



June 4, 2010

MEMORANDUM FOR AMI WORKER SAFETY COMMITTEE

FROM: DAN MCCAUSLAND

SUBJECT: OSHA NOTICE OF PROPOSED RULEMAKING - 1910 SUBPART D,
WALKING-WORKING SURFACES

In the May 24, 2010, Federal Register the Occupational Safety and Health Administration (OSHA) announced a notice of proposed rulemaking to require improved worker protection from trip, slip, and fall hazards on walking and working surfaces.

The proposal is a complete and thorough overhaul of current General Industry standards at 29CFR1910, subpart D, "Walking-Working Surfaces". OSHA notes that most of its existing standards for walking-working surfaces are more than 30 years old and inconsistent with both national consensus standards and more-recently promulgated OSHA standards addressing fall protection. It also noted that, particularly in the case of fall protection, this proposal would bring General Industry standards up to date with the Construction standards.

In summary, the proposal would result in the following rules structure. The proposal represents a complete revision to ten (10) existing rules, establishes three (3) completely new standards, and another new rule, 1910.140, in the PPE section (subpart I).

OSHA Std.	Current (Old) Rule	Proposed (New) Rule
1910.21	Definitions	Scope, Application and Definitions
1910.22	General Requirements	General Requirements
1910.23	Floor & Wall Openings, Holes	Ladders
1910.24	Fixed Industrial Stairs	Step Bolts & Manhole Steps
1910.25	Portable Wood Ladders	Stairways
1910.26	Portable Metal Ladders	Dockboards (bridge plates)
1910.27	Fixed Ladders	Scaffolds (incl. rope descents systs.)
1910.28	Scaffolding	Duty to have fall protection
1910.29	Manually propelled ladder stands	Fall Prot. Systems criteria/practice
1910.30	Other working surfaces	Training requirements
1910.140	N/A	Personal Fall Protection Systems

In addition to the changes summarized above, OSHA has incorporated use of Fall Protection and Scaffolding rules currently in the Construction Industry standards, 29CFR1926. These would apply to General Industry applications in the same manner as currently required in Construction. There are numerous related changes and specific applications dealing with other aspects of walking-working surfaces and fall protection.

The wide-ranging proposal addresses not only falls and other walking-working surfaces hazards but also hazards leading to combustible dust explosions and other accidents. Part of OSHA's current rules requires that all places of employment, passageways, storerooms, and service rooms be kept clean and orderly, and in a sanitary condition. A paragraph in the new proposal requires that floors of workrooms be maintained in a clean and, so far as possible, dry condition. It also requires that, where wet processes are used, drainage be maintained, and false floors, platforms, mats, or other dry-standing places be provided when practicable. The agency said it does not expect all surfaces to be maintained in a pristine manner; however, surfaces must be maintained in a condition that will prevent slips, trips, falls, and other hazards.

Historically, OSHA interpreted these provisions as applying to combustible-dust accumulations associated with fire and explosion hazards. OSHA says that Sec. 1910.22(a) serves as one of the agency's most important enforcement tools for preventing combustible-dust accumulations and it continues to be an important element of OSHA's enforcement strategy for this hazard. Therefore, the agency seeks comment on whether it should include an explicit reference to combustible dust or other hazardous material in the regulatory language of the final rule. The agency says the language would merely clarify OSHA's long-held interpretation that Sec. 1910.22(a) is not limited to the hazards of slips, trips, and falls, but also addresses any hazard that can be created when floors and work areas are not maintained in an orderly, clean, dry, and sanitary condition.

Similarly, the agency is soliciting comments, as well as costs/benefits analyses, on whether the rulemaking should include language mandating that employers provide appropriate waterproof footwear, such as rubber boots, in situations where wet processes are used, and/or wet floors are typical. Such conditions exist in many meat industry facilities.

Comments on the proposed rulemaking will be accepted until August 23, 2010. I believe that the AMI Worker Safety Committee should prepare formal comments regarding this proposal.

OSHA has promised a public hearing on the revised changes to be held after the public comment period. We would also plan to participate in such hearings.

To review the complete proposed rulemaking notice go to:

<http://edocket.access.gpo.gov/2010/pdf/2010-10418.pdf>

The specific (proposed) regulatory text for new rules begins on FR page 29131.

I plan to contact several of you for review and input regarding a response. We will also plan to discuss this at the July 20 Worker Safety Committee meeting in Washington DC. In the interim, if you have specific suggestions or recommendations for areas that should be included in our response, or if you have any questions please let me know.

Cc: Mark Dopp
Marie Ternieden
Patrick Boyle