The 12 Things You Need to Know About OSHA’s   
New Confined Space in Construction Standard

OSHA’s new confined space entry standard for construction became effective this month. Until now, the 1926 construction standards didn’t have separate regulations for confined spaces. The only rules regarding confined spaces in construction were training-related.

The new rules are similar to those found in the general industry standards, but have some exceptions, clarifications, and tighter definitions.

1. What’s a Confined Space?

This standard lists over 30 examples of confined spaces in construction activities. Some listed include work in bins, boilers, pits, manholes, tanks, incinerators, scrubbers, vessels, HVAC ducts, water mains, digesters, silos, air preheaters, turbines, chillers, bag houses, sewers, and transformer vaults.

2. General Industry or Construction – Which One Do You Use?

If your company performs both general industry AND construction activities, you are to follow the construction standard. Construction activities are generally considered the building of a new structure or the upgrading of it.

3. Enforcement Postponement

OSHA has postponed enforcement until October 2 to allow additional time for training and for employers to acquire the equipment necessary to comply with the new standard. OSHA will not issue citations to employers who make good faith efforts to comply. These “Good Faith” efforts may include: scheduling for training, ordering equipment, and taking measures to educate and protect employees from confined space hazards.

4. Multi-Employer Worksites – Who’s In Charge? Who Communicates What?

In the construction standard, roles and responsibilities are better defined. There are three different entities which are named: controlling contractors (main contractor responsible for work), the host employer (the facility/owner), and entry employees (the company whose employees will be doing entry).

The controlling contractor is the primary point of contact for information about permit spaces, not the host employer. The host employer is responsible for providing information to the controlling contractor about the permit spaces at the worksite. The controlling contractor is then responsible for passing that information on to any subcontractors who will have entry employees. Subcontractors are responsible for notifying the controlling contractor of their entry program and any hazards they encounter in the space. Then that information is passed back to the host employee from the controlling contractor.

*Heads up property managers!* If the owner of the property on which the construction activity occurs has contracted with an entity for the general management of that property, OSHA will treat the contracted management entity as the host employer for as long as that entity manages the property.

5. Hazard Evaluations

A competent person is the one who’s responsible for evaluating the worksite to identify the confined spaces and permit-required spaces before the job begins. In the general industry standard, the employer is the entity which is responsible for this, not the individual.

6. Air Monitoring is Required

A strong emphasis is put on continuous atmospheric monitoring and it’s required whenever possible. The atmosphere within the space must be continuously monitored unless the entry employer can demonstrate that commercially monitoring equipment is not available or periodic monitoring is sufficient.

7. Limited or Restricted Means for Entry or Exit = a Confined Space

Areas with limited or restricted means for entry or exit within this standard are included as confined spaces. These are areas where there’s a condition that has a potential to impede movement into or out of a confined space. OSHA gives examples of trip hazards, poor illumination, slippery floors, inclining surfaces, and where entry or exit is only by ladder. Thus, if an area has poor lighting, it could be considered a confined space because it would hinder escape in an emergency.

8. Training Delivery

All training needs to be provided in a language and a vocabulary that the worker understands. If you have workers who cannot understand English, you will need to provide training in the language they do understand.

9. Notifying the Rescue Team

The construction standard says if an employer is relying on local emergency services to handle confined space rescue, that employer is required to alert emergency services of this. So if you’re expecting the local fire department to do the rescue, you need to let them know ahead of time.

In addition, as an employer, you need to ask your emergency services contacts to let you know whenever they will not have the capabilities to respond for a period of time. For example, if you were using the fire department, you would need to arrange for the fire department to let you know when they were going to be using all of their resources responding to another emergency.

Your rescuers will also need to be informed of the hazards ahead of time, be equipped to respond in a timely manner, and be given access to all permit spaces so that they can develop appropriate plans for rescue. Thus, some planning and communication with your rescue team/emergency services choice will need to be conducted prior to the project.

10. Engulfment Hazards

Whenever there is a chance of engulfment, continuous monitoring of potential hazards must be performed. OSHA uses the example of working in a storm sewer. Monitoring of weather or water levels using electronic sensors or observers upstream would give workers a sense of the impending water inundation hazard within enough time to evacuate safely.

11. Non-Permit Entry

If an employer directs an employee to work in a confined space without a permit, that employer must prevent exposure to physical hazards by eliminating those hazards or isolating them through such methods as lockout/tagout, ventilation, purging, inerting, or flushing spaces. Action must be taken to reduce the level of any hazard, and just using PPE would not be sufficient.

12. Suspending a Permit

The standard allows for suspending the permit rather than cancelling it. This would occur if the entry conditions on the permit suddenly changed. Returning the space to the conditions on the permit would allow for re-entry into the space without a full cancellation and issue of a new permit.

For more information about the new standard, visit OSHA’s webpage dedicated to this topic at <https://www.osha.gov/confinedspaces/index.html> or call iSi at (316) 264-7050.

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