



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry
Virginia Administrative Code (VAC) citation	16 VAC 25-90-1910.303 16 VAC 25-90-1910.304
Regulation title	Electrical Standard, Subpart S of Part 1910
Action title	Clarifications and Correcting Amendments to Electrical Standard, Subpart S of Part 1910
Final agency action date	April 16, 2009
Document preparation date	April 16, 2009

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

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

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

On February 14, 2007, federal OSHA published a revision of its electrical installation standard for general industry, 29 CFR Part 1910, subpart S, which the Safety and Health Codes Board subsequently adopted at its June 26, 2007 meeting. In this current action, federal OSHA corrected two typographical errors were also corrected in Table S-3 of §1910.303 of the final rule. Federal OSHA corrected “2.81” and “9.01,” the first entries under the column heads “m” and “ft,” to read “2.8” and “9.0”, respectively.

Following the promulgation of the final rule in 2007, federal OSHA received numerous questions from the public concerning the application of §1910.304(b)(3)(ii), questions stemming from the structure of the text of the provision, questions concerning whether the standard recognizes all forms of ground-fault protection devices, and questions about whether the standard requires Ground Fault Circuit Interrupters (GFCI) to be used with branch circuits supplying temporary lighting.

Federal OSHA determined that §1910.304(b)(3)(ii) was intended to apply to temporary wiring installations used during the performance of construction-like activities, including certain maintenance, remodeling, or repair activities, involving buildings, structures or equipment.

In response to questions about temporary wiring, federal OSHA stated that, for purposes of §1910.304(b)(3)(ii), it considers as “temporary wiring” the use of more than one extension cord (connected in series or otherwise) to be a permanent outlet, or the temporary connection of more than one piece of utilization equipment to an extension cord set that is connected to a permanent receptacle outlet. Federal OSHA notes that this temporary wiring would only be covered by §1910.304(b)(3)(ii) if it is used during “construction-like activities.”

Additionally, federal OSHA decided that §1910.304(b)(3)(ii) applies only to branch circuits, which are “the circuit conductors between the final overcurrent device (circuit breaker or fuse) protecting the circuit and the outlets”.

It also determined that §1910.304(b)(3)(ii)(A) requires ground-fault circuit interrupters (GFCI) for personnel protection and as electric equipment which must be approved by nationally recognized testing laboratories (NRTL).

Lastly, federal OSHA determined that the standard requires GFCI protection for temporary circuits supplying lighting only when those circuits also supply receptacles.

Statement of final agency action

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

On April 16, 2009, the Safety and Health Codes Board adopted the Clarifications and Correcting Amendments to federal OSHA’s final rule on the Electrical Standard, Subpart S of Part 1910, §§ 1910.303 and 1910.304, as published in 73 FR 64202 on October 29, 2008, with an effective date of July 15, 2009.

Family impact

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

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

To access the Clarifications and Correcting Amendments to the final rule for the Electrical Standard, Subpart S of Part 1910, §§1910.303 and 1910.304, please see attachment or go to:

http://www.osha.gov/FedReg_osha_pdf/FED20081029.pdf

**Electrical Standard, Subpart S of Part 1910, Final Rule;
Clarifications and Correcting Amendments**

As Adopted by the
Safety and Health Codes Board

Date: April 16, 2009



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: July 15, 2009

16 VAC 25-90-1910.303, General, §1910.303

16 VAC 25-90-1910.304, Wiring Design and Protection, §1910.304

When the regulations, as set forth in the clarifications and correcting amendments to the final rule for the Electrical Standard, Subpart S of Part 1910, §§1910.303 and 1910.304, 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

October 29, 2008

July 15, 2009

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

PART 1910—[AMENDED]

Subpart S—[Amended]

■ 1. The authority citation for subpart S is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor’s Order No. 8–76 (41 FR 25059), 1–90 (55 FR 9033), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), as applicable; 29 CFR part 1911.

§ 1910.303 General.

■ 2. Amend Table S–3 by correcting “2.81” and “9.01,” the first entries under the column heads “m” and “ft,” to read “2.8” and “9.0,” respectively.

■ 3. Revise the introductory text to § 1910.304(b)(3)(ii) to read as follows:

§ 1910.304 Wiring design and protection.

* * * * *

(b) * * *

(3) * * *

(ii) The following requirements apply to temporary wiring installations that are used during construction-like activities, including certain maintenance, remodeling, or repair activities, involving buildings, structures or equipment.

* * * * *

[FR Doc. E6–25789 Filed 10–26–08; 8:45 am]

BILLING CODE 4510–26–P