MSA
The Safety Company

Subpart AA: 1926.1200 – Confined Spaces in Construction

Standard Update

OSHA & This Regulation

- OSHA has created regulations to protect workers from various hazards, including falls. OSHA has separate regulations for different industry sectors:

Construction (CFR 1926)

General Industry (CFR 1910)

The Background

- In 1993, OSHA issued 29 CFR 1910.146 as a means to protect general industry and confined space workers. The standard did not apply to construction work, due to the unique nature of these worksites.
- The changing, fluid nature of construction sites contrasts with that of the static nature in general industries – necessitating a different set of safety rules concerning confined space entry and rescue.

The Response

- 29 CFR 1926.1200 (Confined Spaces in Construction) was released May 1, 2015 and has much in common with the general industry confined space standard, but intends to address the particular safety concerns of the construction industry.
- The new standard became effective on August 3, 2015.
- While there are many similarities to the general industry rule, there are several distinctions that can be discussed.

1910 versus NEW 1926 Regulations

1) Controlling Contractor

Both standards require that employers provide certain identification, assessment and information exchange – including pre-entry information to anyone physically entering a permit – required confined space.

- The construction standard final rule, requires that the Controlling Contractor lead this information exchange, adding a layer to prevent untrained or unqualified persons from entering the space.
- In addition to this coordination, the Controlling Contractor, upon completion of confined space work will debrief entry personnel and apprise Host Employer of any findings.

1910 versus NEW 1926 Regulations

2) Competent Person

The new construction standard requires **each employer** (in regard to multi-employer worksites) to ensure a competent person identify all confined spaced in which its employees may work.

- This must take place via a 2-step evaluation, necessitating a certain degree of expertise.
  - Step 1 – Determine if the space meets the definition of confined space.
  - Step 2 – If yes, identify through testing any confined spaces that are Permit Required Confined Spaces.

1910 versus NEW 1926 Regulations

3) Early Warning System for Engulfment Hazards

- An early warning system to allow for adequate escape time addresses migrating engulfment hazards, such as a flash flood through a storm sewer, that are present in a non-isolated Permit Required Confined Space.
- This is required in the new Construction Standard, however no corresponding provision currently exists within general industry.

4) Suspension of Confined Space Permit

At times, a confined space permit is cancelled, due to completion of work or changed conditions within the space. The new construction standard provides one exception not currently found in the general industry rule:

- When certain criteria are met, a permit may be suspended rather than cancelled when a condition outside or inside the permit space requires and evacuation, but the permit space returns soon after to the same acceptable conditions specified under the permit.
- Employers must record on the permit, the event that required evacuation followed by full reassessment indicating restoration of acceptable permit conditions prior to entry.

5) Confined Space Atmospheric Testing/Monitoring

In comparison to the General Industry rule in which only periodic monitoring is referenced, 29 CFR 1926.1200 heavily emphasizes confined space atmospheric monitoring as a critical aspect.

- Continuous monitoring for Oxygen, combustible gases/vapors, toxic gases/vapors and other OSHA-specified atmospheric hazards is required using a properly calibrated, direct reading instrument.
- Periodic monitoring versus continuous is allowed if employers can prove continuous monitoring equipment is not commercially available, or that periodic monitoring can reliably monitor for changes in the Permit Required Confined Space.

Resource Links

- https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=1006

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Any questions?