

Contractors, Unions Say OSHA Confined-Space Rule Will Save Lives

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By Pam Hunter

A long-awaited federal Occupational Safety and Health Administration final rule for working in confined spaces on construction sites has received general support from industry and labor unions, which see the regulation as a positive development that will protect workers.

The [rule](#), which OSHA released on May 1 and published in the Federal Register on May 4, establishes new requirements for working safely in confined spaces, such as pits, sewers, crawl spaces and tanks. The rule's requirements take effect on Aug. 3.

Assistant Secretary of Labor for Occupational Safety and Health David Michaels says the final version of the regulation is “substantially different” from the proposal OSHA released in 2007. “We listened to our stakeholders,” he told reporters on May 1.

The changes align the requirements more closely to OSHA's confined-space standard for general industry, with some differences tailored to construction sites, Michaels said.

“Unlike most general industry worksites, construction sites are [continuingly] evolving with the number and characteristics of confined spaces changing as work progresses,” he said.

The final rule emphasizes training, continuous worksite evaluation and monitoring, and better communication on multi-employer jobsites. Employers are also required to provide training in a language and vocabulary that workers understand.

Brad Sant, American Road and Transportation Builders Association senior vice president of safety and education, says that the earlier proposal, released during the George W. Bush administration, was almost “universally viewed as a problem” by both unions and industry groups.

Most construction companies already were using the general industry standard at least as a guide, if not to the letter, Sant notes.

Still, avoidable fatalities continued to occur, OSHA says. In 2014, two workers in Georgetown, Idaho, were asphyxiated while repairing leaks in a manhole, the second worker when he went down to save the first, Michaels said.

OSHA estimates that the new rule will prevent up to five construction fatalities and 780 serious injuries each year. “This new rule will afford construction workers the same level of protection of workers in other industries who work in confined spaces,” the OSHA chief said.

Kevin Cannon, Associated General Contractors of America's senior director of safety and health services, acknowledges that the new regulation will protect workers, but says that some of its requirements could prove challenging for contractors.

For example, the rule places more responsibility on the controlling contractor for coordinating activities on multi-employer construction sites. That means if a subcontractor or other visitor on the site somehow introduces a hazard, the controlling contractor could be held liable, Cannon says.

AGC plans to conduct training for its members to help them understand and comply with the final rule's requirements, Cannon says.

Chris Trahan, speaking on behalf of the North American Building Trades Unions (NABTU) said in an emailed statement: "NABTU has worked hard to get a good standard in place for construction workers during the rulemaking, and we are pleased OSHA has published the final rule."

Trahan added, "We are looking forward to carefully reviewing the requirements of the final rule and seeing improved worker protections implemented on U.S. construction sites."

Sant adds, "This is kind of an example of where everybody talks to each other, everybody kind of listens to each other, and it shows that we can do something and it's not going to be automatically controversial...I think we jointly identified a need, jointly identified a solution and found that we can work together to keep employees safe, and that's a good thing."

Source: http://enr.construction.com/business_management/safety_health/2015/0504-unions-contractors-say-final-confined-space-rule-will-save-lives.asp