

OSHA Final Rule: Correcting Amendments

OSHA Corrects Regulatory Text and Graphic Inaccuracies in 27 Standards and Regulations

DID YOU KNOW? The Occupational Safety and Health Administration (OSHA) periodically receives inquiries about misprints and technically inaccurate materials in standards and regulations. After researching the inaccuracies, OSHA determines the need to make revisions and makes the changes without public comment.

Do you wonder why OSHA publishes these changes without public comment? Here's why:

1. The revisions only correct minor misprints, omissions, outdated references, and tabular and graphic inaccuracies
2. These changes make the standards easier for employers and workers to understand and follow; therefore, improving clarification and reducing confusion
3. None of the revisions expand employer obligations or impose new costs
4. The rulemaking does not affect or change any existing rights or obligations, and no stakeholder objections are likely
5. OSHA determined the rulemaking is not subject to the procedures for public notice and comment specified in Section 4 of the Administrative Procedure Act (5 U.S.C. 553) or Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)).

Be advised the currently published standards and regulations may not have yet incorporated the revisions. The DoD SMCX found the 29 CFR 1904 and 29 CFR 1926 revisions are available in the standards and regulations though.

The table on the following page summarizes the regulatory revisions made in recordkeeping, general industry, maritime, and construction standards.

For additional information on the SMCX's services, please visit the SMCX-hosted website at: <https://www.smcx.org/>.

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29 CFR Part 1904, Recordkeeping

- 1904.1(a)(1) updated so even partially exempt employers must report certain injuries to OSHA
- 1904.32(b)(2)(iii) corrects reference to equivalent forms for recording annual injury/illness data; the correct reference is 1904.29(b)(4)
- 1904.46(1)(iii) corrects definition of “Establishment” to include North American Industry Classification System (2007)

29 CFR Part 1910, General Industry

- 1910.5(a) updates the list of employment locations under Part 1910
- 1910.7 Appendix A corrects typographical errors related to the recognition process for a Nationally Recognized Testing Laboratory
- 1910.269(x)(5) changes MSDS to SDS
- 1910.1025(e)(3)(ii)(G) reference paragraph is corrected to paragraph (e)(5)
- 1910.1027(n)(6) removes requirement of employers going out of business to transfer medical records to NIOSH

29 CFR 1915, Maritime-Shipyard Employment

- 1915.153 Table I-1 has been reformatted so the values for “Operations,” “Electrode size,” “Arc current,” and “Minimum protective shade,” correspond correctly

29 CFR 1918, Maritime-Longshoring

- 1918, Subpart H, Appendix V, Specific Program Elements paragraph (A)(3) updates MSDS to SDS

29 CFR 1926, Construction

- 1926.20(c) corrects the list of territories to which OSHA construction standards apply
- 1926.62(d)(2)(iii) and (iv) references have been corrected to “paragraph (f) of this section”
- 1926.65(a)(2)(i) corrects reference to §1926.20(e)
- 1926.65(g)(2) and Appendix A corrects outdated acronym MSDS with SDS
- 1926.65(l)(3)(vi) and (p)(8)(iv)(E) remove misprinted references to §1926.159
- 1926.65(q)(3)(iii) removes misprinted reference to §1926.97
- 1926.405(g)(1)(iii)(C) corrects misprinted reference to 1926.405(a)(2)(ii)(l), which allows the use of flexible cords and cables through pinch points during construction work if protection is provided to avoid damage
- 1926.452(a)(3), in the Scaffolds standards, corrects a pole scaffold metric conversion
- 1926.452(w)(6)(ii) corrects mobile scaffold reference to paragraph (w) and removes misprinted phrase “(ANSI/SIA A92.5 and A92.6)”
- 1926, Subpart L, Appendix E corrects text and graphic pages showing maximum vertical tie spacing for scaffolds
- 1926, Subpart M, Appendix A corrects misprinted references and formatting, and clarifies graphics
- 1926.552(c)(17)(iv) corrects misprinted lower case paragraph letters with capital letters
- 1926, Subpart P, Appendix A corrects confusing language related to Type C soil
- 1926.754(c)(2) corrects reference to 1926.760(c)(7)
- 1926.757 corrects Steel Erection joist Tables A and B footnotes
- 1926.761(b) corrects misprinted fall protection training requirements
- 1926.968 corrects outdated acronym MSDS with SDS
- 1926.1101 corrects several typos and misprinted references
- 1926.1127(d)(1)(i) corrects outdated acronym MSDS with SDS
- 1926.1127(n)(1)(iii) and (n)(3)(iii) adds clarifying reference of 1910.1020 with regard to employee access to exposure and medical records
- 1926.1127(n)(5) removes requirement for employers going out of business to transfer medical records to NIOSH
- 1926.1431(a) provides exception as to when an employer can use equipment to hoist employees

