

OSHA Extends 1910.269 & Subpart V Compliance Dates

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Pursuant to a settlement agreement reached with the ***Edison Electric Institute (“EEI”)***, the ***Utility Line-Clearance Coalition (“ULCC”)*** and the ***Tree Care Industry Association (“TCIA”)***, **OSHA** has agreed to extend several compliance dates for the new standards on electrical power generation, transmission and distribution installations for both general industry and construction.

On April 11, 2014 OSHA promulgated final standards updating the general industry and construction standards for work on electrical power generation, transmission and distribution installations – 29 C.F.R. § 1910.269 and 29 C.F.R. Part 1926, Subpart V. The final standards contain a delayed effective date for some provisions until April 1, 2015, such as the requirement for fall protection for qualified employees changing locations on poles and similar structures and application of the new requirements for minimum approach distances. Other requirements were set to become effective on July 10, 2014.

In a series of enforcement memorandums issued to Regional Administrators, OSHA instructed Regional Administrators not to issue citations from July 10, 2014 through February 17, 2015, to employers under either the updated 1910.269 or 1926, Subpart V standard if they were in compliance with the old requirements of § 1910.269. Therefore, employers in both construction and operation and maintenance of generation, transmission and distribution (general industry and construction) had the option of complying with the new updated standards or follow the old requirements of § 1910.269 through February 17, 2015.

On February 18, 2015 the final standards under 29 C.F.R. § 1910.269 and 29 C.F.R. Part 1926, Subpart V became effective. Pursuant to the settlement agreement OSHA agreed to delay certain enforcement dates as follows:

Information Transfer –

- After April 30, 2015 host employers must provide contract employers with the required information in 1910.269(a)(3) and 1926.950(c) with the exception of information on maximum switching-transient voltages under 1910.269(a)(3)(i)(A) and 1926.950(c)(1)(i).
- Until June 30, 2015 no citations will be issued to host employers or contract employers under the information-transfer provisions at 1910.269(a)(3) and 1926.950(c)

Job Briefing –

- Compliance with 1910.269(c)(1)(i) and 1926.952(a)(1) is extended until April 30, 2015. These provisions require employers to provide the employee in charge of the job with all available information that relates to the determination of existing characteristics and conditions

Minimum Approach Distances –

- Compliance with 1910.269(l)(3)(ii) and 1926.960(c)(1)(ii), which require employers to determine the maximum anticipated per-unit transient overvoltage is extended until January 31, 2016

Estimates of Available Heat Energy –

- 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

Flame Resistant Clothing –

- Compliance with 1910.269(l)(8)(iv)(A) through (l)(8)(iv)(C) and 1926.960(g)(4)(i) through (g)(4)(iii) is extended until April 1, 2015 for flame-resistant pants provided employees are wearing 11-ounce or heavier weight cotton pants

Arc-rated Protection –

- Compliance with 1910.269(l)(8)(v) and 1926.960(g)(5) is extended until August 31, 2015 to provide protective clothing or equipment rated higher than 8 cal/cm².

In addition to the extensions provided above, the settlement agreement contained additional enforcement guidance for employers. OSHA issued a set of Questions and Answers on the final rules addressing various provisions related to information transfer, minimum approach distances, fall protection, and line-clearance tree trimming. Also as part of the settlement agreement, OSHA issued a memorandum to OSHA field offices regarding enforcement of some of the fall protection requirements and a memorandum clarifying the applicability of 1910.269 to line-clearance tree-trimming.

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National Law Review, Volume V, Number 57

Source URL: <https://natlawreview.com/article/osha-extends-1910269-subpart-v-compliance-dates>

