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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review


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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Objectives/Considerations (discussion items) for today:

- What is OSHA Phase 4 Standards Improvement Project??
 - Correcting references to canceled or older versions of third-party standards(this exists in many sections of various standards);
 - Referring physicians and health professionals diagnosing occupational hearing loss to the standard for determining work-relatedness;
 - Removing requirements for chest x-rays that fail to either detect lung cancer or extend workers' lives;
 - Removing requirements to collect workers' Social Security numbers(SSNs) for exposure monitoring, medical surveillance, and other records.




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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Objectives/Considerations (discussion items) for today-continued:

- Cotton Dust Standard 1910.1043 lung function and medical surveillance triggers
- Revising the minimum breaking-strength of lanyard, lifelines, and safety belts
- Dropping references to American Conference of Governmental Industrial Hygienists' "Threshold Limit Values"(ACGIH® TLVs ®) in the gases, vapors, fumes, dusts, and mists standard
- The standard for handling, storage, use, and disposal of materials at construction sites.
- OSHA's original standard for rollover protection structures.
- And more....




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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

OSHA History:

- Created 1970-Federal and State Specific
- Covers All Industries
 - 29 CFR 1910-General Industry
 - 29 CFR 1926 Construction
 - 29 CFR 1915 Maritime
- Health and Safety Requirements Not Optional (*A Core Business Function*)
- Compliance Expectation
 - Triggered by Operations, Not Just Employee Counts
- **Fines for Non-Compliance**

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Keep in Mind Standards DID exist before OSHA was formed in 1970. OSHA utilizes non-Regulatory Research Standards (CDC-NIOSH) and Third Party Standards, Trade Associations Research groups, Manufacturer's etc. (ACGIH, AIHA, ANSI, ASME, NFPA, SAE, SIA, to name a few). These organizations do periodically update their standards.

OSHA standards are legally enforceable-but are considered *minimum* standards

OSHA Standard Development Process-Long Involved Process (e.g. some have not been updated since 1970, respirable crystalline silica std. took about 38 years)

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

What is OSHA Phase 4 Standards Improvement Project??

Regulatory Housekeeping-The Final Rule clears out regulations that are:

- Confusing
- Ineffective (or inconsistent)
- Outdated

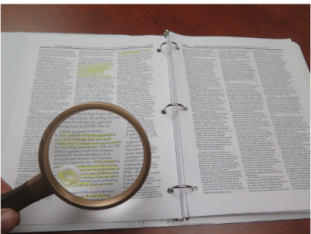
185 page document published in the Federal Register

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

What is OSHA Phase 4 Standards Improvement Project??



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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

What is OSHA Phase 4 Standards Improvement Project??

Regulatory Housekeeping-*Started in 1995*

Response to Presidential Memorandum to improve government regulations
First Standards Improvement Process published by OSHA on June 18, 1998
Two Additional rounds of SIP rulemaking followed with final rules published in 2005 and again in 2011.

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

OSHA routinely conducts reviews of its existing safety and health standards to improve and update them. As part of this ongoing process, OSHA issues a series of rulemaking actions intended to improve and streamline OSHA standards by removing or revising individual requirements within rules that are confusing, outdated, duplicative, or inconsistent. As a follow-up to OSHA's Phase 3 of Standards Improvement Project (completed in June, 2011) OSHA Phase 4 of Standards Improvement Project (SIP 4), is now complete.

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Hierarchy of Controls

Most effective

Least effective

EXAMPLE:

- Elimination** - Physically remove the hazard
- Substitution** - Replace the hazard
- Engineering Controls** - Isolate people from the hazard
- Administrative Controls** - Change the way people work
- PPE** - Protect the worker with Personal Protective Equipment

Source: NIOSH Infographic

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Correcting references to canceled or older versions of third-party standards; (this exists in many sections of various standards);

For example: NIOSH
ISO
SAE
ANSI
ILO Classifications
ATS/ERS
ACQEM

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Section II A Subpart C page 21419-21:
Referring physicians and health professionals diagnosing occupational hearing loss to the standard for determining work-relatedness;

OSHA recordkeeping regulations require employers to record and report occupational injuries and illnesses. The proposed revision codifies current enforcement policy and clarifies that a determination whether an employee's hearing loss is "work-related" must be made using specific, clear criteria, which are also set out in OSHA regulations

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Section III B, 1. Subpart Z of Parts 1910, 1915, 1926, page 21422-21426

Removing requirements for chest x-rays that fail to either detect lung cancer or extend workers' lives;

The revision removes the requirement for periodic CXR in the standards for inorganic arsenic, coke oven emissions, and acrylonitrile to make OSHA's requirement consistent with current medical practices and reduce employer burden and paperwork

The revision permits storage of x-rays in digital formats. OSHA adopted the existing requirement for storage of x-ray *film* before the existence of digital x-ray and storage technology.

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Section III B, 1. Subpart Z of Parts 1910, 1915, 1926, page 21422-21426

OSHA also is allowing the use of digital radiography ("digital X-rays") and reasonably-sized, standard X-ray films, such as the 16-inch by 17-inch size in addition to the 14-inch by 17-inch film specified in the standards.

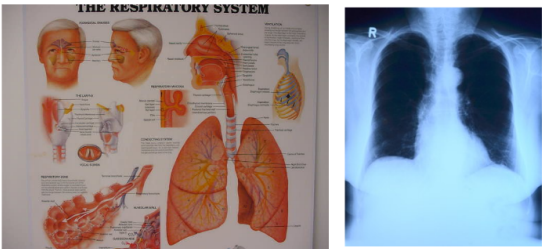
The agency decided not to add requirements for low-dose computed tomography (LDCT) because the technology produces too many false positives, leading to misdiagnosis of lung cancer and risky or unnecessary treatment.


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Section III B, 1. Subpart Z of Parts 1910, 1915, 1926, page 21422-21426



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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Security numbers(SSNs) for exposure monitoring, medical surveillance, and other records. Paragraphs and Appendices in 1910, 1915 and 1926 pg 21439

The revision comprehensively removes from general industry, construction, and maritime standards all requirements to include an employee's social security number(SSN) on exposure monitoring, medical surveillance, and other records in order to protect employee privacy and prevent identity fraud.

This involves 19 other OSHA standards where referenced



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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

Cotton Dust Standard 1910.1043

Subpart Z of Part 1910 29 CFR 1910.1043 pgs 21426-31

OSHA proposed to update the lung-function testing requirements of its cotton-dust standard to align them with current practices and technology.

For example FEV1 vs LLN values





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Revising the minimum breaking-strength of lanyard, lifelines, and safety belts. Subpart E of Part 1926, 29 CFR 1926.104 pg 21433

The revision standardizes break-strength requirements for lanyards and lifelines throughout the construction and general industry standards therefore the minimum breaking-strength of lanyard, lifelines, and safety belts has been changed from 5,400 pounds to 5,000 pounds, which is consistent with guidelines in industry consensus standards.




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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

**Construction Standard for Coke Oven Emissions
Subpart Z of Part 1926.1129 pg 21439**

OSHA is removing the construction industry standard for coke oven emissions. The agency long ago decided the standard did not fit construction work. OSHA issued a standard interpretation letter in 1999 stating it considered the construction standard **“invalid.”** Now twenty years later, it’s been removed.


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MUTCD-2009 Edition Subpart G of Part 1926 pg 21433-34

Update changes references for road construction barricade, signals, and signs from the 1998 and “Millennium” editions of the *Manual on Uniform Traffic Control Devices* to the 2009 edition;




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**Process Safety Management Subpart D of Part 1926,
29 CFR 1926.64 pg 21433**

The agency also is removing the construction industry standard for process safety management of highly hazardous chemicals and replacing it with a cross-reference to the general industry standard. OSHA said construction activities are covered under the Contractors’ provisions of the general industry standard.

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OSHA Phase 4 of Standards Improvement Project (SIP 4) Review

ACGIH TLVs Subpart D of Part 1926, 29 CFR 1926.55, pgs 21432-33

Dropping references to American Conference of Governmental Industrial Hygienists' "threshold limit values"(ACGIH TLVs) in the gases, vapors, fumes, dusts, and mists standard.

Listed PELs are the enforcement limits




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The standard for handling, storage, use, and disposal of materials at construction sites. Subpart H of Part 1926, 1926.50 pg 21435-36

The standard for handling, storage, use, and disposal of materials has required employers to post load limits for the storage of building materials in buildings under construction. The load limits remain and must be posted at commercial construction sites, but OSHA has removed the posting requirement at single-family home and townhouse construction sites.

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OSHA's original standard for rollover protection structures. Subpart W of Part 1926 pg 21437

The revision replaces the outdated construction standard with references to the appropriate consensus standards- International Organization for Standardization (ISO).

Removing the test procedures and performance requirements based on the old SAE standards but "grandfathered" in any equipment still in use that was built to conform to the SAE standards.

Compactors and rubber tired skid-steers are now included

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OSHA's original standard for rollover protection structures. Subpart W of Part 1926 pg.



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Underground Equipment Subpart S of Part 1926 29 CFR 1926.800 pgs 21436-39

The standard for mobile diesel-powered equipment used in underground construction now references the Mine Safety and Health Administration (MSHA) requirements for equipment used in metal and nonmetal mines. OSHA said equipment compliant with the MSHA standards meets the requirements of Environmental Protection Agency emissions standards

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Section III B, 4. Subpart D of Part 1926-Occupational Health and Environmental Controls, Medical Services and First Aid in 29 CFR 1926.50

OSHA is now recognizing both the developments in and limits of mobile phone technology for requesting emergency services;



911




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Section III B, 3. Subpart F of Part 1915- General Working Conditions, Definitions in 29 CFR 1915.80 Page 21431

No longer classifying feral cats in shipyards as vermin recognizing the benefits of humane trap-neuter-return programs and the fact that feral cats reduce the presence of vermin;



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Summary: OSHA routinely conducts reviews of its existing safety and health standards to improve and update them. As part of this ongoing process, OSHA issues a series of rulemaking actions intended to improve and streamline OSHA standards by removing or revising individual requirements within rules that are confusing, outdated, duplicative, or inconsistent. As a follow-up to OSHA's Phase 3 of Standards Improvement Project (completed in June, 2011) OSHA Phase 4 of Standards Improvement Project (SIP 4), is now complete.

The provisions in SIP Phase 4 are enforceable (at the Federal Level)

What about state programs such as MN, IA, etc.??

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Summary (cont.): According to OSHA The changes in SIP-IV rulemaking will ease employers' regulatory burden while maintaining or enhancing worker protections,. Per OSHA-It should result in result in employers' saving approximately \$6.1 million a year

The agency may proceed with separate rulemakings to change the standards for decompression in underground construction, excavation, fit requirements for PPE used in construction, and lockout/tagout.

Will there be a SIP V???


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MN OSHA Summary-MN State Register September 3, 2019

Improvement Project – Phase IV, Final rule. On May 14, 2019, Federal OSHA published this final rule in the Federal Register. In response to the President's Executive Order 13563, "Improving Regulations and Regulatory Review," and consistent with Executive Order 13777, "Enforcing the Regulatory Reform Agenda," OSHA is removing or revising outdated, duplicative, unnecessary, and inconsistent requirements in its safety and health standards. The current review, the fourth in this ongoing effort, the Standards Improvement Project-Phase IV (SIP-IV), reduces regulatory burden while maintaining or enhancing worker safety and health, and improving privacy protections. By this notice, Minnesota OSHA proposes to adopt the final rule as published in the Federal Register May 14, 2019




https://mn.gov/admin/assets/SR44_10%20-%20Accessible_tcm36-400878.pdf


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Cultural Influence on Your Health and Safety Efforts

Questions?



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