



State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety

AKOSH Program Directive 06-03

Date: September 20, 2005

To: Distribution List

From: Grey R. Mitchell Director

Subject: **29 CFR 1910 – Update of OSHA Standards based on Consensus Standards: Hazardous Materials; Flammable and Combustible Liquids; Temporary Labor Camp Gen. Environmental Controls; Guarding of Hand & Portable Powered Tools; Special Industries – Sawmills – Welding, Cutting & Brazing, Arc Welding & Cutting – Final Rule**

This Program Directive, PD 06-03, is notice that Alaska Department of Labor & Workforce Development, Division of Labor Standards & Safety will incorporate the Final Rule updating 29 CFR Part 1910 based on the National Consensus Standards as published in the Federal Register on September 13, 2005.

Effective Date: November 14, 2005

Reference: OSHA is deleting three references to national consensus standards and two references to industry standards that are outdated.

1. **29 CFR 1910.106 Flammable and combustible liquids**

1910.106(b)(1)(iii)(a)(2) American Petroleum Institute Standards No. 12A, *Specification for Oil Storage Tanks with Riveted Shells*, Seventh Edition, September 1951, or No. 650, *Welded Steel Tanks for Oil Storage*, Third Edition, 1966.

The reference to API No. 12A is revoked since it is over 50 years old and does not consider recent developments in the construction of atmospheric tanks. Originally it only provided an alternative means of compliance, and this revocation does not change an employer's responsibility for constructing atmospheric tanks under 29 CFR 1910.106(b)(1)(iii)(a).

Paragraph (b)(1)(iii)(a)(2) of Sec. 1910.106 is revised to read as follows:

Sec. 1910.106 Flammable and combustible liquids.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(a) * * *

(2) American Petroleum Institute Standards No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

2. 29 CFR 1910.142 Temporary labor camps

1910.142(c)(4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. The construction of drinking fountains shall comply with ANSI Standard *Specifications for Drinking Fountains, Z4.2-1942*, which is incorporated by reference as specified in Sec. 1910.6. Common drinking cups are prohibited.

The reference to ANSI Z4.2-1942 is revoked since the specific recommendations use advisory language that is unenforceable, and the recommendations are for technology that has changed considerably since the 1940's. Appropriate newer technology is not considered in ANSI Z4.2-1942.

Paragraph (c)(4) of Sec. 1910.142 is revised to read as follows:

Sec. 1910.142 Temporary labor camps.

* * * * *

(c) * * *

(4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. Common drinking cups are prohibited.

3. 29 CFR 1910.243 Guarding of portable powered tools

1910.243(e)(1)(i) Power lawnmowers of the walk-behind, riding-rotary, and reel power lawnmowers designed for sale to the general public shall meet the design specifications in *American National Standard Safety Specifications for Power Lawnmowers* ANSI B71.1-X1968, which is incorporated by reference as specified in Sec. 1910.6. These specifications do not apply to a walk-behind mower which has been converted to a riding mower by the addition of a sulky. Also, these specifications do not apply to flail mowers, sicklebar mowers, or mowers designed for commercial use.

OSHA revokes from the portable powered tools standard the requirement that certain power mowers for sale to the general public conform to ANSI B71.1-X1968. This is replaced by a reference to the general machine guarding requirements contained in 29 CFR 1910.212. Additionally, the last two sentences of 1910.243(e)(1)(i) are also revoked to eliminate confusion as to the scope of the standard.

Paragraph (e)(1)(i) of Sec. 1910.243 is revised to read as follows:

Sec. 1910.243 Guarding of portable powered tools.

* * * * *

(e) * * *

(1) * * *

(i) Power lawnmowers of the walk-behind, riding-rotary, and reel power lawnmowers shall be guarded in accordance with the machine guarding requirements in 29 CFR 1910.212, General requirements for all machines.

4. **29 CFR 1910.254 Arc welding and cutting**

1910.254(d)(1) Operation and Maintenance. General. Workmen assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of this section and with 1910.252 (a), (b), and (c) of this part; if doing gas-shielded arc welding, also *Recommended Safe Practices for Gas-Shielded Arc Welding*, A6.1-1966, American Welding Society, which is incorporated by reference as specified in Sec. 1910.6.

The reference to A6.1-1966 is revoked because the hazard information included is extremely outdated particularly when compared to that in the required hazard communication standard 29 CFR 1910.1200. Recommendations in A6.1-1966 are covered elsewhere in the welding standards (1910.252(a-c)) and in 29 CFR 1910 part 1910, subpart Z (Toxic and Hazardous Substances).

Paragraph (d)(1) of Sec. 1910.254 is revised to read as follows:

Sec. 1910.254 Arc welding and cutting.

* * * * *

(d) * * *

(1) General. Workers assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of this section and with 1910.252 (a), (b), and (c) of this part.

5. **29 CFR 1910.265 Sawmills**

1910.265(c)(3)(i) Hazardous crossings. Railroad tracks and other hazardous crossings shall be plainly posted and appropriate traffic control devices (*American National Standard D8.1-1967 for Railroad-Highway Grade Crossing Protection*, which is incorporated by reference as specified in Sec. 1910.6) should be utilized.

The reference to D8.1-1967 is revoked. ANSI withdrew this standard in 1981 and did not replace it. The reference used advisory language and was unenforceable. OSHA is retaining the mandatory provision in 1910.265 (c)(3)(i) that employers plainly post railroad tracks and other hazardous

crossings to ensure that employees are alerted to potential hazards at dangerous areas.

Paragraph (c)(31)(i) of Sec. 1910.265 is revised to read as follows:

Sec. 1910.265 Sawmills.

* * * * *

(c) * * *

(31) * * *

(i) Hazardous crossings. Railroad tracks and other hazardous crossings shall be plainly posted.

Please ensure that all members of your staff receive a copy of the Federal Register for Tuesday, September 13, 2005 (pp 53925-53929) detailing the changes and revised language, and this program directive and understand how to implement these revisions.

Attachments: FR 9/13/05 – 53925-52929

Distribution List w/o attachment

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