



Safety Update

Date: July 17, 2015

CONFINED SPACE STANDARD UPDATE

OSHA Issues Temporary Enforcement Policy

On July 8, 2015, the Occupational Safety and Health Administration's (OSHA) director of construction services announced a [temporary enforcement policy](#) for the [Confined Spaces in Construction](#) standard. OSHA issued the Confined Spaces in Construction [final rule](#) on May 4, 2015. This [temporary enforcement policy](#) does not delay the effective date, but will postpone full enforcement of the standard for 60 days from the effective date of August 3, 2015 to October 2, 2015.

The [enforcement policy memo](#) is in response to a letter submitted on June 4, 2015 by a dozen industry associations – including AGC – requesting a full 90 day extension. While the temporary enforcement policy falls short of the full extension requested, it does provide some relief to contractors who demonstrate a “good faith effort” in complying with the standard.

Employers will not be issued citations as long as the employer is in compliance with the training requirements of the new standard found at 29 CFR 1926.1207 or the former training requirements found at 29 CFR 1926.21(b)(6)(i). Employers who fail to train their employees as required by either provision would be properly cited for violation of 1926.1207(a).

Additional factors that OSHA will consider when evaluating an employer's “good faith effort” to comply with the new standard include: if the employer has not trained its employees as required under the new standard, whether the employer has scheduled such training; if the employer does not have the equipment required for compliance with the new standard, including personal protective equipment (PPE), whether the employer has ordered or otherwise arranged to obtain such equipment required for compliance and is taking alternative measures to protect employees from confined space hazards; and whether the employer has engaged in any additional efforts to educate workers about confined space hazards and protect workers from those hazards.

AGC of Ohio Hosting Web Meeting to Discuss New Rule and Compliance Efforts

AGC of Ohio will host Web conference about confined space on July 28 at 8:30 a.m. Participants will discuss challenges related to the new standard and efforts to ensure proper compliance. It's a great opportunity to learn more and share information about implementing the new confined space standard. If you'd like to participate, e-mail Andrea Ashley at andrea@agcoho.com, and she will send you the appropriate links and information for participating.

AGC Webinars on Confined Space – Presentations Available Online

AGC of America hosted a two-part webinar series about the confined space standard for construction featuring Jessica Douma, Regulatory Analyst, Directorate of Construction, OSHA – who was directly involved in the creation of the standard. View the PowerPoint from the webinars: Confined Space in Construction - [What's Different](#) and [The Big Picture](#). Compliance assistance materials and additional information is available on OSHA's [Confined Spaces in Construction](#) Web page.