

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



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Reply to the attention of: DEP/GIE/MAE-20088

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
STATE PLAN DESIGNEES

THROUGH:


RICHARD E. FAIRFAX
Deputy Assistant Secretary

FROM:


for THOMAS GALASSI, Director
Directorate of Enforcement Programs

SUBJECT: Clarification of the Applicability of 29 CFR 1910.272(g) or (h)
During Grain Storage Structure Entry Operations

The purpose of this memorandum is to provide clarification of the applicability of grain storage entry requirements outlined in OSHA's standard at 29 CFR 1910.272, *Grain Handling Facilities*. The standard contains two paragraphs, (g) and (h), which cover requirements for entry into grain storage structures.

OSHA's general provision covering entry into grain storage structures is outlined in paragraph (g), which states:

Entry into grain storage structures. This paragraph applies to employee entry into bins, silos, tanks, and other grain storage structures. Exception: Entry through unrestricted ground level openings into flat storage structures in which there are no toxicity, flammability, oxygen-deficiency, or other atmospheric hazards is covered by paragraph (h) of this section....

Therefore, Section 1910.272(g) covers all entries into grain storage structures **except** entry into flat storage structures with unrestricted ground level entry "in which there are no toxicity, flammability, oxygen-deficiency, or other atmospheric hazards..." **Only entries under this exception are covered under Section 1910.272(h).**

Flat storage structures are defined in Section 1910.272(c) as "a grain storage building or structure that will not empty completely by gravity, has **an unrestricted ground level opening** for entry, and must be entered to reclaim the residual grain using powered equipment or manual means." OSHA provided clarification of the definition of a flat storage structure in the March 8, 1996, Preamble to the final rule on Grain Handling Facilities (61 Federal Register 9578), which states:

... [F]lat storage structures must have an unrestricted ground level opening for entry, and not just “large doorways” ... **“Unrestricted” in the context of ground level entry means that employees can enter by stepping, walking, or driving through these openings.** [Emphasis added].

Also, for paragraph (h) to apply, the entry into the flat storage structure must actually occur through the unrestricted ground level opening, otherwise paragraph (g) applies. OSHA highlighted this requirement in the 1996 Preamble where it states:

Entries [into a flat grain storage structure] **made at or above the level of the grain and above ground level will be covered by** the general provisions for entry into grain storage structures found in **paragraph (g).** [Emphasis added].

In summary, paragraph (h) is an exception to the general provision - paragraph (g) - and this exception is very restricted and limited. Unless all the above mentioned requirements for the exception are satisfied, the entry is covered by paragraph (g). The attached flowchart provides an easy series of questions that will assist Compliance Safety and Health Officers through the determination process. If you have any questions regarding this memorandum, please contact Office of General Industry Enforcement at (202) 693-1850.

Attachment

**FLOWCHART TO DETERMINE IF ENTRY IS COVERED
BY 29 CFR 1910.272(g) or (h)**

