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REGULATORY UPDATE – MARCH, 2013

OSHA's Hazard Communication Standard is now aligned with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. This update to the Hazard Communication Standard provides a common and coherent approach to classifying chemicals and communicating hazard information on labels and safety data sheets. The first deadline in the implementation phase is Dec. 1, 2013, the date by which employers must train workers on the new label elements and safety data sheet.

OSHA Considering Update to Accident Prevention Signs and Tags Standard. The OSHA Advisory Committee on Construction Safety and Health (ACCSH) meeting on March 18, 2013, will consider a proposed rule to update OSHA's standard on accident prevention signs and tags in construction. The current standard requires that signs and symbols be visible at all times to warn workers of existing hazards when work is being performed. The updates are based on revisions in the ANSI consensus standards. The committee will also consider proposed amendments and corrections to OSHA's Cranes and Derricks standards.

Confined Space Standard for Construction. Also on the regulatory agenda, OSHA is expected to release a final rule in July on confined spaces in construction. In the early 1990s, OSHA issued a rule to protect employees who enter confined spaces for the general industry, but did not extend it to construction because of the unique characteristics of the industry's worksites. A 2007 settlement then caused OSHA to issue a separate proposed rule for construction workers in confined spaces.

Crystalline Silica Dust. In addition, OSHA listed a proposed rule on its agenda for May that would alter the permissible exposure limits for crystalline silica dust. The draft proposal of the rule, under review since Feb. 14, 2012, would not only lower the exposure limits, but also would set new requirements on engineering controls and regulated areas.

OSHA also plans to move forward with proposed and final rules on a range of other issues of importance to the construction industry:

- Occupational Injury and Illness Recording and Reporting Requirements (Amputations and Hospitalizations)
* Final Rule: May 2013
- Cooperative/Consultation Agreements: Proposed Changes to Consultation Procedures (Onsite Consultation Program)
* Final Rule: April 2013
- Electronic Reporting of Workplace Injuries and Illnesses
* Proposed Rule: May 2013
- Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention) :
* Final Rule: August 2013
- Construction Standards Improvement Project
* Proposed Rule: Published Dec. 6, 2012; comments open until February 2013
- Updating OSHA Standards Based on National Consensus Standards—Hazard Signage
* Direct Final Rule: April 2013
- Vehicle Backover Injuries and Fatalities
* Public Meeting: Held January/February 2013; comments open until July 2013

Injury & Illness Prevention Program. According to its agenda, OSHA will issue a proposed rule on I2P2 by December. The proposal would require employers to implement internal safety programs that “find and fix” workplace hazards on a rolling basis under penalty of enforcement.

Although the agency also listed January as the completion date for conducting a Small Business Regulatory Enforcement Fairness Act Small Business Advocacy Review Panel of I2P2, OSHA has made insufficient progress toward that goal. The review process, which is intended to gather information from small businesses about the impact of the rule, takes 90 days to complete.

If implemented, the I2P2 proposal likely will result in significant costs and compliance burdens and could lead to “double-dip” citations (once under existing rules, and once under the new requirements), in addition to negatively impacting employers that already have effective safety and health programs.

Maryland (MOSH) Tree Care/Tree Trimming Standard. Maryland’s new Tree Care & Removal standard went into effect in Sept. of 2012. It became an emphasis program in November. It requires compliance with ANSI fall protection standards, job briefings, First Aid/CPR training among other things.

Maryland Public Access AED’s. Maryland changed the requirements regarding the use of AED’s in the state effective 1/7/13. It includes

- MD no longer approves AED training programs, as long as the training meets current guidelines.
- AED’s must be placed in locations clearly visible and available for use by anyone, regardless of training.
- AED’s cannot be kept locked or restricted and can no longer have the label “For use by trained personnel only”
- MIEMSS required inspections have been changed from weekly to monthly.