

CONSENSUS STANDARDS PROJECT



The Problem

- There are about 225 consensus standards incorporated by reference in about 500 provisions of OSHA standards.
- Just about all of these consensus standards are out of date, many are out of print, others are no longer classified as a “national consensus standard.”
- Finding a way to keep OSHA standards up to date with the most current consensus standards remains a significant challenge.

Three Rulemaking Approaches

- Direct Final Rule to update incorporated by reference consensus standards or to revoke “non-controversial”, “low-burden” references.
- Technical Amendment to update consensus standards used in notes/appendices, but which were not directly incorporated—impose no burden.
- Proposed Rule to revise or otherwise change references.

Examples: Direct Final Rule to Revoke Obsolete References

- DFR/NPRM to revoke 5 references published November 24, 2004.
- ANSI Z 4.2 -1942 Drinking Water Fountains
- ANSI B71.1-1978 – Safety Specifications for Power Lawn Mowers (sold for residential use)
- ANSI D8.1-1967 – Practices for Railroad Highway Grade Crossing Protection (Saw Mills)
- 15 comments, one from the US Chamber of Commerce deemed a “Significant Adverse Comment.”
- DFR withdrawn February 18, 2005.
- Final Rule Published on September,13, 2005.

Example: Update via Proposed Rule

- May 17, 2007, published a Notice of Proposed Rulemaking updating references to certain consensus standards related to head, eye and face, and foot protection.
- The Agency held an informal public hearing on the Notice of Proposed Rulemaking on December 4, 2007.
- OSHA published a Final Rule on September 9, 2009 and it became effective on October 9, 2009.

Acetylene Standard Update

- On August 11, 2009, OSHA published a Direct Final Rule and accompanying Notice of Proposed Rulemaking - updating references to consensus standards in OSHA's Acetylene standard.
- OSHA received no adverse comments and the Final rule took effect on November 9, 2009.

29 CFR 1910.102 Acetylene (previous version)

- (a) "Cylinders." The in-plant transfer, handling, storage, and utilization of acetylene in cylinders shall be in accordance with **Compressed Gas Association Pamphlet G-1-1966**, which is incorporated by reference as specified in Sec. 1910.6.
- (b) "Piped systems." The piped systems for the inplant transfer and distribution of acetylene shall be designed, installed, maintained, and operated in accordance with **Compressed Gas Association Pamphlet G-1.3-1959**, which is incorporated by reference as specified in Sec. 1910.6.
- (c) "Generators and filling cylinders." Plants for the generation of acetylene and the charging (filling) of acetylene cylinders shall be designed, constructed, and tested in accordance with the standards prescribed in **Compressed Gas Association Pamphlet G-1.4-1966**, which is incorporated by reference as specified in Sec. 1910.6.

29 CFR 1910.102 Acetylene (2009 update)

- (a) Cylinders. Employers must ensure that the in-plant transfer, handling, storage, and use of acetylene in cylinders comply with the provisions of **CGA Pamphlet G-1-2003 ("Acetylene")** (Compressed Gas Association, Inc., 11th ed., 2003).
- (b) Piped systems.
 - (1) Employers must comply with Chapter 9 ("Acetylene Piping") of **NFPA 51A-2006 ("Standard for Acetylene Charging Plants")** (National Fire Protection Association, 2006 ed., 2006).
 - (2) When employers can demonstrate that the facilities, equipment, structures, or installations used to generate acetylene or to charge (fill) acetylene cylinders were installed prior to February 16, 2006, these employers may comply with the provisions of Chapter 7 ("Acetylene Piping") of **NFPA 51A-2001 ("Standard for Acetylene Charging Plants")** (National Fire Protection Association, 2001 ed., 2001).
 - (3) The provisions of Sec. 1910.102(b)(2) also apply when the facilities, equipment, structures, or installations used to generate acetylene or to charge (fill) acetylene cylinders were approved for construction or installation prior to February 16, 2006, but constructed and installed on or after that date.
 - (4) For additional information on acetylene piping systems, see **CGA G-1.2-2006, Part 3 ("Acetylene piping")** (Compressed Gas Association, Inc., 3rd ed., 2006).
- (c) Generators and filling cylinders.
 - (1) Employers must ensure that facilities, equipment, structures, or installations used to generate acetylene or to charge (fill) acetylene cylinders comply with the provisions of **NFPA 51A-2006 ("Standard for Acetylene Charging Plants")** (National Fire Protection Association, 2006 ed., 2006).
 - (2) When employers can demonstrate that the facilities, equipment, structures, or installations used to generate acetylene or to charge (fill) of acetylene cylinders were constructed or installed prior to February 16, 2006, these employers may comply with the provisions of **NFPA 51A-2001 ("Standard for Acetylene Charging Plants")** (National Fire Protection Association, 2001 ed., 2001).
 - (3) The provisions of Sec. 1910.102(c)(2) also apply when the facilities, equipment, structures, or installations were approved for construction or installation prior to February 16, 2006, but constructed and installed on or after that date.

Results and the Way Forward

- Consensus Standards Umbrella Project completed (low hanging fruit picked)
- This speaker sees the Consensus Standards Project as a moderate success.
- Need more frequent updates to turn corner
 - Develop expectation that updates will occur
 - Use direct final rules whenever appropriate
 - Boilerplate preambles
 - Bring in newer standards (as compliance alternatives if necessary)
 - Drop older ones as soon as “reasonable”



**Occupational Safety and
Health Administration**