

OSHA Grants NASSCO's Request For Hearing On Proposed Confined Space Regs

by Jeff Griffin

The Occupational Health and Safety Administration (OSHA) has granted a request of NASSCO (National Association of Sewer Service Companies) for an informal public hearing on proposed OSHA changes in rules designed to protect those working inside and around confined places.

The hearing is scheduled to begin at 10 a.m. July 21 in the auditorium on the plaza level of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Ave. NW, Washington D.C. If necessary, it will extend to a second or third day.

Notice of the hearing was published in the Federal Register Vol. 73, No. 77 dated April 21, 2008. Parties who want to testify and submit information had until May 21 to provide written notice to OSHA.

"We are pleased to report OSHA has accepted our request for a public hearing on the proposed rules change," said Irv Gemora, NASSCO executive director.

Granting the hearing is a departure from the rule-making procedure followed

by OSHA. Previously, OSHA spokesperson Claude Knighten said the agency normally does not hold public hearing on proposed rules.

The proposed change – Confined Spaces in Construction; Proposed Rule - 72:67351-67425 – has caused concern among many contractors who construct and maintain the nation's sanitary sewer infrastructure.

NASSCO also opposes the proposed rules changes. In its written request to OSHA for the hearing, NASSCO claimed that "much" of the data in the economic analysis used to support the proposed rules change is "erroneous and incorrect," and that implementing the rule as is would cost NASSCO members an estimated \$17.5 million a year.

NASSCO also contends that data used to draft the new rules significantly underestimates the number of manholes in the U.S. requiring entry permits and the number of organizations whose employees enter confined spaces. In addition, NASSCO termed

"regrettable" that no companies or entities from the sewer industry participated in review panels utilized during the drafting of these rules.

Following publication in April of *Underground Construction's* report about NASSCO's request for the hearing, questions arose about whether the proposed rules change applies only to sanitary sewer manholes or also includes manholes in storm water systems. Reading the proposed rules change appears to not address that question.

NASSCO is a not-for-profit association dedicated to establishing and implementing standards for the rehabilitation of underground utilities. The organization's several hundred members represent rehabilitation industry manufacturers and suppliers, municipalities and utility districts, engineers, and contracting firms.

FOR MORE INFORMATION:

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