

Confined Space Advisory Committee

June 25, 2008

An advisory group met on June 25, 2008 to discuss the Confined Space rules. Those in attendance included:

Michael Wood	OR-OSHA	Dan Sabatino	Western Partitions
Dave McLaughlin	OR-OSHA	Peggy Munsell	OR-OSHA
Claudia Marthaller	OR-OSHA	Marilyn Schuster	OR-OSHA
Stan Thomas	OR-OSHA	Mark Hopkins	EC Electric
Eric Fullan	Ptld Water Bureau	Dianna Gray	OR-OSHA
Brad Tullis	AT1 Wah Chang	Tony Howard	Hoffman Const
George Goodman	Attorney at Law	Gary Fadden	Christiansen Elec

Michael Wood made opening remarks to start the meeting. He stated that he thought the Washington rules might be a good starting point for the discussion. Michael mentioned that he would like to see one rule that addresses confined space hazards for general industry and construction activities. Washington has for years applied the general industry Confined Space standard to construction activities. He would like to see a standard rule that addresses comparable requirements for comparable risks. He acknowledged that the Permit Required Confined Space standard being applied in Oregon is one of the most confusing rules and it applies to a broad base of employers. We do not want to merely add construction activities to the scope of the general industry Confined Space rules.

Several categories of discussion were addressed initially. In addition, general comments were also captured.

Pluses of Existing Rules

1. Better than previous NIOSH rules.
2. Concept of permit/non-permit definitions.
3. Definition of confined space is good.
4. Flow chart in the existing rule is helpful and should be kept.

Minuses of Existing Rules

1. Doesn't point out hazards of less than normal oxygen or require identification of what is displacing the oxygen.
2. Doesn't define acute IDLH conditions versus chronic exposures.
3. This is the wrong rule to address substances that only have chronic effects, such as asbestos issues.
4. Rewrite to remove all of the notes used for clarification.
5. Eliminate the "step downs" of classifications in the rule.
6. Cannot permanently reclassify a space as required by the rule.
7. Does not define "occupancy" versus "access".

8. Change “occupancy” to something like “work station” or something more definitive.
9. Why is the word potential being used? (Potential could exist in any space)
10. The section on alternate procedures is very confusing.
11. The terminology “non-permit required” is confusing.
12. (j)(5)(i) alternate procedures section is confusing, the term “potential” is too broad.
13. The definition of confined space using the three criteria is confusing.

Suggestions for the Proposed Rules

1. Need requirements for additional signage at confined space sites.

Pluses of the WISHA rules

1. They do a good job of defining a confined space.

Minuses of the WISHA rules

1. They included the word “potential” in their definitions and it is too broad.

General Comments

1. You might want to consider the requirement for personal lapel monitors.
2. The Respiratory Protection Plan requires an emergency rescue in IDLH conditions.

Define what a rescue should entail in confined spaces.

3. Need to have a rescue plan in place.
4. Utilities enter confined spaces without rescue persons present. They purge, ventilate and test before entry and during work activities.
5. What if the rule used “options” written similarly to those in the excavation rules?
6. There are lots of varieties of confined spaces. Rescue requirements are not always doable.
7. You should clarify what is required for non-permit space entry.
8. In my business, most entry hazards are atmospheric in nature.
9. You should clear up rescue retrieval versus fall protection. Should entrants be in harnesses?
10. Look at firefighters for example – people will try to rescue regardless of the rule. They will try to rescue if they think they can do it and come out alive. The rule is unrealistic and you should understand that. Why not make rescue processes the same for non-permit and permit required spaces?
11. The alternate procedures explained in the rule are important and should be retained.
12. Should have one confined space rule that applies to all.
13. What is the difference between controlling and eliminating hazards?
14. In our industry, we classify as permit or non-permit. There is no alternate procedure or reclassification.
15. Propose the “what is required for entry to a non-permit space” be included in rule.
16. Other rules may not mesh with this standard. Which ones might that be?
17. Why not use language like “Employers must identify confined spaces. They must abate any hazards prior to entry”?
18. Trenches can be confined spaces and employers don’t realize that nor do they sample prior to entry.
19. ANSI standard addresses some of the issues and you should include the language

when you make an ANSI reference.

What might be a good starting point for the proposed rule?

1. The Washington code is very simple to understand.
2. Make it used friendly whatever you do.
3. Instead of referencing ANSI, pull the language into the code.

The question was asked about what issues employers might have with adopting the Washington code. The committee agreed that they need additional time to review the Washington code and made comments. Gary, Eric and Tony (was volunteered) agreed to solicit information from their Washington contacts to see what the pluses and minuses have been in applying their confined space rules.

The next meeting will be held on August 14th, 2008 at the AGC office in Wilsonville (9450 S.W. Commerce Circle, Suite 200) at 9:00 a.m.