

MEMORANDUM

Date: July 16, 2015

To: Kathy, Spigarelli, RESNET

From: Jennifer Gniady

Re: OSHA Standard Affecting Crawl Spaces and Attics

Effective August 3, 2015, the new amendment to OSHA's construction standard for confined spaces will extend compliance duties specifically to confined spaces of crawl spaces and attics. To the extent that RESNET raters must access crawl spaces or attics in their work, they will need to be aware of the changes in the OSHA standard.

As with all OSHA standards, the enforcement of the rules relies on the existence of an employer-employee relationship. This means that RESNET raters who are sole proprietor working for themselves do not have compliance obligations with the OSHA standard if they are the only individual working in the confined spaces. To the extent that a RESNET rater is a business owner with employees or operating as a contractor overseeing employees on a work site, they will need to comply with the OSHA standards for both entry requirements and worker training requirements.

Definition & Application

The standard provides definitions for both confined spaces and permit-required confined spaces. It further specifies both entry requirements for work to be done as well as training requirements for workers. OSHA defines a confined space as any area that meets all three of the criteria set forth.

The space must:

1. Be large enough for a worker to enter it.
2. Not be intended for regular, continuous occupancy.
3. Be difficult to enter or exit

Additionally, any space that meets the above criteria will be deemed a "permit-required confined space" if any of the following characteristics are present: hazardous or potentially hazardous atmosphere, potential for engulfment or suffocation, physical hazard (e.g. temperature, radiation, electricity, noise, oxygen-level, flammable materials, animals/insects, etc.), or physical characteristics that

could create obstacles to entry or exit (e.g. sloping floor, joist-only floor, converging walls, etc.). The presence of any of these characteristics triggers compliance with the permit requirements of the standard.

RESNET raters who have a duty to comply with the OSHA standards will need to be able to evaluate any space that must be entered to determine if it meets the requirements to be either a confined space or a permit-required confined space. For enforcement purposes, OSHA requires this determination to be made by a reasonable competent person who has the authority to stop work at the site. The evaluation may be done by any employer whose worker may enter the space. That evaluation may then be relied on by other employers at the site, always provided that the employer is not unreasonably reliant if they believe the evaluation has not been properly conducted. To this extent, the OSHA compliance for the site can be coordinated through a single employer on the site where multiple employers are operating.

Entry Requirements

Prior to workers entering a confined space, the employer is obligated to provide a pre-entry plan. This planning includes the evaluation of the work site by a competent person to identify the presence of either confined or permit-required spaces. For all spaces identified as such, the employer must identify appropriate entry and exit points, ventilation methods, and control or eliminate all potential hazards in the space. Examples include removing obstacles, putting down plywood flooring to alleviate exit hazards, and wrapping pipes that present potential hazards.

The employer must also ensure that the air in the confined space is tested for oxygen levels, flammable or toxic substances, providing any ventilation needed to make the air safe for workers in the space. For permit-required confined spaces, the employer must also determine rescue procedures and equipment needed in advance of worker entry. Employers are also required to monitor the confined space throughout the work for changes that may be introduced by the work being done and taking steps to ensure compliance throughout the work.

All permit-required spaces, including crawl spaces and attics, now require employer compliance with the regulations for programs and plans provided by §1926.1204 of the construction standard. While plans must be site-specific under the standard, the rule allows for programs of operation to be used across multiple worksites. For employers at work sites where there is a permit-required confined space, the space must be marked as such even in cases where the employees do not need to enter the space in the course of their work. The standard does provide for alternative procedures that would eliminate the need for a permit program.

To invoke alternative procedures, the employer must show all of the following:

1. all physical hazards have been eliminated or isolated;
2. continuous forced air ventilation is sufficient to maintain permit space safety;
3. in the event that the ventilation system stops working, workers can exit the space safely;
4. monitoring and inspection data supports the actions to alleviate physical and atmospheric hazards;
5. any entry into the space to collect data needed for monitoring complies with all requirements for permit-required entry;

If alternative procedures are not able to be used for the permit-required confined space, then the employer is responsible for implementing a permitting program for the space. This program requires control of entry to the space, record keeping and tracking of entries, preventing unauthorized entry, providing attendants outside of the permit-required space when workers are engaged there, and providing entry supervisors. The details of the requirements for each of these aspects are included in the text of the standard.

Training

Compliance with the standard also requires employer-provided training at no cost to the employee. Training must include an understanding of the hazards present in a permit-required space, steps taken to protect employees from these hazards, and the dangers of attempting unauthorized rescues for employees not authorized to perform rescue entries. Training must be provided in the worker's language and must be completed before the employee is assigned duties in spaces covered by the standard or when there is a change in assigned duties. Employers are responsible for record-keeping related to their training program and workers trained throughout the worker's employment.

Additional Resources

Full text of 29 CFR 1926 Subpart AA

https://www.osha.gov/confinedspaces/1926_subpart_aa.pdf

OSHA Confined Spaces General FAQ

<https://www.osha.gov/confinedspaces/faq.html>

OSHA Fact Sheet for Applying the Standard to Crawl Spaces and Attics

<https://www.osha.gov/Publications/OSHA3787.pdf>