

## § 1926.26

## 29 CFR Ch. XVII (7-1-06 Edition)

### § 1926.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in subpart D of this part.

### § 1926.27 Sanitation.

Health and sanitation requirements for drinking water are contained in subpart D of this part.

### § 1926.28 Personal protective equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under subpart E of this part.

### § 1926.29 Acceptable certifications.

(a) *Pressure vessels.* Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

(b) *Boilers.* Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) *Other requirements.* Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in subparts F and O of this part.

### § 1926.30 Shipbuilding and ship repairing.

(a) *General.* Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government

contract, except naval ship construction, is work subject to the Act.

(b) *Applicable safety and health standards.* For the purpose of work carried out under this section, the safety and health regulations in part 1915 of this title, Shipyard Employment, shall apply.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 61 FR 9249, Mar. 7, 1996]

### § 1926.31 Incorporation by reference.

(a) The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act. The locations where these standards may be examined are as follows:

(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, Frances Perkins Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration, which are listed in the U.S. Government Manual.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 61 FR 9249, Mar. 7, 1996; 63 FR 33468, June 18, 1998]

### § 1926.32 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) *Act* means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).

(b) *ANSI* means American National Standards Institute.

(c) *Approved* means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(d) *Authorized person* means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

(e) *Administration* means the Occupational Safety and Health Administration.

(f) *Competent person* means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(g) *Construction work*. For purposes of this section, *Construction work* means work for construction, alteration, and/or repair, including painting and decorating.

(h) *Defect* means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(i) *Designated person* means "authorized person" as defined in paragraph (d) of this section.

(j) *Employee* means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. *Laborer* generally means one who performs manual labor or who labors at an occupation requiring physical strength; *mechanic* generally means a worker skilled with tools. See 18 Comp. Gen. 341.

(k) *Employer* means contractor or subcontractor within the meaning of the Act and of this part.

(l) *Hazardous substance* means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

(m) *Qualified* means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

(n) *Safety factor* means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(o) *Secretary* means the Secretary of Labor.

(p) *SAE* means Society of Automotive Engineers.

(q) *Shall* means mandatory.

(r) *Should* means recommended.

(s) *Suitable* means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 58 FR 35078, June 30, 1993]

#### § 1926.33 Access to employee exposure and medical records.

NOTE: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1020 of this chapter.

[61 FR 31431, June 20, 1996]

#### § 1926.34 Means of egress.

(a) *General*. In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.