

# Confined Space Advisory Committee

## October 15, 2008

A meeting was held on 10-15-08 to further discussion on the proposed rule changes for confined spaces in construction. The following were in attendance:

Tom McCullen	Mark Hopkins
Dave Kaiser	Barry Moreland
Stephanie Snyder	Stan Thomas
Peg Munsell	Brad Tullis
Pat Darby	Eric Fullan

Initial comments and questions included:

- Posting danger signs is difficult with utilities.
- We need a different term for “confined space” as used on page 3.
- The terms “elimination” and “isolation” have been used without definition.
- We need to look at where else we refer to confined spaces. It was pointed out that the proposed rule contains a list.
- There needs to be documentation on how you isolate or eliminate a hazard.
- Controlled Atmosphere Confined Space is a very significant definition.
- Are sewer systems always going to be a continuous system? Should sewers be used in the examples or definitions?
- Do we need to define “through controlled ventilation”?
- Water vaults have meters or regulators and the only hazard is an oxygen deficiency. When you ventilate what kind of confined space is it?

A discussion was opened on the issue of classifications. How will we classify Permit Required Confined Space was asked. We are not counting the 5<sup>th</sup> class of “no hazards ever” was pointed out. There was a discussion around information on page three of one of the handouts. (a)(3) Documentation requirements were discussed for a controlled atmosphere confined space.

It was pointed out that nothing has changed a lot for the Permit Required Confined Space. A question was asked regarding whether or not the act of “digging” up to the sewer system itself would be considered a confined space.

Some wanted to know when the proposed rule would be adopted and the answer was that we do not know. A comment was made that we probably do not have to worry about this for about two years.

Slayden Construction indicated that they had been following the general industry confined space entry procedures for years. They want the same rules for general industry and for construction.

It was pointed out that there is some value in using the existing Division 2 rules to develop the Division 3 rules. Division 2 rules match the Feds and other states' rules. If Oregon has something unique in our rules then others will have to come into line. We should model the construction rule after the Division 2 rule. Some tweaking may need to be done but not a lot.

There is a lot of confusion around “alternate entry” and the ability to reclassify spaces. All the definitions are confusing. It should be processed based rather than definition based. Assume all spaces are Permit spaces and then talk about what needs to be done to class downward. There should be two kinds of spaces—permit and non-permit. Then show me how I can make a permit required space become a non-permit required space by say, controlling the atmosphere, for example.

We need a deliberate process for getting to a non-permit space.

The current standards separate atmospheric and physical hazards which then sticks you with a permit required confined space. We agree there should be a permit/non-permit rule. If we modify some things it probably won't change how work is being done in the field but rather will legalize what is already being done. We need to make sure that our language has the same definition or understanding as in other states.

We eliminate both atmospheric and physical hazards to downgrade to a non-permit confined space.

No issues with changing it to what you have on your classification for Confined Space document you handed out.

When both hazards are eliminated we have taken it to a non-permit space but if both of those hazards exist (or only one of them) you cannot downgrade? We need something that says if you have taken all the steps to eliminate hazards you now have a non-permit space.

Is an assessment document the same as an entry permit?

We should look at other industry permits that are better than the one in the rule.

In (c)(5) a certification is required and the language is somewhat confusing.

Your intent is to model after the proposed Federal rules? Conceptually, speaking. Will we be back in two years? Not necessarily.

I think we should clean up 1910.146 and then use it in construction. Would be easier for construction employers. Use 1910.146 to write the construction rule and then use it to clean up 1910.146.

We need a flow chart to ease into this.

We need to come up with something other than (c)(5) to identify a confined space. Terminology needs to be changed.

Not huge changes but it is intimidating. I am hesitant to put my name on it because it is much too confusing.

There should be three classes, for example: Confined Space such as a swimming pool, permit required confined space and a non-permit required confined space. Take the five classes and turn into three classes.

The bottom section of the fact sheet is good. We should be able to blend current language so it is consistent. The rule needs to tell them what to do. They don't want to know how to build the watch; they just want to know what to do with it. Define permit required confined spaces and then confined spaces and then define or explain how to get from one to the other.

Take (c)(5) and (c)(7) and combine into a non-permit confined space?

WISHA rule is an easy read and has a different look.

We should make it different enough that people will recognize it as a change.

For our next step we need to come up with the draft rule. Dave M. will send you what we have drafted and we can do most of it by e-mail.

Should we use the WISHA rule?

We need to put together a proposed rule.

What do you think we want?

You want a permit required confined space with directions on how to eliminate hazards, regardless of what they are, to re-class the space to a non-permit required confined space.

Maybe everyone could provide Dave M with copies of existing permit documents and/or programs.

What I would like is updates of Dave's work with time frames for responses.

I like the WISHA rule layout and how they used some of the language.

I like that they actually print the references they use. I would also like it if we could better define terms like LEL, for example.

When you make your responses, please respond to everyone.

Will it explain which discipline you are working on?