



## Memorandum

TO: NREA Managers, Troy Bredenkamp, Bob Cooper  
FROM: Dave Jarecke  
DATE: March 2, 2015  
RE: OSHA effective dates

On April 11, 2014 OSHA issued a new rule revising the general industry and construction standards for work on electric power generation, transmission and distribution installations. The new requirements were set out in my December 8, 2014 memo. In light of a recent lawsuit and subsequent settlement agreement reached February 13, the changes now have extended effective dates.

I. Changes to OSHA compliance deadlines

Minimum Approach Distances

The new effective dates are based on the voltages in which employees may be exposed.

1. Employers will now have until April 1, 2015, to comply with revised minimum approach distances for voltages of 5.1 kilovolts and more.

2. For voltages of 169.1 kilovolts and more: (i) no citations will be issued before **January 31, 2016**; and (ii) OSHA will accept compliance with the minimum approach distances in Table 6 or Tables 10 to 13 in Appendix B to 29 CFR 1910.269 as compliance with 29 CFR 1910.269(l)(3)(i) and 29 CFR 1926.960(c)(1)(i). This January 31, 2016 deadline may be extended should there be a lack of scientific studies available before May 1, 2015.

3. For voltages of 72.6 to 169.0 kilovolts, no citations will be issued before **January 31, 2016**. This deadline may also be extended should there be a lack of scientific studies available before May 1, 2015.

Heat Incident Estimates

PPDs or Coops must make estimates of the incident heat energy of any electric arc hazard to which employee may be exposed (§1910.269(l)(8)(ii)). The PPD or Coop can simply make broad estimates and does not need to be an estimate for each task performed by an employee (Note 2 to paragraph (l)(8)(ii)). Compliance with 1910.269(l)(8)(ii) and 1926.960(g)(2), which require employers to make a reasonable estimate of the incident heat energy exposures faced by each employee exposed to electric arc hazards, is extended until **March 31, 2015**.

Arc Rated Clothing

Employees must wear arc rated clothing over their entire body whenever exposed to a heat energy greater than 2.0 cal/cm<sup>2</sup>. This change has generated great debate within the regulated community. The settlement agreement has extended the compliance deadline to **August 31, 2015**.

Host Employers

After April 30, 2015 host employers must provide contract employers with the following required information which was set forth in the December 8, 2014 memo. The December 8, 2014 memo included providing maximum switching-transient voltages to contract employers. However, that information exchange is not a part of this rule extension.

1. Nominal voltages of lines and equipment
2. Presence of hazardous voltages
3. Presence of protective grounds & equipment
4. Location of circuits & equipment

5. The condition of poles
6. The condition of protective grounds and equipment grounding conductors
7. Any environmental conditions related to safety
8. Design information related to the protection of the contract employer's employees
9. Design info requested by the contract employer

Until June 30, 2015 no citations will be issued to host employers under the information-transfer provisions so long as the employers can show that it is transferring that information after April 30, 2015.

#### Fall Protection in Elevated Locations on Poles, Towers, or Similar Structures

Under the new rule, employers must ensure that employees in elevated locations more than 4 feet above the ground on poles, towers, or similar structures use a personal fall arrest system, work-positioning equipment, or fall restraint system. The enforcement deadline has been extended to May 31, 2015.

#### II. OSHA's Crane Certification Proposed Rule

OSHA published changes to the Crane Operator Requirements in April 2014. OSHA subsequently suspended implementation as public comment pointed out certain deficiencies. At that time, OSHA committed to developing a more comprehensive rule.

In the Federal Register last week, notice was published of a special meeting of The Advisory Committee on Construction Safety and Health ("ACCSH"), set for March 31 and April 1. The ACCSH is a fifteen member panel of employers, employees, federal, state and public representatives that meets two to four times a year to provide guidance to OSHA. In its December meeting, OSHA informed ACCSH that it intended to present the Proposed Rule on

Crane Operator Certification at its spring meeting. The notice confirms that the Proposed Rule will in fact be presented to ACCSH.

The Proposed Rule is expected to address the following: (1) whether certification of an operator means the operator is qualified to operate the crane or whether the employer must make a separate and independent determination that the operator is qualified, (2) whether certification must address both the type and capacity of the crane the operator is being certified to operate, and (3) provide more explicit training requirements.

We will continue to monitor and provide updates as more information becomes available.