

VOSH PROGRAM DIRECTIVE: 12-114B

ISSUED: 15 July 2014

- SUBJECT**
- **Mechanical Power-Transmission Apparatus, §§1910.219 and 1926.307;**
 - **Mechanical Power Presses, §1910.217;**
 - **Telecommunications, §1910.268; and**
 - **Hydrogen, §1910.103**

Purpose **CHANGE I:** This directive transmits to field personnel technical corrections to the above-referenced standards. **CHANGE II:** This change transmits to field personnel Federal OSHA's revisions to correct errors and publishing oversights by the *Federal Register* in the Mechanical Power Presses Standard, §1910.217. **CHANGE III:** This change transmits to field personnel federal OSHA's revisions to §1910.217 which require certification of maintenance and repairs performed on mechanical power presses.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This directive applies to all VOSH personnel.

References CHANGE I: 69 FR 31880 (8 June)
CHANGE II: 77 FR 46948 (7 August 2012)
CHANGE III: 78 FR 69543 (20 November 2013)

Cancellation VOSH Program Directive 12-114A (15 December 2012)

Effective Dates CHANGE I: 01 March 2005
CHANGE II: 01 January 2013
CHANGE III: 01 September 2014

Action Directors and Managers shall ensure that VOSH personnel understand and enforce this revised standard.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support and IMIS Staffs

Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staffs
OSHA Region III and OSHA Norfolk Area Offices

Attachments: CHANGE I: None.

CHANGE II: None. To see 77 FR 46948 (August 7, 2012), please refer to:
http://www.osha.gov/FedReg_oshapdf/FED20120807.pdf

CHANGE III: 78 FR 69543 (November 20, 2013) or refer to:
http://www.osha.gov/FedReg_oshapdf/FED20131120A.pdf

I. **Background.**

CHANGE I:

1. Mechanical Power-Transmission Apparatus - §§1910.219 and 1926.307

VOSH standards §§1910.219 and 1926.307 contain requirements for the construction of guards for all types of mechanical power-transmission apparatus. On November 24, 1978, OSHA revoked certain safety and health standards, including Tables O-12 and O-13 in 29 CFR 1910.219 (43 FR 49726, 49741). These standards were originally adopted by the Board with all other general industry and construction standards as a group when the VOSH program was being established during the 1980's.

OSHA previously revoked these tables, containing specifications for materials used in guarding mechanical power-transmission apparatus, for being overly detailed and too restrictive of the kinds of materials used for guards (43 FR 49740). Further, all references to these two tables were also to be removed; however, OSHA failed to remove two references to Table O-12. In this current action, OSHA removed the remaining text referring to Table O-12.

2. Mechanical Power Presses - §1910.217

On December 3, 1974, OSHA published in the *Federal Register* (39 FR 41841) a final rule on Mechanical Power Presses based on a petition to revoke 29 CFR 1910.217(d)(1) and (d)(2). As part of the final rule, a new paragraph (c)(5) was added which contained typographical errors that changed the meaning of the paragraph and incorrectly implied that a Type-B gate is a presence-sensing device. A Type-B gate is considered a safety device when used with a failsafe control system and a brake monitor. In this action, OSHA corrected the typographical error in §1910.217(c)(5).

3. Telecommunications - §1910.268

OSHA published a final rule in the *Federal Register* (63 FR 33450) on June 18, 1998, removing and revising certain standards that were out of date, duplicative, unnecessary, or inconsistent. At its October 19, 1998 meeting, this change was adopted by the Safety and Health Codes Board.

In that final rule, the Telecommunications Standard, §1910.268, was amended to: "Revise paragraph (f)(1), remove paragraphs (f)(2) through (f)(4) and (f)(7) through (f)(9) and re-designate paragraphs (f)(5) and (f)(6) as (f)(2) and (f)(3)" (63 FR 33467). However, redesignated paragraph (f)(3) of §1910.268 (former paragraph (f)(6)) continued to include a cross reference to former paragraph (f)(5).

The 1998 notice should have corrected this cross-reference to refer to redesignated paragraph (f)(2) instead of (f)(5). In this June 8, 2004 action, OSHA corrected this cross-reference, accordingly.

4. Hydrogen - §1910.103

This standard was originally adopted by the Board with all other general industry and construction standards as a group when the VOSH program was being established during the 1980's.

OSHA standard 29 CFR 1910.103 contained requirements for the installation of gaseous hydrogen systems on consumer premises where the hydrogen supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment. On October 24, 1978, OSHA revised

certain safety and health standards, including Table H-2 in 29 CFR 1910.103 (43 FR 49732). This table contained specifications for the minimum distances used to determine placement of hydrogen systems of indicated capacity located outdoors, in special buildings or in special rooms to any specified outdoor exposure. The table was amended by removing line 13, "public sidewalks * * *," and line 14, "line of adjoining property * * *," because they dealt with public safety and property protection and were not within OSHA's regulatory jurisdiction (43 FR 49732). However, in 29 CFR 1910.103(b)(2)(ii)(c), a cross-reference to the nonexistent Item 14 was not removed. In this current action, OSHA removed the cross-reference to Item 14 in paragraph (b)(2)(ii)(c), which has clarified the requirements contained in that paragraph.

On August 4, 2004, the Safety and Health Codes Board adopted federal OSHA's technical corrections to the five standards listed above, with an effective date of October 15, 2004.

CHANGE II. On December 27, 2011, federal OSHA published a *Federal Register* notice making corrections and technical amendments to 16 OSHA standards, which included the Mechanical Power Presses Standard, §1910.216. The requirements in paragraph (g)(1) of §1910.216, specifying what information to include in the report, however, were missing from the subsequent *Code of Federal Regulations* generated by the Office of the Federal Register. On May 24, 2012, the Safety and Health Codes Board adopted federal OSHA's technical amendments and corrections to these 16 different General Industry, Construction and Shipyard Employment Standards, with an effective date of September 1, 2012.

On August 7, 2012, federal OSHA published its Corrections and Technical Amendments to Multiple Standards, including the Power Presses Standard (77 FR 46948). On September 12, 2012, the Safety and Health Codes Board adopted OSHA's Corrections and Technical Amendments, with an effective date of January 1, 2013.

CHANGE III. This rulemaking is part of the U.S. Department of Labor's initiative to reduce paperwork burden hours and cost consistent with the federal Paperwork Reduction Act of 1995 (PRA-95) at 44 U.S.C. 3501 *et seq.*, which seeks to minimize the federal paperwork burden and to maximize the efficiency and usefulness of federal information-gathering activities. Federal OSHA determined that the revisions made by this DFR are consistent with and promote the objectives of PRA-95.

On June 5, 2014, the Safety and Health Codes Board adopted as an amendment an identical version of federal OSHA's Direct Final Rule for Record Requirements in the Mechanical Power Presses Standard, with an effective date of September 1, 2014.

II. Summary.

CHANGE I: This final rule corrected four specific errors in five OSHA standards. The first correction amended two standards, the General Industry and Construction Industry standards for Mechanical Power-Transmission Apparatus, 1910.219 and 1926.307, respectively, and deleted two references to a non-existing table in the Mechanical Power-Transmission Apparatus Standard. The second was a correction of typographical errors in the Mechanical Power Presses Standard, 1910.217. The third correction was to a cross-reference in the Telecommunications Standard, 1910.268. The fourth correction referenced a table contained in the Hazardous Materials Standard for Hydrogen, 1910.103.

CHANGE II. Paragraph (g)(1) of the Mechanical Power Presses Standard, §1910.217, requires that employers submit reports of employees injured while operating power presses to OSHA or, for state-plan states, the state agency administering the plan. On December 27, 2011, federal OSHA published Corrections and Technical Amendments to 16 OSHA standards, including the Mechanical Power Presses Standard, §1910.217. Requirements in paragraph (g)(1) of §1910.217, specifying what information to include in the report, were

missing from the subsequent *Code of Federal Regulations*. In this action, federal OSHA corrected §1910.217 by restoring the missing requirements in paragraph (g)(1).

CHANGE III: On November 20, 2013, federal OSHA issued a Direct Final Rule (DFR) to make two main revisions to its Mechanical Power Presses Standard, §1910.217. Former subparagraph §1910.217(e)(1)(i) required employers to develop and maintain certification records of periodic inspections performed on the power presses. In this amendment, federal OSHA added a requirement that employers develop and maintain certification records of any maintenance or repairs they perform on the presses during these periodic inspections. As a result of the revision to subparagraph (e)(1)(i), federal OSHA removed the requirement from subparagraph (e)(1)(ii) of §1910.217, that employers develop and maintain certification records of weekly inspections and tests performed on the presses. These requirements in former subparagraph (e)(1)(ii) will no longer be necessary as any repairs to the mechanical power press will be recorded as they occur. Subparagraph (e)(1)(ii) now specifies that employers perform the inspections and tests “on a regular basis at least once a week” to emphasize the importance of establishing a consistent, systematic schedule for completing the tasks.

Revisions to subparagraph §1910.217(e)(1)(i) expressly requiring employers to complete necessary maintenance and repair on presses before operating the presses and certify maintenance and repair for the entire machine, rather than for certain parts of a power press, bring §1910.217 in line with the American National Standards Institute consensus standard for power presses (ANSI B11.1-2009).

Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, §§1910.219 and 1926.307, respectively; Mechanical Power Presses, §1910.217; Telecommunications, §1910.268; and Hydrogen, §1910.103; Technical Corrections

As adopted by the

Safety and Health Codes Board

Date: August 3, 2004



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: October 15, 2004

16 VAC 25-90-1910.219, Mechanical Power-Transmission Apparatus, General Industry, §1910.219;
16 VAC 25-175-1926.307, Mechanical Power-Transmission Apparatus, Construction Industry, §1926.307;
16 VAC 25-90-1910.217, Mechanical Power Presses, General Industry, §1910.217;
16 VAC 25-90-1910.268, Telecommunications, §1910.268; and
16 VAC 25-90-1910.103, Hydrogen, §1910.103

When the regulations, as set forth in the technical corrections to the following final rules, Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, §1910.219 and §1926.307, respectively; Mechanical Power Presses, §1910.217; Telecommunications, §1910.268; and Hydrogen, §1910.103, 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

OSHA

VOSH

Federal Agency

State Agency

Assistant Secretary

Commissioner

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Regional Solicitor

Attorney General or VOSH
Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

June 8, 2004

October 15, 2004

**Corrections and Technical Amendments
to Multiple Standards, including Mechanical Power Presses, §1910.216**

As Adopted by the
Safety and Health Codes Board

Date: September 12, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

16VAC25-90-1910.217, Mechanical Power Presses, §1910.217

When the regulations, as set forth in the Corrections and Technical Amendments to Multiple Standards, including Mechanical Power Presses, §1910.217, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Regional Administrator	Assistant Commissioner
Area Director	Regional Director VOSH Program Director
Area Office/Regional Office	Regional Office
Regional Solicitor	Attorney General or VOSH Division of Legal Support (DLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO)	CSHO
August 7, 2012	January 1, 2013

**Record Requirements in the Mechanical Power Presses Standard, §1910.217 (e)(1);
Amendment**

As Adopted by the
Safety and Health Codes Board

Date: June 5, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 1, 2014

16VAC25-90-1910.217, Mechanical Power Presses, §1910.217

When the regulations, as set forth in the Amendment for Record Requirements in the Mechanical Power Presses, §1910.217 (e)(1) , are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Regional Administrator	Assistant Commissioner
Area Director	Regional Director VOSH Program Director
Area Office/Regional Office	Regional Office
Regional Solicitor	Attorney General or VOSH Division of Legal Support (DLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO)	CSHO
February 18, 2014	September 1, 2014

■ 2. Amend § 1910.217 by revising paragraph (e)(1) to read as follows:

§ 1910.217 Mechanical power presses.

* * * * *

(e) * * *
(1) *Inspection and maintenance records.* The employer shall establish and follow an inspection program having a general component and a directed component.

(i) Under the general component of the inspection program, the employer shall:

(A) Conduct periodic and regular inspections of each power press to ensure that all of its parts, auxiliary equipment, and safeguards, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism, are in a safe operating condition and adjustment;

(B) Perform and complete necessary maintenance or repair, or both, before operating the press; and

(C) Maintain a certification record of each inspection, and each maintenance and repair task performed, under the general component of the inspection program that includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

(ii) Under the directed component of the inspection program, the employer shall:

(A) Inspect and test each press on a regular basis at least once a week to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism;

(B) Perform and complete necessary maintenance or repair, or both, on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism before operating the press; and

(C) Maintain a certification record of each maintenance task performed under the directed component of the inspection program that includes the date of the maintenance task, the signature of the person who performed the maintenance task, and the serial number, or other identifier, of the power press maintained.

Note to paragraph (e)(1)(ii): Inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the directed component of the inspection program are exempt from the requirement to maintain certification records specified by paragraph (e)(1)(i)(C) of this section, but inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the general component of the inspection program are not exempt from this requirement.

(iii) Paragraph (e)(1)(ii) of this section does not apply to presses that comply with paragraphs (b)(13) and (14) of this section.

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[FR Doc. 2013-27695 Filed 11-19-13; 8:45 am]

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