum allowable wear at any point of link, as indicated in Table G-2 in § 1915.118, has been reached.

■ 39. In § 1915.113, revise paragraph (a) to read as follows:

§ 1915.113 Shackles and hooks.

(a) Shackles. Employers must ensure that shackles:

(1) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load;

(2) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(3) Not be used without affixed and legible identification markings as

required by paragraph (a)(1)(i) of this section.

\* \* \* \* \*

■ 40. In § 1915.118, remove Tables G-1, G-2, G-3, G-4, G-5, G-7, G-8, and G-10, and redesignate Table G-6 as Table G-1, and Table G-9 as Table G-2.

**§ 1915.152 [Amended]**

- 41. Remove paragraph (e)(4) from § 1915.152.
- 42. Amend § 1915.1001 as follows:
  - a. Revise paragraph (h)(3)(i).
  - b. Remove paragraphs (h)(3)(ii), (h)(3)(iii), (h)(4), and (n)(8)(ii).
  - c. Redesignate paragraph (h)(3)(iv) as paragraph (h)(3)(ii), and paragraph (n)(8)(i) as paragraph (n)(8).
  - d. Revise Appendix C.

The revisions read as follows:

**§ 1915.1001 Asbestos.**

\* \* \* \* \*

- (h) \* \* \*
- (3) \* \* \*

(i) When respiratory protection is used, the employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except paragraph (d)(1)(iii)), and (f) through (m) which covers each employee required by this section to use a respirator.

\* \* \* \* \*

**Appendix C to § 1915.1001—Qualitative and Quantitative Fit Testing Procedures. Mandatory**

Employers must perform fit testing in accordance with the fit-testing requirements of 29 CFR 1910.134(f) and the qualitative and quantitative fit-testing protocols and procedures specified in Appendix A of 29 CFR 1910.134.

\* \* \* \* \*

**PART 1917—MARINE TERMINALS**

■ 43. Revise the authority citation for part 1917 to read as follows:

**Authority:** 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1917.28 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

■ 44. In § 1917.2, add a definition for the term "Ship's stores" in alphabetical order to read as follows:

**§ 1917.2 Definitions.**

\* \* \* \* \*

*Ship's stores* means materials that are aboard a vessel for the upkeep,

maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

■ 45. Revise paragraph (a)(1)(iii) of § 1917.127 to read as follows:

**§ 1917.127 Sanitation.**

- (a) \* \* \*
- (1) \* \* \*
- (iii) Individual hand towels, clean individual sections of continuous toweling, or air blowers; and

\* \* \* \* \*

**PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING**

■ 46. Revise the authority citation for part 1918 to read as follows:

**Authority:** 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1918.90 also issued under 5 U.S.C. 553.

Section 1918.100 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

■ 47. In § 1918.2, add a definition for the term "Ship's stores" in alphabetical order to read as follows:

**§ 1918.2 Definitions.**

\* \* \* \* \*

*Ship's stores* means materials that are aboard a vessel for the upkeep, maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

\* \* \* \* \*

■ 48. Revise paragraph (a)(1)(iii) of § 1918.95 to read as follows:

**§ 1918.95 Sanitation.**

- (a) \* \* \*
- (1) \* \* \*
- (iii) Individual hand towels, clean individual sections of continuous toweling, or air blowers; and

\* \* \* \* \*

**PART 1919—GEAR CERTIFICATION**

■ 49. Revise the authority citation for part 1919 to read as follows:

**Authority:** 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

■ 50. Revise the introductory text of paragraph (a)(1) of § 1919.6 to read as follows:

**§ 1919.6 Criteria governing accreditation to certificate vessels' cargo gear.**

(a) \* \* \*  
 (1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quinquennial surveys, shall not be accredited unless that person is engaged in one or more of the following activities:

\* \* \* \* \*

■ 51. Revise paragraph (d) of § 1919.11 to read as follows:

**§ 1919.11 Recordkeeping and related procedures concerning records in custody of accredited persons.**

(d) When annual or quinquennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

\* \* \* \* \*

■ 52. Revise paragraph (f) of § 1919.12 to read as follows:

**§ 1919.12 Recordkeeping and related procedures concerning records in custody of the vessel.**

(f) An accredited person shall instruct the vessel's officers, or the vessel's operator if the vessel is unmanned, that the vessel's register and certificates shall be preserved for at least 5 years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

\* \* \* \* \*

■ 53. Revise paragraph (a) of § 1919.15 to read as follows:

**§ 1919.15 Periodic tests, examinations and inspections.**

\* \* \* \* \*

(a) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every 5 years in the manner set forth in subpart E of this part.

\* \* \* \* \*

■ 54. Revise paragraph (b) of § 1919.18 to read as follows:

§ 1919.18 Grace periods.

\* \* \* \* \*

(b) Quinquennial requirements— within six months after the date when due;

\* \* \* \* \*

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart D—[Amended]

■ 55. Revise the authority citation for subpart D to read as follows:

Authority: 40 U.S.C. 3701 et seq.; 29 U.S.C. 653, 655, 657; and Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Sections 1926.58, 1926.59, 1926.60, and 1926.65 also issued under 5 U.S.C. 553 and 29 CFR 1911.

Section 1926.61 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

Section 1926.62 of 29 CFR also issued under 42 U.S.C. 4853.

Section 1926.65 of 29 CFR also issued under 29 U.S.C. 655 note, and 5 U.S.C.

■ 56. Revise paragraphs (a)(6) and (f)(3)(iv) of § 1926.51 to read as follows:

§ 1926.51 Sanitation.

(a) \* \* \*

(6) Potable water means water that meets the standards for drinking purposes of the State or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR part 141).

\* \* \* \* \*

(f) \* \* \*

(3) \* \* \*

(iv) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

\* \* \* \* \*

■ 57. Amend § 1926.60 by revising paragraph (o)(8) to read as follows:

§ 1926.60 Methyleneedianiline.

\* \* \* \* \*

(o) \* \* \*

(8) Transfer of records. The employer shall comply with the requirements concerning transfer of records set forth in 29 CFR 1910.1020(h).

\* \* \* \* \*

■ 58. Amend § 1926.62 as follows:

■ a. Revise paragraphs (j)(2)(ii), (j)(2)(iv)(B), and (k)(1)(iii)(A)(1).

■ b. Remove paragraphs (n)(6)(ii), and (n)(6)(iii).

■ c. Redesignate paragraph (n)(6)(iv) as paragraph (n)(6)(ii), and revise newly designated paragraph (n)(6)(ii).

The revisions read as follows:

§ 1926.62 Lead.

\* \* \* \* \*

(j) \* \* \*

(2) \* \* \*

(ii) Follow-up blood sampling tests.

Whenever the results of a blood lead level test indicate that an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i) of this section, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

\* \* \* \* \*

(iv) \* \* \*

(B) The employer shall notify each employee whose blood lead level is at or above 40 µg/dl that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under paragraph (k)(1)(i) of this section.

\* \* \* \* \*

(k) \* \* \*

(l) \* \* \*

(iii) \* \* \*

(A) \* \* \*

(j) For an employee removed due to a blood lead level at or above 50 µg/dl when two consecutive blood sampling tests indicate that the employee's blood lead level is below 40 µg/dl;

\* \* \* \* \*

(n) \* \* \*

(6) \* \* \*

(ii) The employer shall also comply with any additional requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).

\* \* \* \* \*

Subpart H [Amended]

■ 59. Revise the authority citation for subpart H to read as follows:

Authority: 40 U.S.C. 3701; 29 U.S.C. 653, 655, 657; and Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 4-2010 (75 FR 55355), as applicable. Section 1926.250 also issued under 29 CFR 1911.

■ 60. Amend § 1926.251 as follows:

■ a. Revise paragraphs (a)(2), (b)(4), (c)(1), (d)(1) and (f)(1).

■ b. Add new paragraphs (c)(16) and (d)(7).

The revisions and additions read as follows:

§ 1926.251 Rigging equipment for material handling.

(a) \* \* \*

(2) Employers must ensure that rigging equipment:

(i) Has permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed, legible identification markings, required by paragraph (a)(2)(i) of this section.

\* \* \* \* \*

(b) \* \* \*

(4) Employers must not use alloy steel-chain slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

\* \* \* \* \*

(c) \* \* \*

(1) Employers must not use improved plow-steel wire rope and wire-rope slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

\* \* \* \* \*

(16) Wire rope slings shall have permanently affixed, legible identification markings stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, and the number of legs if more than one.

\* \* \* \* \*

(d) \* \* \*

(1) Employers must not use natural- and synthetic-fiber rope slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

\* \* \* \* \*

(7) Employers must use natural- and synthetic-fiber rope slings that have permanently affixed and legible identification markings that state the rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, type of fiber material, and the number of legs if more than one.

\* \* \* \* \*

(f) \* \* \*

(1) Employers must not use shackles with loads in excess of the rated

capacities (i.e., working load limits) indicated on the shackle by permanently affixed and legible identification markings prescribed by the manufacturer.

\* \* \* \* \*

**Subpart Z—[Amended]**

■ 61. Revise the authority citation for subpart Z to read as follows:

**Authority:** 40 U.S.C. 3701 *et seq.*; 29 U.S.C. 653, 655, 657; and Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1926.1102 of 29 CFR not issued under 29 U.S.C. 655 or 29 CFR 1911; also issued under 5 U.S.C. 553.

■ 62. Amend § 1926.1101 as follows:

- a. Remove paragraph (n)(7)(iii).
- b. Revise paragraphs (n)(7)(ii) and (n)(8) to read as follows:

**§ 1926.1101 Asbestos**

\* \* \* \* \*

- (n) \* \* \*
- (7) \* \* \*

(ii) The employer must comply with the requirements concerning availability

of records set forth in 29 CFR 1910.1020.

(8) *Transfer of records.* The employer must comply with the requirements concerning transfer of records set forth in 29 CFR 1910.1020(h).

\* \* \* \* \*

■ 63. Amend § 1926.1127 by removing paragraph (n)(4), redesignating paragraphs (n)(5) and (n)(6) as paragraphs (n)(4) and (n)(5), and revising newly designated paragraph (n)(4)(i) to read as follows:

**§ 1926.1127 Cadmium.**

\* \* \* \* \*

- (n) \* \* \*
- (4) \* \* \*

(i) Except as otherwise provided for in this section, access to all records required to be maintained by paragraphs (n)(1) through (3) of this section shall be in accordance with the provisions of 29 CFR 1910.1020.

\* \* \* \* \*

\* \* \* \* \*

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