

Confined Space Standard in Construction approaches Fifth Anniversary

We are fast approaching the Confined Space in Construction OSHA Standard's fifth anniversary and a lot about what we thought might happen with the passage of this standard has not! While many industry veterans thought the passage of Subpart AA would open the floodgates for an increase in compliance, training, and equipment to be provided, none of that has turned out to be the case.

NAXSA long time industry veteran Wendell Wood shared some his thoughts on the subject of the standard and how best to get current information to comply. Wood states, "I have not seen many efforts to enforce the standard and find it quite amazing that a compliance directive has not been published." OSHA has repeatedly stated that a compliance directive on 1926.1200 Subpart AA was forthcoming, there were rumors in 2015, 2016, and then again in 2018. A key component to enforcement for any OSHA Standard is a written compliance directive. This gives compliance officers (CO's) a "how to" guide on enforcement by giving interpretations of the standard, instructions on how to inspect, specific questions to ask, documents to reference, and verbiage on the proper writing of citations. Without this written directive many OSHA CO's hesitate to tackle a standard that has not been fully vetted through the OSHA process. Wood goes on to state "without a compliance directive CO's are reluctant to issue citations unless it's an egregious violation or a death or serious injury has occurred."

While the standard hasn't been on the forefront of OSHA compliance, many utility contractors have begun to be better trained on the standard and are acquiring or renting the equipment needed to comply on job sites with confined spaces and implementing many of the policies and procedures required in the standard. OSHA has written a few interpretations to the standard but many more are likely to follow as citations are issued and compliance becomes more on the forefront.

Mr. Wood, Senior Trainer at National Trench Safety, prepared a list of resources available to help any one looking for additional information on the standard. Consider reading these:

- ❖ OSHA Publication 3825: Construction Confined Space Compliance for Small Entities.
- ❖ Is 911 your Confined Space Rescue Plan? OSHA Fact Sheet- April 2016
- ❖ Temporary Enforcement Policy for Residential Construction Work in Confined Spaces. OSHA Memo- January 6th, 2016
- ❖ Asphyxiation in Sewer Line Manhole. OSHA Fatal Fact No. 12-2015
- ❖ Temporary Enforcement Policy for Construction Work in Confined Spaces. OSHA Memo- July 2015
- ❖ Confined Spaces in Construction: Pits. OSHA Fact Sheet- April 2015 OSHA Publication 3788
- ❖ Confined Spaces in Construction: Sewer Systems. OSHA Fact Sheet- April 2015 OSHA Publication 3789
- ❖ Permit-Required Confined Spaces in General Industry. OSHA Quick Cards, OSHA 3214-2011

You may locate this information readily at: <https://www.osha.gov/confined-spaces-construction/compliance-assistance>

There may be many reasons why this standard has not been as stringently enforced as many of us thought. A lack of direction on how to enforce at OSHA, additional new standards to be interpreted and

taught, like the Silica Standard, a sympathetic OSHA that realizes a lack of training for most utility contractors to have a “qualified” person on site may all be reasons.

Many industry stakeholders still believe that it is not a matter of if, but when more rigorous compliance of this standard will take place and all the challenges and opportunities that come with that will still lie ahead. NAXSA members will be part of solving this puzzle for many of our stakeholders and we will continue to provide insight and information as it becomes available. Let’s continue to help make every job safer in America!