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## OSHA's New Confined Spaces In Construction Standard – What You Need To Know

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## Overview of Today's Program

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## History of OSHA's Confined Spaces Standards

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- 1979 – Current construction standard adopted
- 1980 – Rulemaking starts on new construction standard
- 1993 – General industry standard adopted
- May 4, 2015 – New construction standard announced
- August 3, 2015 – Effective date of new standard

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## New Construction v. General Industry Standard

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- New construction standard similar in content and organization to general industry standard
  - But significant new requirements
  - Many “wording” changes
- Compliance with construction standard constitutes compliance with general industry standard, but
- Compliance with general industry standard does not constitute compliance with construction standard.

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## Scope of the New Standard

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- Unless exempt, standard only applies to “construction work,” not “general industry” work
  - Includes residential construction
  - “Construction” v. “Maintenance”
  - Construction in general industry workplaces
- Separate revisions to construction in Electric Power Transmission and Distribution standard

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## Exceptions

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- Excavations
- Underground construction, caissons
- Diving

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## Examples of Confined Spaces in Construction

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- Pits and vaults
- Manholes
- Sewers
- Storm drains
- Tanks
- HVAC ducts
- Crawl spaces
- Attics

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## Key Definitions

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- 45 definitions (21 new to the construction standard)
- Critical to understanding the new standard

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## Key Definitions

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### Confined Space

A space that:

- (1) Is large enough and so configured that an employee can bodily enter it;
- (2) Has limited or restricted means for entry and exit; and
- (3) Is not designed for continuous employee occupancy.

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## Key Definitions

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### Limited or restricted means for entry and exit

A condition that has a potential to impede an employee's movement into or out of a confined space. Such conditions include, but are not limited to, trip hazards, poor illumination, slippery floors, inclining surfaces and ladders.

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## Key Definitions

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### Permit-required confined space, permit space, or PRCS

A "confined space" that has one or more of the following characteristics:

- 1) Contains or has a potential to contain a "hazardous atmosphere."
- 2) Contains a material that has the potential for "engulfing" an entrant.
- 3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inward converging walls or by a floor which slopes downward . . .
- 4) Contains any other recognized serious safety or health hazard.

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## Key Definitions

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### Physical hazard

An existing or potential hazard that can cause death or "serious physical damage." Examples include:

- Hydraulics
- Mechanical
- Electrical
- Temperature extremes
- Noise
- Chemicals

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## Key Definitions

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### Host Employer

The employer that owns or manages the property where the construction is taking place.

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## Key Definitions

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### Controlling Contractor

The employer that has overall responsibility for construction at the work site.

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## Key Definitions

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### Entry Employer

- Any employer who decides that an employee it directs will enter a permit space.
- Includes temporary workers.

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## Key Definitions

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### Competent Person

One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authorization to take prompt corrective measures to eliminate them.

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## General Requirements of the New Standard

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## Pre-entry Requirements

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- Each employer with employees who may work in “confined spaces” must use a Competent Person to evaluate and identify:
  - All confined spaces
  - All permit spaces
- Danger signs must be posted at each permit space.
- The union and the Controlling Contractor must be notified of each permit space.

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## Pre-entry Requirements

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- If employees are not authorized to work in identified permit spaces, then effective measures must be taken to prevent them from entering, in addition to the danger signs.
- If employees are authorized to work in identified permit spaces, then the employer must have and implement a written PRCS program, unless “alternate procedures” or “reclassification” applies.

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## Alternate Procedures

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- Similar to “alternate procedures” under the general industry standard.
- Employers who qualify for and utilize “alternate procedures” need not comply with most of the standard except training, information exchange and employee participation.

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## Alternate Procedures

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- “Alternate procedures” may only be used when the only hazard posed by the permit space is actual or potential hazardous atmospheres.
- Six criteria must be met before “alternate procedures” will be permitted, including elimination or isolation of physical hazards.

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## “Alternate Procedure” Requirements

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If a permit space satisfies the criteria, then entry must be made under multiple “alternate procedures” including:

- Pre-entry air monitoring
- Continuous forced air ventilation
- Continuous monitoring during the entry, unless continuous monitoring equipment is not commercially available or you can show that periodic monitoring is sufficient
- Written certification that alternate procedures are in place

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## Reclassified Permit Spaces

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- Similar to “reclassification” of permit spaces under the general industry standard.
- If a permit space is “re-classified,” then the requirements for entry into permit spaces do not apply.

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## Reclassified Permit Spaces

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- “Reclassification” only applies when the space poses no actual or potential atmospheric hazards and if all hazards are eliminated or isolated without entry into the space.
  - Cannot eliminate atmospheric hazards through forced ventilation
- “Reclassification” requires written certification by a Competent Person that all hazards have been eliminated or isolated.

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## PART II

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- Information Exchange and Coordination Requirements
- PRCS Program – Enhanced Monitoring
- Rescue and Emergency Services
- Permits
- Training
- What should Employers be doing now?

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## “Host Employer” Responsibilities

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Before entry, provide the “Controlling Contractor” with:

- Location of each permit space
- Hazards or potential hazards in each permit space
- Precautions that the Host Employer or previous employers have implemented for the protection of employees

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## **“Controlling Contractor” Responsibilities**

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- Obtain Host Employer’s information.
- Provide Host Employer’s information to each Entry Employer and “. . . any other entity whose activities could result in a hazard in the permit space.”
- After entry, debrief each entity that entered the permit space.
- Inform the Host Employer of the information exchanged with the Entry Employers.

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## **“Entry Employer” Responsibilities**

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- Obtain all of the Controlling Contractor’s information.
- Inform the Controlling Contractor of the permit space program that the Entry Employer will follow.
- Coordinate entry operations with the Controlling Contractor when more than one entity performs entry at the same time.

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## Permit-Required Space Program

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- Must be in writing
- Applies to Entry Employers
- Employers must consult with employees and/or unions in development and implementation of program.
- Employers must make program, and all documents created under program, available to employees and OSHA.

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## Permit-Required Space Program

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### 14 general elements

1. Implement measures necessary to prevent unauthorized entry.
2. Identify and evaluate hazards of permit spaces.
3. Develop means for safe permit space entries.
4. Provide and maintain equipment for confined space entry.
5. Evaluate permit space conditions.
6. Provide permit space attendants.
7. Address situations where multiple spaces are entered. (Attendants)
8. Designate persons who have a role in entry operations.
9. Develop and implement procedures for rescue and emergency services.
10. Develop system for entry permits.
11. Develop procedures to coordinate entry operations.
12. Develop procedures for concluding entry.
13. Review entry operations when necessary to protect employees.
14. Review permit space program within one year of each entry.

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## Monitoring

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- Continuous monitoring of atmospheric hazards is now required unless the monitoring equipment is not commercially available or periodic monitoring is of sufficient frequency.
- Early-warning system that continuously monitors for non-isolated engulfment hazards – examples.
- Monitoring for ventilation system failures in time for entrants to safely exit.

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## Rescue and Emergency Services

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- Employers may rely upon outside or in-house rescue and emergency services.
- Two distinct requirements: “Rescue” and “Emergency Services”
  - “Rescue” must be non-entry (e.g. body harness and retrieval line) unless retrieval equipment increases risk or does not contribute to the rescue of the entrant, in which case it may be entry
  - “Emergency Services” are the services that must be used to retrieve an entrant when non-entry or entry rescue fails

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## Rescue and Emergency Services

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- Employers must evaluate and choose a rescuer with the ability to timely and proficiently respond to the particular permit space.
  - “Timeliness” depends on the hazard involved
- Employer must inform the rescue service of the specific permit space hazards.

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## Rescue and Emergency Services

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- Employer must provide rescue service with access to permit spaces to practice rescues or develop a rescue plan.
- The rescuer must agree to notify the employer if the rescue service becomes unavailable.
- These evaluation requirements apply to all rescue services (non-entry or entry) and emergency services, whether in-house or outside.

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## In-House Rescue and Emergency Services

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Remains largely the same as in general industry.

- Provide all equipment and PPE to employees
- Train employees and assign rescue duties
- Train employees in first aid and CPR
- Conduct practice rescues at least once every 12 months

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## Entry Permits

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- Before entry begins, the Entry Supervisor must document the completion of required tasks on a written entry permit, including but not limited to:
  - the permit space to be entered
  - the purpose of the entry
  - the date and authorized duration of the permit
- The entry permit must be signed by the Entry Supervisor and posted at the entry portal.

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## Entry Permits

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- Entry permits may not exceed the time required to complete the task.
- New Permit Requirement:
  - The permit must list the means of detecting an increase in atmospheric hazard levels in the event that ventilation stops working.

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## Suspending the Permit

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- An entry permit may be suspended, rather than canceled, when a condition that is not allowed under the entry permit arises in or near the permit space and that condition is temporary in nature and does not change the configuration of the space or create a new hazard.
  - Example: Temporary loss of power requiring entrants to leave the space for a few minutes.
- Must fully reassess the space before allowing reentry, but do not need to issue a new permit.

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## Training

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Training required for:

- “Each employee whose work is regulated by the standard” – includes Competent Persons
- Authorized Entrants
- Attendants
- Entry Supervisors

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## Training

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- Must be provided “in a language and vocabulary that the employee can understand.”
- Must establish “employee proficiency” in required duties.
- Must be provided before employees are assigned confined space duties or whenever there is a change in the permit process.
- Must be documented and the records retained for the duration of employment.

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## What Should Employers Be Doing Now?

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- Plan to implement the new confined space standard by August 3, 2015.
- Familiarize your safety and health professionals and management with the deadline and the requirements of the new standard.
- Develop a system of employee involvement and, if applicable, union involvement in the development of your program.
- Develop or revise your written confined space program, permits and other required documentation under the new standard.

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## What Should Employers Be Doing Now?

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- Designate and train a Competent Person.
- For Host Employers and Controlling Contractors, develop a system to share information and coordinate confined space activities.
- Determine whether your company can utilize outside or in-house rescue and emergency services, and take steps to have a qualified rescue service available.
- Make sure that all required training is completed by August 3, 2015.
- Develop a document retention system for required documents.

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## Resources

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- [www.osha.gov](http://www.osha.gov)
  - Standard (36 pages)
  - Federal Register comments (581 pages)
  - OSHA Fact Sheets and FAQ's
- Outside consultants
- Trade organizations
- Sherman & Howard's OSHA Updates

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## Questions?

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