

Marilyn

FYI

Continued - plan change, 2-way memo
OSHA Memorandum: CPL 95-6
Date of Memorandum: June 30, 1995

STATE RESPONSE:

OR-OSHA does not intend to adopt this CPL. We feel that there are hazards associated with house foundation and basement excavations and that they can be controlled or minimized by following the requirements of 29 CFR 1926.652. OR-OSHA held public hearings on the rules before they went into effect and the issue of applying the requirements to house foundation and basement excavations has not been raised as a concern in the state of Oregon.

SIGNATURE: 

DATE: 3-14-96

: cc's: J. Spear
: R. Tsunehara
: TECFAP
: C. Halgren

U.S. Department of Labor

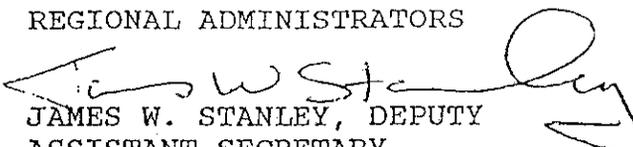
Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

JUN 30 1995

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MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM: 
JAMES W. STANLEY, DEPUTY
ASSISTANT SECRETARY

SUBJECT: Suspension of 29 CFR 1926.652 to House
Foundation/Basement Excavations

Action. Effective immediately and until further notice, 29 CFR 1926.652 shall not be applied to house foundation/basement excavations when all the following conditions are present.

- . The house foundation/basement excavation is less than seven and one-half feet in depth or is benched for at least two (2) feet horizontally for every five (5) feet or less of vertical height;
- . The minimum horizontal width (excavation face to formwork/wall) at the bottom of the excavation is as wide as practicable but not less than two (2) feet;
- . There is no water, surface tension cracks, nor other environmental conditions present that reduce the stability of the excavation;
- . There is no heavy equipment operating in the vicinity that causes vibration to the excavation while employees are in the excavation;
- . All soil, equipment, and material surcharge loads are no closer in distance to the top edge of the excavation than the excavation is deep; however, when front end loaders are used to dig the excavations, the soil surcharge load shall be placed as far back from the edge of the excavation as possible, but never closer than two (2) feet.
- . Work crews in the excavation are the minimum number needed to perform the work; and
- . The work has been planned and is carried out in a manner to minimize the time employees are in the excavation.

This policy applies to all such house foundation/basement excavations including those which become trenches by definition when formwork, foundations, or walls are constructed. This policy does not apply to utility excavations (trenches) where 29 CFR 1926.652 shall remain applicable.

Background. When promulgated, the regulations addressing excavations were intended to cover all excavations. OSHA believed that all the affected parties had sufficient time during the public comment period and the informal public hearing (a period of over one year) to raise any concerns as to problems that could be caused by the standard. All problems that were thus identified were resolved prior to the issuance of the final rule in October 1989. Since publication of the final rule, however, the issue of basement/foundation excavations has been identified and questions have been raised concerning whether or not it is appropriate to apply the provisions to house foundation/basement excavations. OSHA believes that since the application of §1926.652 to house excavations was not specifically considered during the rulemaking, the requirements dealing with cave-in protection should be suspended until the issue can be fully evaluated.

State Plans

Regional Administrators shall provide a copy of this policy to State Designees and encourage the states to adopt a similar policy.