



AMERICAN SOCIETY OF SAFETY PROFESSIONALS

June 19, 2019

Summary for the Department of Labor's Spring [2019 Regulatory Agenda](#): OSHA

In May 2019, the U.S. Occupational Safety and Health Administration (OSHA) released its updated [regulatory agenda](#). This notification includes several rulemakings that are proposed to be proposed or finalized in the coming months. This agenda highlights OSHA's priorities for regulatory action in the near future. This information should help occupational safety and health (OSH) professionals with compliance-related planning and preparation.

Lockout/Tagout: OSHA is [requesting comments](#) on its current lockout/tagout (LOTO) regulation. An updated regulation could allow business and industry to use newer technology to monitor and deenergize machinery. ASSP is the secretariat of [ANSI/ASSP Z244.1](#), The Control of Hazardous Energy Lockout, Tagout and Alternative Methods, and is working on a detailed technical comment addressing the implementation of Z244.1 and a series of technical questions included in the request for information. ASSP members and OSH professionals working with LOTO-related hazards and exposures are encouraged to review the information and questions since they provide significant technical insight into what could be proposed in a future rule.

Communication Tower Safety: Due to the high rate of fatalities in the communication tower industry, as well as the expected increase in construction activity on communication towers, OSHA feels it is necessary to revise the safety guidelines around communication towers. The ANSI/ASSP A10 Committee publishes a standard on tower construction and demolition ([A10.48](#)), and members of this subgroup are evaluating the issue. One key concern involves tower operations and fall protection and fall arrest. The A10 Committee will discuss this technical issue during its meeting in July 2019.

Emergency Response: OSHA issued a statement noting that it is attempting to make the agency's emergency response standards more comprehensive. The agency is concerned that the current standards are outdated and do not address the realities of

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contemporary emergency response. This is in the pre-rule stage, so ASSP does not yet know what the regulation will look like.

Mechanical Power Presses: The agenda indicates OSHA's intent to pursue a revised regulation on mechanical power presses. The current standard is more than 40 years old and does not address hydraulic or pneumatic power presses. OSHA released an Advance Notice of Proposed Rulemaking on this in 2007 with proposed updates and is currently requesting information on the matter.

Power Industrial Trucks: The standard for industrial trucks was written in 1969, so it does not reflect the current applications of industrial trucks. OSHA is working on a significant revision. The period for public comments on this matter ended on June 10, 2019. We encourage members working with such equipment and material handling in general to review this portion of the agenda for technical information.

Prevention of Workplace Violence in Healthcare and Social Assistance: OSHA requested comments on a regulation for preventing workplace violence in the healthcare and social assistance industries in 2017. OSHA will be discussing the regulation with the U.S. Small Business Administration in October 2019. In addition, ASSP recently [submitted comments](#) on proposed legislation addressing this issue and is working with other affiliated OSH organizations to move such a proposed rule forward. ASSP advises all members to [contact their local representatives](#) in support of H.R. 1309.

Amendments to the Crane and Derricks in Construction Standard: In 2010, OSHA published a standard on cranes and derricks and is now proposing several amendments to the regulation. This rule due would impact crane operator training and certification. The Society publishes several crane related standards, including [A10.32](#) (Digger Derricks) and [A10.28](#) (crane suspended platforms).

Welding in Construction Confined Spaces: OSHA wants to amend the Welding and Cutting Standard from 2015. The agency wishes to provide clarity on several aspects, such as defining what constitutes a confined space. ASSP has not seen a proposed regulation and cannot comment at this point on technical issues such as exposure limits or entry team qualifications.

Standards Improvement Project IV: OSHA published a [final rule](#) meant to revise and make corrections to clarify the requirements in various standard. The final rule revises 14 provisions in the recordkeeping, general industry, maritime and construction standards that may be confusing, outdated or unnecessary. The revisions are expected to increase understanding and compliance

with the provisions, improve employee safety and health, and save employers an estimated \$6.1 million per year.

Quantitative Fit Testing Protocol: Under the current standard for respiratory protection, anyone is allowed to apply for approval of a new fit test protocol. OSHA has received a submission for three new fit test protocols that would reduce the amount of time required to complete the fit test, while maintaining the requirements for the test. OSHA is evaluating these three new options and will adopt them, if applicable, into the standard.

Technical Corrections to 35 OSHA Standards and Regulations: OSHA is correcting typos and inaccurate graphics in 35 OSHA standards in 29 CFR 1904, 1910, 1915, 1917, 1918 and 1926. These corrections are meant to reduce regulatory burdens.

Exposure to Beryllium NPRM to Review General Industry Provisions: In 2017, OSHA published its final rule on occupational exposure to beryllium. OSHA is reviewing comments from stakeholder about a lack of clarity in the standard. The standard is recent and ASSP will review due to member inquiries about training and risk assessment.

Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors: Similar to the revision of the general industry beryllium standard, OSHA is revising its beryllium standard for shipyards and construction. The agency is proposing to remove needless parts of the standard, while retaining the reduced level of allowable exposure to beryllium.

Respirable Crystalline Silica (Quartz): OSHA will request information in July 2019 on the best ways to protect miners from exposure to quartz in respirable dust, including whether the agency should lower the permissible amount of exposure to quartz and whether there are new protective technologies.

Expanding Employment, Training and Apprenticeship Opportunities for 16- and 17-Year-Olds in Healthcare Occupations Under the Fair Labor Standards Act: OSHA has issued a notice of proposed rulemaking on whether it should allow workers ages 16 and 17 to partake in occupations involving the operation of power-driven hoisting apparatus (Hazardous Occupations Order No. 7). The agency previously asked for comments and expects to publish a final rule in April 2020. ASSP has been proactive on this issue and participated with an [OSH coalition letter](#) on this subject in October 2018.

Long-Term Actions

Shipyard Fall Protection—Scaffolds, Ladders and Other Working Surfaces:

OSHA is proposing a revision with the goal of making fall protection standards around shipyards more comprehensive. OSHA originally requested information in 2016 and the agency has yet to decide what steps to take in regard to potential rulemaking.

Drug Testing Program and Safety Incentives Rule: OSHA will publish a notice of proposed rulemaking in 2020 codifying employers' ability to perform post-incident drug testing. This issue has been a topic of discussion by ASSP members and the OSH community since a key concern following an incident centers around drug testing of employees involved.

If you have any questions on the OSHA regulatory agenda or ASSP's governmental relations activities, please contact ASSP's [Joe Weiss](#) for more information. Learn more at on [ASSP's website](#).