

OSHA announces final rule to remove outdated requirements, streamline and simplify standards

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The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced on May 26, 2011, the forthcoming release of a final rule it says will streamline and simplify its standards and at the same time reduce burdens on companies. The new rule will be published in the *Federal Register* soon.

OSHA's administrator, David Michaels, stated in OSHA's May 26, 2011, press release: "The final rule is the third in OSHA's Standards Improvement Projects (SIP) initiative that periodically reviews OSHA regulations with the goal of improving and eliminating those that are confusing, outdated, duplicative or inconsistent."

Michaels estimated "that the final rule, without reducing employee protection, will result in annual cost savings to employers exceeding \$43 million and significant reductions in paperwork burden hours."

It builds on the success of SIP-Phase I, published June 18, 1998, and SIP-Phase II, published Jan. 5, 2005.

The new rule impacts OSHA's existing respiratory protection standard, including aligning air cylinder testing requirements for self-contained breathing apparatuses with those of the U.S. Department of Transportation, making clear that aftermarket cylinders meet the National Institute for Occupational Safety and Health (NIOSH) quality assurance requirements.

And the new rule specifies that the provisions of Appendix D, containing information for

employees using respirators when not required under the standard, are, in fact, mandatory if the employee chooses to use a respirator.

It also will update the definition of the term "potable water" in order to be consistent with the current U.S. Environmental Protection Agency standards, instead of the former and now outdated Public Health Service Corps definition. This would remove the outdated requirement that hand dryers use warm air, since there is new technology that allows an employer to use hand-drying products that do not involve hot or warm air.

And it would remove two medical record requirements from the commercial-diving standard, since that standard no longer requires medical examinations.

Some provisions will be updated, including deletion of a number of requirements for employers to transmit exposure and medical records to NIOSH, saving NIOSH storage and maintenance costs.

The "slings" standards also will be updated and streamlined by requiring that employers use only slings marked with the manufacturer's own loading information.

This new rule, which will not include any new requirements, is also consistent with President Obama's Executive Order 13563, "Improving Regulation and Regulatory Review," issued January 18, 2011, to simplify standards and reduce unnecessary regulatory burdens. See http://www.regulations.gov/exchange/sites/default/files/doc_files/President's%20Executive%20Order%2013563_0.pdf. ▲

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