

Advocacy Recommends That OSHA Re-evaluate Several Provisions in Its Proposed Electric Power Rule

On January 9, 2006, the U.S. Small Business Administration's Office of Advocacy (Advocacy) submitted comments to the Occupational Safety and Health Administration (OSHA) on the Proposed Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment Rule.¹ OSHA's proposed rule would update the existing OSHA standard for the construction of electric power transmission and distribution installations to make it consistent with the more recently promulgated general industry standard for maintenance and repair of electric power lines and equipment, and would make other changes to both standards, including provisions related to host employers and contractors, training, protective clothing, and more.

OSHA's proposed electric power rule is designed to improve safety for employees maintaining or constructing electric power transmission or distribution installations. The proposal was developed after the agency hosted a Small Business Advocacy Review Panel in accordance with the Small Business Regulatory Enforcement Fairness Act.² The panel received input from small entity representatives (SERs) who offered suggestions on ways to improve the rule, many of which were incorporated into the proposal. However, Advocacy's comments note that several of the recommendations of the panel were not incorporated into the proposed rule. A complete copy of Advocacy's letter to OSHA is available at www.sba.gov/advo/laws/comments/.

- OSHA's proposed rule would impose new duties on host employers and the contractors they hire to work on their installations and transmission lines. Advocacy reiterated its concerns about these provisions and recommended that OSHA consider removing them altogether.
- OSHA's proposed rule includes new training requirements that extend beyond the scope of the proposed rule. Advocacy expressed concern that this language is overly broad and could be viewed as covering other, non-specified hazards at the worksite. Advocacy recommends that OSHA re-evaluate this language and consider limiting the scope of training, as recommended by the panel.
- Finally, OSHA's proposed rule would require employers to assess the workplace for hazards from flames or electric arcs and would treat protective clothing as personal protective equipment (PPE), a departure from current OSHA policy. Advocacy recommends that OSHA fully vet this issue in a rulemaking process before imposing new mandates.

For more information about OSHA's Proposed Electric Power rule, please visit Advocacy's Web page at www.sba.gov/advo or contact Bruce Lundegren, Assistant Chief Counsel, at (202) 205-6144 or bruce.lundegren@sba.gov.

¹ 70 Fed. Reg. 34822 (June 15, 2005).

² 5 U.S.C. § 609(b).