Confined Spaces In Construction Standard

Q: What does the Confined Spaces in Construction standard emphasize?
A: The new standard emphasizes training, continuous worksite evaluation and communication requirements to further protect workers’ safety and health.

Q: Why was the Confined Spaces in Construction standard changed?
A: Previously the only requirement for confined spaces in construction was training. OSHA concluded this was inadequate as injuries and fatalities continued to occur.

Q: What are the main changes?
A: There are 5 key differences between the Confined Spaces in General Industry and the construction rule, and several areas where OSHA has clarified existing requirements. The five new requirements include:

1. More detailed provisions requiring coordinated activities when there are multiple employers at the worksite. This will ensure hazards are not introduced into a confined space by workers performing tasks outside the space. An example would be a generator running near the entrance of a confined space causing a buildup of carbon monoxide within the space.
2. Requiring a competent person to evaluate the work site and identify confined spaces, including permit spaces.
3. Requiring continuous atmospheric monitoring whenever possible.
4. Requiring continuous monitoring of engulfment hazards. For example, when workers are performing work in a storm sewer, a storm upstream from the workers could cause flash flooding. An electronic sensor or observer posted upstream from the work site could alert workers in the space at the first sign of the hazard, giving the workers time to evacuate the space safely.
5. Allowing for the suspension of a permit, instead of cancellation, in the event of changes from the entry conditions listed on the permit or an unexpected event requiring evacuation of the space. The space must be returned to the entry conditions listed on the permit before re-entry.

In addition, OSHA has added provisions to the new rule that clarifies existing requirements in the General Industry standard. These include:

1. Requiring that employers who direct workers to enter a space without using a complete permit system prevent workers’ exposure to physical hazards through elimination of the hazard or isolation methods such as lockout/tagout.
2. Requiring that employers who are relying on local emergency services arrange for responders to give the employer advance notice if they will be unable to respond for a period of time (because they are responding to another emergency, attending department-wide training, etc.).
3. Requiring employers to provide training in a language and vocabulary that the worker understands.

Finally, several terms have been added to the definitions for the construction rule, such as "entry employer" to describe the employer who directs workers to enter a space, and "entry rescue", added to clarify the differences in the types of rescue employers can use.

Q: When does the new Confined Spaces in Construction standard go into effect?
A: The standard goes into effect August 3, 2015; however, OSHA announced it was postponing full enforcement of the new standard until October 2, 2015, after employers requested additional time to train and to acquire equipment necessary to comply. During the 60-day temporary enforcement period, the agency said no citations would be issued to employers who take steps to comply.
Q: What qualifies as employers making “good faith” and compliance efforts?

A: During the 60-day temporary enforcement period, employers must indicate to OSHA they are making good faith efforts to comply with the new Confined Spaces in Construction standard by:

- Scheduling training for employees as required by the new standard;
- Ordering or otherwise arranging to obtain the necessary equipment, including personal protective equipment, and taking alternative measures to educate and protect employees from confined space hazards; and
- Making any additional efforts to educate workers about confined space hazards and to protect them from those hazards.

Q: Are there any exceptions to the 60-day temporary policy?

A: Yes, OSHA said employers must be in compliance with either the training requirements of the new standard (at 29 CFR § 1926.1207) or those of the former standard (at 29 CFR § 1926.21(b)(6)(i)). The latter provision mandates that employees required to enter confined spaces receive instruction on the nature of the hazards involved, necessary precautions, and the use of required protective and emergency equipment.

Q: How does the new final rule differ from the rules that previously applied to construction work performed in confined spaces?

A: The rule requires employers to determine what kinds of spaces their workers are in, what hazards could be there, how those hazards should be made safe, what training workers should receive, and how to rescue those workers if anything goes wrong.

Q: Who is affected by this rule?

A: All construction employers whose workers may be exposed to confined space hazards. Employers must have a written Confined Space program if workers will enter permit spaces.

Q: If I hire a contractor (or subcontractor) to do work in a confined space do I have any responsibilities?

A: Yes, Controlling contractors and host employers must discuss spaces on the site and their hazards with entry employers and each other before and after entry.

The rule makes the controlling contractor, rather than the host employer, the primary point of contact for information about permit spaces at the work site. The host employer must provide information they have about permit spaces at the work site to the controlling contractor, who then passes it on to the employers whose employees will enter the spaces (entry employers). Likewise, entry employers must give the controlling contractor information about their entry program and hazards they encounter in the space, and the controlling contractor passes that information on to other entry employers and back to the host. As mentioned above, the controlling contractor is also responsible for making sure employers outside a space know not to create hazards in the space, and that entry employers working in a space at the same time do not create hazards for one another’s workers.
Q: How do I know whether to follow the general industry or construction confined space rule?
A: If you are doing construction work - such as building a new structure or upgrading an old one - then you must follow the construction confined space rule.

Q: What standard should I follow if my workers are doing construction AND general industry work in confined spaces?
A: An employer whose workers are engaged in both construction and general industry work in confined spaces will meet OSHA requirements if that employer meets the requirements of 29 CFR 1926 Subpart AA - Confined Spaces in Construction.

Q: What about State Plans where they differ from Federal OSHA?
A: State Plans have and enforce their own occupational safety and health standards that are required to be at least as effective as OSHA’s. Many State Plans adopt OSHA’s standards identically, but some State Plans may have different or more stringent requirements.