

Confined Spaces Press Call
Talking Points for Assistant Secretary David Michaels
May 1, 2015

Thank you Deputy Secretary Lu. We greatly appreciate the support you've provided us in finalizing this rule. Without your help, we would not have been able to reach the finish line in this important effort.

All workers have the right to a safe and healthy workplace. And it only makes sense that all workers have similar protections when working around the same hazards.

Confined spaces, such as sewers, manholes, crawl spaces and tanks, are not intended for continuous occupancy. They can be very difficult to exit and they can be deadly.

This new rule will afford construction workers the same level of protections as workers in other industries who work in confined spaces.

We estimate that every year, this rule will prevent 780 serious injuries and save the lives of 5 construction workers. If this new rule had been in place and followed, it could have saved the lives of two workers killed in Georgetown, Idaho last year, who Deputy Secretary Lu discussed in his remarks.

Bo Taylor was applying an aerosol sealant in a manhole, when he was overcome by fumes and fell into 3 feet of water at the bottom of the manhole. Trent Sorenson, Bo's uncle and the site superintendent, went into the manhole to rescue his nephew, and was also overcome by the fumes.

Trent's son, Tyler, left to call for help. A volunteer arrived and attempted rescue using his own self-contained breathing apparatus, but the mask leaked and the volunteer had to stop the rescue attempt. EMTs arrived approximately 45 minutes after Bo lost consciousness. Neither of the two men survived.

With proper planning, ventilation, rescue training, proper equipment and prior engagement with local emergency services, Bo Taylor and Trent Sorenson could be alive today.

The rule we are announcing today cannot go back and save the lives of Bo and Trent, but we know that from this day forward, workers' lives will now be saved and serious injuries prevented by this new rule.

This rule will provide construction workers with protections already afforded to workers in manufacturing and general industry, with some differences tailored to the construction industry.

Unlike most general industry worksites, construction sites are continually evolving, with the number and characteristics of confined spaces changing as work progresses. This rule emphasizes training, continuous worksite evaluation, and communication requirements to further protect workers' safety and health.

Here are a few of the requirements in the new rule that differ from those in the existing general industry rule:

- A "competent person" must conduct the initial jobsite evaluation in the final rule. The OSHA standard that applies to manufacturing and general industry standard does not specify who has to conduct the evaluation. The competent person approach is common in construction industry rules.
- Information exchange requirements in the final rule inform employers what discussions must be conducted, and when, during confined space entry.
- Air contaminant and engulfment hazard monitoring must be done continuously, as the technology is readily available for most hazards. For substances where continuous monitoring technology is not available, periodic monitoring is required.
- The construction rule explicitly requires employers to coordinate emergency services before workers enter the confined space.
- During "controlled atmosphere" entry, employers may isolate physical hazards rather than eliminate all of them (such as using lock-out/tag-out, blocking off access to struck-by hazards, etc.). This is not inconsistent with interpretations issued for the General Industry rule, but is clarified in the final rule for construction.

The final rule will be officially published in the Federal Register on Monday May 4th and become effective on August 3, 2015.

To help employers, workers and others understand the new requirements we have developed a new website that contains compliance assistance materials such as frequently asked questions and educational fact sheets . We will continue to add additional outreach documents as they become available.

As you heard earlier, we estimate this new rule will prevent almost 800 serious injuries and save 5 lives every year.

That's why we are here today and that's why this rule is so important. Thank you.