

CLIENT ALERT

OSHA Final Rule Harmonizes and Updates Electricity Infrastructure Maintenance and Construction Regulations

Apr. 15, 2014

The Occupational Safety and Health Administration last week issued a final rule, nearly two decades in the making, for the construction and maintenance of electricity generation, transmission, and distribution installations. (79 Fed. Reg. 20,316.)

The new rule harmonizes parts 1910 and 1926 of OSHA's standards ([see below](#) for a list of affected sections in Title 29 of the Code of Federal Regulations). It includes provisions concerning host employers and contractors, training, job briefings, fall protection, insulation, and working position of employees working on or near live equipment. It also provides specific requirements addressing minimum approach distances, protection from electric arcs, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and work in manholes and vaults.

Electric utilities, competitive power producers, and other businesses that construct, operate, maintain, or repair electric-power installations, including independent contractors hired by those businesses, should take careful note of these changes, most of which become effective on July 10, 2014. For a handful of provisions, OSHA has delayed compliance deadlines to January 1 or April 1, 2015. (See 79 Fed. Reg. 20,628–29 for a list of provisions with delayed deadlines.)

OSHA's final rule seeks to harmonize the standards applicable to construction work on electrical installations (Part 1926) with the standards that apply to general industry maintenance work on those same systems (Part 1910). The maintenance regulations were last revised in 1994, while the construction standards have remained largely unchanged since their adoption in 1972. OSHA reasoned that because workers frequently do both maintenance and construction work during the course of a single workday, and rely on the same protective equipment and safety techniques, the applicable rules should be substantively consistent. In its view, the existing differences made no sense and only sowed confusion in job training. OSHA thus revised the construction rules, §§ 1926.97 and 1926.950–.968, to largely mirror counterpart general industry maintenance rules, §§ 1910.137 and 1910.269. (See 79 Fed. Reg. 20,546–49 for tables mapping provisions in Part 1910 to provisions in Part 1926.)

The final rule seeks to protect workers from electrical hazards by regulating the design, manufacture, and care of protective equipment, including insulating mats, blankets, and gloves, §§ 1910.137, 1926.97. (79 Fed. Reg. 20,629–32, 20,693–95.) Because OSHA wanted the final rule to be performance-oriented rather than prescriptive, it sought to avoid formally incorporating by reference existing consensus standards, instead stating in annotations to certain provisions that meeting consensus standards was sufficient but not necessary to satisfy the provisions.

In addition to regulating protective equipment, the final rule seeks to protect workers by regulating employers' and workers' conduct in preparing for and performing work on or near electrical installations, §§ 1910.269, 1926.950–.968. (79 Fed. Reg. 20,633–59, 20,696–717.) These provisions address first aid, prework briefing, work in enclosed spaces, tools and other equipment, materials handling, and working with energized components.

Regulated entities, including electric utilities and competitive power producers, should take note of these significant changes and, if necessary, work with OSHA counsel to account for these changes in assessing litigation and compliance risk.

List of affected CFR sections

For ease of reference, since the CFR has not yet been updated, the following identifies the sections in Title 29 that are being revised by the final rule, with cross-references to the page numbers where the revised provisions are located in the *Federal Register*:

- Part 1910 — Occupational Safety and Health Standards
 - Subpart I — Personal protective equipment
 - § 1910.136 — Foot protection (20,629)
 - § 1910.137 — Electrical protective equipment (20,629–32)
 - Subpart R — Special industries
 - § 1910.269 — Electric power generation, transmission, and distribution (20,633–59)
 - Subpart S — Electrical
 - § 1910.331 — Scope (20,692)
 - § 1910.399 — Definitions applicable to this subpart (20,692)
- Part 1926 — Safety and health regulations for construction
 - Subpart A — General
 - § 1926.6 — Incorporation by reference (20,692–93)
 - Subpart E — Personal protective and life saving equipment
 - § 1926.97 — Electrical protective equipment (20,693–95)
 - Subpart M — Fall protection
 - § 1926.500 — Scope, application, and definitions applicable to this subpart (20,696)
 - Subpart V — Electric power transmission and distribution
 - § 1926.950 — General (20,696–97)
 - § 1926.951 — Medical services and first aid (20,698)
 - § 1926.952 — Job briefing (20,698)
 - § 1926.953 — Enclosed spaces (20,698–99)
 - § 1926.954 — Personal protective equipment (20,699–700)
 - § 1926.955 — Portable ladders and platforms (20,700–01)
 - § 1926.956 — Hand and portable power equipment (20,701)
 - § 1926.957 — Live-line tools (20,701–02)
 - § 1926.958 — Materials handling and storage (20,702)
 - § 1926.959 — Mechanical equipment (20,702)
 - § 1926.960 — Working on or near exposed energized parts (20,702–04)
 - § 1926.961 — Deenergizing lines and equipment for employee protection (20,708–09)
 - § 1926.962 — Grounding for the protection of employees (20,709–10)
 - § 1926.963 — Testing and test facilities (20,710–11)
 - § 1926.964 — Overhead lines and live-line barehand work (20,711–13)

- § 1926.965 — Underground electrical installations (20,713)
- § 1926.966 — Substations (20,713–14)
- § 1926.967 — Special conditions (20,714–15)
- § 1926.968 — Definitions (20,715–17)
- Subpart X — Stairways and ladders
 - § 1926.1053 — Ladders (20,743)
- Subpart CC — Cranes and derricks in construction
 - § 1926.1400 — Scope (20,743)
 - § 1926.1410 — Power line safety (all voltages) – equipment operations closer than the Table A zone (20,743)

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