VOSH PROGRAM DIRECTIVE: **12-248E** **ISSUED**: **15 February 2018**

SUBJECT **Electric Power Generation, Transmission and Distribution and Amendments, Parts 1910 and 1926**

Purpose

CHANGE IV: This change transmits to field personnel amendments to the Electric Power Generation, Transmission and Distribution standard, which resulted from the adoption of the Final Rule on Walking-Working Surfaces (81 FR 82494, *18 November 2016*). **CHANGE III**: This Change reflects correcting amendments to §1910.269 (a)(1)(i)(E) and to §1926.950 as they relate to "line-clearance tree trimming". It also corrects minor errors in Table R-6 of §1910.269 and in Table V-2 of §1926.960. **CHANGE II:** This Change reflects corrections to more than 70 errors found in the recent final rule on Electric Power Generation, Transmission and Distribution. Some of the corrections were non-substantive, such as fixing typographical errors, while other changes corrected mistakes, such as references to the wrong OSHA standard. **CHANGE I:** This directive transmits to field personnel consistent requirements for work performed under the Construction Industry, Subpart V of Part 1926, and General Industry standards for Electric Power Generation, Transmission and Distribution, §1910.269, and amended Electrical Protective Equipment, §1910.137.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope

This directive applies to all VOSH personnel.

References

CHANGE IV: 81 FR 82494 (*18 November 2016*)
CHANGE III: 80 FR 60033 (10/05/15) (Issued: May 1, 2016)
CHANGE II: 79 FR 56955 (09/24/14) (Issued: January 15, 2015); and
CHANGE I: 79 FR 20316 (April 11, 2014) (Issued: July 15, 2014)

Cancellations

CHANGE IV: VOSH PD 12-248D *(01 May 2016)*
CHANGE III: VOSH PD 12-248C (*15 January 2015*)
CHANGE II: VOSH PD 12-248B (*15 July 2014*)
CHANGE I: VOSH PD 12-223A (15 *December 15, 2005*); and VOSH PD 12-248A (01 April 1995)

C. Ray Davenport
Commissioner

Effective Date 15 February 2018

Action Directors and Managers shall assure that field personnel and employers understand and comply with the requirements of these standards.

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & OIS Staffs
Cooperative Programs Manager
VOSH Compliance & Cooperative Programs Staffs
OSHA Region III & Norfolk Area Offices

Attachments:

CHANGE IV: 81 FR 82494 (*18 November 2016*)
https://www.osha.gov/FedReg_osha_pdf/FED20161118.pdf

CHANGE III: None. 80 FR 60033 (October 5, 2015)
http://www.osha.gov/FedReg_osha_pdf/FED20151005E.pdf

CHANGE II: None. 79 FR 56955 (September 24, 2014)
http://www.osha.gov/FedReg_osha_pdf/FED20140924.pdf

CHANGE I: None. 79 FR 20316 (April 11, 2014) or refer to link below:
http://www.osha.gov/FedReg_osha_pdf/FED20140411.pdf

I. Background.

CHANGE IV: On November 18, 2016, federal OSHA published its new Final Rule on Walking-Working Surfaces (81 FR 82494), which also impacted §1910.269, Electric Power Generation, Transmission and Distribution, in the General Industry's Subpart R – Special Industries.

On February 16, 2017, the Safety and Health Codes Board adopted the new Final Rule on Walking-Working Surfaces and its resulting amendments to §1910.269, with an effective date of May 15, 2017.

CHANGE III: In 1994, when OSHA promulgated §1910.269, the Electric Power Generation, Transmission, and Distribution standard, the definition of "line-clearance tree trimming" in §1910.269(x) made the location of the tree or brush the key determining factor in deciding whether a trimming activity is line-clearance tree trimming. Consequently, any trimming or other maintenance of any tree or brush that is within the specified distances of an electric power line is line-clearance tree trimming, irrespective of the purpose of the activity or the occupation of the worker. Notwithstanding this definition, the only line-clearance tree trimming OSHA intended §1910.269 to cover is line-clearance tree trimming performed: 1) for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment; and 2) on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment.

After OSHA revised §1910.269 in 2014, tree care industry representatives raised questions that led OSHA to believe that the industry was unclear about the application of §1910.269, with respect to certain tree-trimming work. As a result, OSHA examined the relevant regulatory language in the general industry standards on Electrical Safety-Related Work Practices in Subpart S and on Electric Power Generation, Transmission and Distribution Work, §1910.269.

OSHA determined that the scope provisions in §1910.331 did not accurately explain the applicability of the Electrical Safety-Related Work Practices standard at §§1910.331 through 1910.335 to qualified persons performing work near, but not on or directly associated with, the installations listed in §1910.331(c)(1) through (c)(4), including electric power generation, transmission, and distribution installations. As a result, OSHA made the necessary corrections to provide improved clarity.

At its meeting on March 3, 2016, the Safety and Health Codes Board adopted federal OSHA's correcting amendments, with an effective date of June 15, 2016 (now July 1, 2016 to comply with APA requirements for publication) for the following standards: Electrical Safety-Related Work Practices, §1910.331; Electric Power Generation, Transmission and Distribution, §1910.269; General, §1926.950; and Working On or Near Exposed Energized Parts, §1926.960.

CHANGE II: On April 11, 2014, federal OSHA published the Final Rule for Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment (79 FR 20316). The Final Rule: (1) revised its general industry and construction standards at §1910.269 and in Part 1926, Subpart V, respectively; (2) revised its general industry standard for electrical protective equipment at §1910.137, and added a corresponding standard for construction at §1926.97; and (3) revised several other related provisions in federal OSHA's standards for general industry and construction. By updating those standards, federal OSHA made the general industry and construction standards consistent.

Following publication of the final rule, federal OSHA identified errors in both the preamble discussion and the related regulatory text. One of those errors was in federal OSHA's explanation of training

requirements for unqualified employees. The preamble stated that unqualified employees who operate, but do not maintain, circuit breakers must receive training in accordance with §1910.269(a)(2)(i) or §1926.950(b)(1) of Subpart V, but in other places in the preamble, in general, neither 1910.269 nor Subpart V govern electrical safety-related work practices used by unqualified employees; therefore, OSHA corrected the preamble to indicate that unqualified employees generally must receive training under §1910.332 or §1926.21(b), whichever is applicable.

In Appendix A-2 to 1910.269, the flow chart inaccurately described how to determine whether §1910.269 or Subpart S, Electrical, §§1910.201-399, of Part 1910 contained the applicable safety requirements for electrical safety-related work practices. The chart began by asking if the employee was qualified as defined in §1910.269(x). In Subpart V, §1926.950(a)(1)(ii) states explicitly that Subpart V does not apply to electrical safety-related work practices for unqualified employees. Thus, for purposes of Subpart V, if a worker is not a qualified employee, as defined in §1926.968, Subpart V does not address the electrical safety-related work practices that employees must use.

The exemption in final §1910.269(a)(1)(ii)(B) is less direct, excluding electrical safety-related work practices covered in Subpart S of Part 1910. Section 1910.331 (b) of Subpart S provides that §§1910.332 through 1910.333 apply to work performed by unqualified persons on, near, or with electric power generation, transmission, or distribution installations. Consequently, electrical safety-related work practices for employees who are not qualified persons, as that term is defined in §1910.399 of Subpart S, are in Subpart S, not §1910.269. This class of employee includes, in particular, line clearance tree trimmers. For this reason, OSHA changed the first question in the flow chart in Appendix A-2 to §1910.269 so that it refers to the definition of "qualified" employee in §1910.399, instead of §1910.269(x).

In Table 1 to Appendix A-2, federal OSHA corrected references to match the corresponding provisions in the final rule. It also added references to new provisions that have no counterpart in Subpart S to the list of provisions requiring compliance regardless of compliance with Subpart S (specifically, the information-transfer requirements in §1910.269(a)(3) and the requirements on protections from flames and electric arcs in §1910.269(l)(8)). Additionally, federal OSHA moved §1910.269(i)(3) on portable and vehicle-mounted generators from the list of provisions that apply regardless of compliance with Subpart S to the list of provisions for which compliance with Subpart S is deemed to be compliance with §1910.269. When OSHA adopted the previous version of §1910.269 in 1994, Subpart S did not contain requirements for portable or vehicle-mounted generators.

OSHA also found an error in the regulatory text of final §1910.269(h), which contains requirements for portable ladders and platforms. This rulemaking restored to the general industry provision, §1910.269(h)(2)(i), language that had been inadvertently dropped from the previous version of the standard with respect to the strength requirement for portable ladders.

On December 11, 2014, the Safety and Health Codes Board adopted federal OSHA's correcting amendments to the final rule for Electric Power Generation, Transmission, and Distribution, §1910.269, with an effective date of February 15, 2015.

CHANGE I: Federal OSHA first adopted standards for the construction of power transmission and distribution lines and equipment in 1972 (Subpart V of Part 1926). Federal OSHA defines the term "construction work" in §1910.12(b) as "work for construction alteration, and/or repair, including painting and decorating." The term "construction" is broadly defined in §1910.12(d) and existing

§1926.950(a)(1) to include the original installation of , as well as the alteration, conversion, and improvement of electric power transmission and distribution lines and equipment.

On January 31, 1994, federal OSHA adopted §1910.269, the General Industry Electric Power Generation, Transmission, and Distribution standard, which is a companion standard to Subpart V of the Construction Industry standards. Section 1910.269 applies to the operation and maintenance of electric power generation, transmission, and distribution installations, and addresses work to which Subpart V did not apply. At the time it was promulgated, §1910.269 was also based on the latest technology and national consensus standards.

The Safety and Health Codes Board adopted federal OSHA's final rule for Electrical Power Generation, Transmission, and Distribution, §1910.269, along with an amendment to the Electrical Protective Equipment standard, §1910.137, on April 25, 1994, with an effective date of July 1, 1994, except for the training requirements for the Electrical Power Generation, Transmission, and Distribution standard, §1910.269(a)(2),which had an effective date of January 31, 1995.

On June 15, 2005, federal OSHA published a proposed rule (the Subpart V proposal) to revise the Construction Industry standard for Electric Power Transmission and Distribution work (Part 1926, Subpart V) and the General Industry standards for Electric Power Generation, Transmission, and Distribution (§1910.269).

On June 5, 2014, the Safety and Health Codes Board adopted federal OSHA's Final Rule for Electric Power Generation, Transmission, and Distribution and Electrical Protective Equipment, Part 1910, General Industry, and Part 1926, Construction Industry, with an effective date of September 1, 2014, and repealed the Virginia Unique regulation, 16VAC25-155, General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry – Subpart V (§1926.950 (c)(1)(i)), which was no longer necessary.

II. Summary.

CHANGE IV: In addition to promulgating the new standard on Walking-Working Surfaces, federal OSHA amended §1910.269, Electric Power Generation, Transmission and Distribution, by revising paragraphs (g)(2)(i) and (g)(2)(iv)(B) to require that personal fall arrest systems be in compliance with Subpart I of Part 1910 – Personal Protective Equipment. Paragraph (g)(2)(iv)(C)(1) of §1910.269 requires each employee working from an aerial lift to use a travel restraint system or a personal fall arrest system.

CHANGE III: OSHA corrected the Electrical Safety-Related Work Practices standard for General Industry and the Electric Power Generation, Transmission and Distribution standards for General Industry and the Construction Industry to provide additional clarification regarding the applicability of the standard to certain operations, including some tree trimming work that is performed near, but that is not on or directly associated with, electric power generation, transmission, and distribution installations. OSHA also corrected minor errors in two minimum approach distances tables in the general industry and construction standards for electric power generation, transmission and distribution work. The corrections are as follows:

1) Expressly limiting the scope of §1910.269 as it relates to line-clearance tree trimming by revising §1910.269(a)(1)(i)(E) to state explicitly that the standard applies to line-clearance tree trimming only to the extent it is performed for the purpose of clearing space around electric power

generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment.

2) Adding a note to the definition of "line-clearance tree trimming" in §1910.269(x), with corresponding revisions to Note 2 to the definition of "line-clearance tree trimmer," to explain that:

   a) The scope of §1910.269 limits the application of the standard to line-clearance tree trimming as noted in §1910.269(a)(1)(i)(E);

   b) Tree trimming that is performed on behalf of a homeowner or commercial entity other than an organization that operates, or that controls the operating procedures for, electric power generation, transmission, or distribution lines or equipment, or that is not for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment, is not directly associated with an electric power generation, transmission, or distribution installation and is not covered by §1910.269.

   c) Revising Appendix A-3 to §1910.269 to reflect the clarifications in this correcting amendment.

   d) Replacing terms, such as "line-clearance tree-trimming operations" and "line-clearance tree-trimming work," wherever they appear in §1910.269 and Subpart V of Part 1926 with "line-clearance tree trimming" and revising §1926.950(a)(3) to correspond to the changes to §1910.269(a)(1)(i)(E), noted earlier.

   e) Referencing the scope of §1910.269 in Note 3 to §1910.331(c)(1).

   f) Correcting minor errors in Table R-6 of §1910.269 of Subpart R and in Table V-5 of §1926.960 in Subpart V of Part 1926. Table R-3 of §1910.269 and Table V-2 of §1926.960 in Subpart V, which contain equations for employers to use to establish minimum approach distances from energized parts of electric circuits, set the minimum approach distance for 50 to 300 volts as "avoid contact." Using the equations in Table R-3 and Table V-2, Table R-6 and Table V-5 provide default minimum approach distances for voltage ranges up to 72.5 kilovolts.

   g) The latter two tables, Table R-6 and Table V-5, erroneously list the first voltage range as 0.50 to 0.300 kilovolts. The correct voltage range is 0.050 to 0.300 kilovolts. Additionally, the word, "to", is missing between the voltages in the first voltage range in Table V-5 of §1926.960. Accordingly, OSHA has corrected Table R-6 and Table V-5.

The note to the definition of "enclosed space" in paragraph (x) of §1910.269, Electric Power Generation, Transmission, and Distribution, states that enclosed spaces expected to contain a hazardous atmosphere meet the definition of "permit spaces" in §1910.146, and entry into them shall conform to that standard. In §1926.968, Definitions, federal OSHA added a note to the definition of "enclosed space" that corresponds to the note in paragraph §1910.269(x), replacing the reference to "§1910.146" with a reference to "Subpart AA. "

CHANGE II: Federal OSHA corrected numerous errors found in its Final Rule for Electric Power Generation, Transmission, and Distribution, §1910.269; and Electrical Protective Equipment. Corrections to §1910.269 of Subpart R, Special Industries, and to §§ 1926.960 and 1926.968 of Subpart V, Electric Power Transmission and Distribution, are summarized below:

A. §1910.269 of Subpart R, Special Industries:

- Revised paragraph (h)(2)(i) to include the strength requirement for portable ladders that had been inadvertently dropped during the adoption of the provision in the final §1910.269. Paragraph now reads: "In the configurations in which they are used, portable ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load";

- Revised the equation in Table R-3, AC Live-Line Work Minimum Approach Distance, under the entry "For phase-to-phase system voltages of more than 72.5 kV, nominal", in the thirteenth row;
- In footnote 2, revised "Table 6 through Table 13" to read "Table 14 through Table 21";

- In Tables R-6 and R-7, removed the bracketed expression "[In meters or feet and inches]";

- Revised Appendix A-2, Application of §1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices to correct the first question in the flow chart so that it refers to the definition of "qualified" in §1910.399, instead of the definition of that term in §1910.269(x);

- In Appendix B, Working on Exposed Energized Parts, § IV.D, removed the words "Table 7 through Table 14" wherever they appeared and added in their place the words "Table 14 through Table 21";

- In Appendix B, Working on Exposed Energized Parts, revised the title "Table 6- Minimum Approach Distances until March 31, 2015" to read "Table 6-Minimum Approach Distances until December 31, 2014";

- In Appendix C, Protection From Hazardous Differences in Electric Potential, redesignated footnotes 14, 15, 16, 17, and 18 as footnotes 1, 2, 3, 4, and 5, respectively.

- In Appendix D, Methods of Inspecting and Testing Wood Poles, redesignated footnotes 19 and 20 and footnotes 1 and 2, respectively;

- In Appendix E, Protection From Flames and Electric Arcs, redesignated footnotes 21, 22, 23, 24, 25, 26, 27, 28, and 29 as footnotes 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively;

- In Appendix E, redesignated footnotes 21, 22, 23, 24, 25, 26, 27, 28, and 29 as footnotes 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.

B. Subpart V of Part 1926, Electric Power Transmission and Distribution:

- In Tables V-5 and V-6 of §1926.950 of Subpart V, removed the parenthetical expression "(In Meters or Feet and Inches) in the table headings;

- In §1926.968, Definitions, removed "§1926.1200" and added "§1926.59" in its place in the note to the definition of "Hazardous atmosphere" (5);

- In paragraph 2 of §1926.968, Definitions, removed the word "section" and added the word "subpart" in its place; and

- In Table 2 of Appendix B to Subpart V of Part 1926, removed the words "2. Multiply by √3" and add "2. Multiply by √2" in their place.

CHANGE I: Federal OSHA adopted a new Construction Industry standard on electrical protective equipment, §1926.97, and revised the standard on the construction of electric power transmission and distribution lines and equipment, Part 1926, Subpart V. Federal OSHA also revised the General Industry counterparts to these two Construction Industry standards, §§ 1910.137 and 1910.269, respectively. Finally, federal OSHA revised its General Industry standard on foot protection, §1910.136, to require employers to ensure that each affected employee uses protective footwear when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.
These revisions make the Construction Industry standard more consistent with comparable General Industry standards. The final rules for General Industry and the Construction Industry include new or revised provisions on host employers and contractors, training, job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection form electric arcs, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults.

The new provisions on host employers and contractors include requirements for host employers and contract employers to exchange information on hazards and on the conditions, characteristics, design, and operation of the host employer's installation. These new provisions also include a requirement for host employers and contract employers to coordinate their work rules and procedures to protect all employees.

The new standard also revises the General Industry and Construction Industry standards for Electrical Protective Equipment, §1926.97. The new standard for electrical protective equipment, which matches the corresponding General Industry standard, applies to all Construction Industry work and replaces the incorporation of out-of-date consensus standards with a set of performance-oriented requirements that is consistent with the latest revisions of the relevant consensus standards. The final Construction Industry rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. Both the General Industry and Construction Industry standards for electrical protective equipment will include new requirements for equipment made of materials other than rubber.

VOSH will use the same delayed compliance deadlines as the federal date schedule for the phase-in period for this final rule. The additional time granted to employers will serve to reduce the transitional

costs associated with the final rule.

Federal OSHA has also included numerous comparable appendices in §1910.269 and in Subpart V of Part 1926 of the final rule. Among other things, these comparable appendices provide the following:

- Information relating to the determination of appropriate minimum approach distances;
- Information on the inspection and testing of wood poles;
- Guidance on the selection of protective clothing and other protective equipment for employees exposed to flames or electric arcs;
- Tables for estimating incident-energy levels based on voltage, fault current, and clearing times; and
- References to additional sources of information that supplement the requirements of Subpart V.

The new federal final rule for Electric Power Generation, Transmission, and Distribution and Electrical Protective Equipment now provides comprehensive and uniform levels of worker protections across industries that previously were lacking in this standard and were addressed by the Board in 2004 through the adoption of the Virginia Unique regulation: 16VAC25-155, General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment, Construction Industry – Subpart V (§1926.950 (c)(1)(i)). Since this Virginia Unique regulation is no longer necessary, it was repealed; however, the Virginia unique standard for Telecommunications, 16VAC25-75, remains in effect as it was not covered by this action.

III. Implementation Schedule.

CHANGE I:

Requirement	Subpart V	§1910.269	VOSH Compliance Date
Fall protection must be used by a qualified employee climbing or changing location on poles, towers, or similar structures unless the employer can demonstrate that the climbing with fall protection is infeasible or creates a greater hazard than climbing or changing location without it.	§1926.954(b)(3)(iii)(C)	(g)(2)(iv)(C)(3)	**April 1, 2015**
Work-positioning systems must be rigged so that an employee can free fall no more than 0.6 m (2 ft).	§1926.954(b)(3)(iv)	(g)(2)(iv)(D)	**April 1, 2015**
Until the compliance deadline, employers may continue to use the minimum approach distances in existing Subpart V and 1926.269 for voltages of 5.1 kilovolts and more. After the compliance deadline, employers must determine the maximum anticipated per-unit transient overvoltage, phase-to-ground in accordance with 1926.960(c)(1)(ii) and 1910.269(l)(3)(ii) and must establish minimum approach distances in accordance with 1926.960(c)(1)(i) and 1910.269(l)(3)(i).	§1926.960(c)(1) and Table V-2	(l)(3) and Table R-3	**April 1, 2015**
The employer must make a reasonable estimate of the incident heat energy to which the employee would be exposed.	§1926.960(g)(2)	(l)(8)(ii)	**Jan. 1, 2015**
The employer must ensure that the outer layer of clothing, except for clothing not required to be arc rated, is flame resistant when the estimated incident heat energy exceeds 2.0 cal/cm^2.	§1926.960(g)(4)(iv)	(l)(8)(iv)(D)	**April 1, 2015**
The employer must ensure that employees with exposure to electric-arc hazards wear protective clothing and other protective equipment with an arc rating greater than or equal to the estimated heat energy whenever that estimate exceeds 2.0 cal/cm^2.	§1926.960(g)(5)	(l)(8)(v)	**April 1, 2015**

CHANGE IV

Electric Power Generation, Transmission, and Distribution, §1910.269 [Subpart R - Special Industries]; Amendments

As Adopted by the

Safety and Health Codes Board

Date: 16 February 2017

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 May 2017

When the regulations, as set forth in the Amendments to; Electric Power Generation, Transmission, and Distribution, §1910.269 [Subpart R - Special Industries], are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
January 17, 2017	May 15, 2017

To access the Final Rule for the Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) and the Amendments to §1910.269, Electric Power Generation, Transmission, and Distribution, please click on the link below:

https://www.osha.gov/FedReg_osha_pdf/FED20161118.pdf

■ 21. In § 1910.269, revise paragraphs (g)(2)(i), (g)(2)(iv)(B), and (g)(2)(iv)(C)(1) to read as follows:

§ 1910.269 Electric power generation, transmission, and distribution.

* * * * *

(g) * * *

(2) * * *

(i) Personal fall arrest systems shall meet the requirements of subpart I of this part.

* * * * *

(iv) * * *

(B) Personal fall arrest systems shall be used in accordance with subpart I of this part.

Note to paragraph (g)(2)(iv)(B): Fall protection equipment rigged to arrest falls is considered a fall arrest system and must meet the applicable requirements for the design and use of those systems. Fall protection equipment rigged for work positioning is considered work-positioning equipment and must meet the applicable requirements for the design and use of that equipment.

(C) * * *

(1) Each employee working from an aerial lift shall use a travel restraint system or a personal fall arrest system.

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[FR Doc. 2016–24557 Filed 11–17–16; 8:45 am]

BILLING CODE 4510–29–P

CHANGE III

Electrical Safety-Related Work Practices, §1910.331 [Subpart S – Electrical]; Electric Power Generation, Transmission, and Distribution, §1910.269 [Subpart R - Special Industries]; General, §1926.950 [Subpart V – Power Transmission and Distribution]; and Working On or Near Exposed Energized Parts, §1926.960 [Subpart V - Power Transmission and Distribution]; Corrections

As Adopted by the

Safety and Health Codes Board

Date: March 3, 2016

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: July 1, 2016

Electrical Safety-Related Work Practices, §1910.331 - Subpart S - Electrical;
Electric Power Generation, Transmission, and Distribution, §1910.269 [Subpart R - Special Industries];
General, §1926.950 [Subpart V - Power Transmission and Distribution]; and
Working On or Near Exposed Energized Parts, §1926.960 [Subpart V - Power Transmission and Distribution]

When the regulations, as set forth in the Corrections to Electrical Safety-Related Work Practices, §1910.331 [Subpart S – Electrical]; Electric Power Generation, Transmission, and Distribution, §1910.269 [Subpart R - Special Industries]; General, §1926.950 [Subpart V - Power Transmission and Distribution]; and Working On or Near Exposed Energized Parts, §1926.960 [Subpart V - Power Transmission and Distribution], are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
October 5, 2015	July 1, 2016

To access the Correcting Amendments to the Final Rule for Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment, please click on the link below:

http://www.osha.gov/FedReg_osha_pdf/FED20151005E.pdf

The Occupational Safety and Health Administration amends parts 1910 and 1926 of title 29 of the Code of Federal Regulations as follows:

PART 1910—[AMENDED]

Subpart R—Special Industries

■ 1. The authority citation for subpart R of part 1910 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

* * * * *

■ 2. Amend § 1910.269 by:
■ a. Removing the terms ''line-clearance tree-trimming operations,'' ''line-clearance tree trimming operations,'' ''line-clearance tree-trimming work,'' and ''line-clearance tree trimming work'' in paragraphs (a)(1)(i)(E) introductory text, (a)(1)(i)(E)*(1)* and *(2)*, (a)(1)(ii)(A), (b)(1)(i), (r) subject heading and introductory text, (r)(1)(vi), and in the Note to paragraph (r)(1)(vi), and adding, in their place the term ''line-clearance tree trimming'';
■ b. Revising paragraph (a)(1)(i)(E);
■ c. In Table R–6, first entry, removing ''0.50'' and adding in its place ''0.050'';

■ d. Revising paragraph (r) introductory text;
■ e. In paragraph (x), revising Note 2 to the definition of "line-clearance tree trimmer" and adding a note to the definition of "line-clearance tree trimming"; and
■ f. Revising appendices A–3 and A–5.

The revisions and addition read as follows:

§ 1910.269 Electric power generation, transmission, and distribution.

(a) * * *
(1) * * *
(i) * * *

(E) Line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment, as follows:

(1) Entire § 1910.269, except paragraph (r)(1) of this section, applies to line-clearance tree trimming covered by the introductory text to paragraph (a)(1)(i)(E) of the section when performed by qualified employees (those who are knowledgeable in the construction and operation of the electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(2) Paragraphs (a)(2), (a)(3), (b), (c), (g), (k), (p), and (r) of this section apply to line-clearance tree trimming covered by the introductory text to paragraph (a)(1)(i)(E) of this section when performed by line-clearance tree trimmers who are not qualified employees.

* * * * *

(r) *Line-clearance tree trimming.* This paragraph provides additional requirements for line-clearance tree trimming and for equipment used in this type of work.

* * * * *

(x) * * *

Line-clearance tree trimmer. * * *

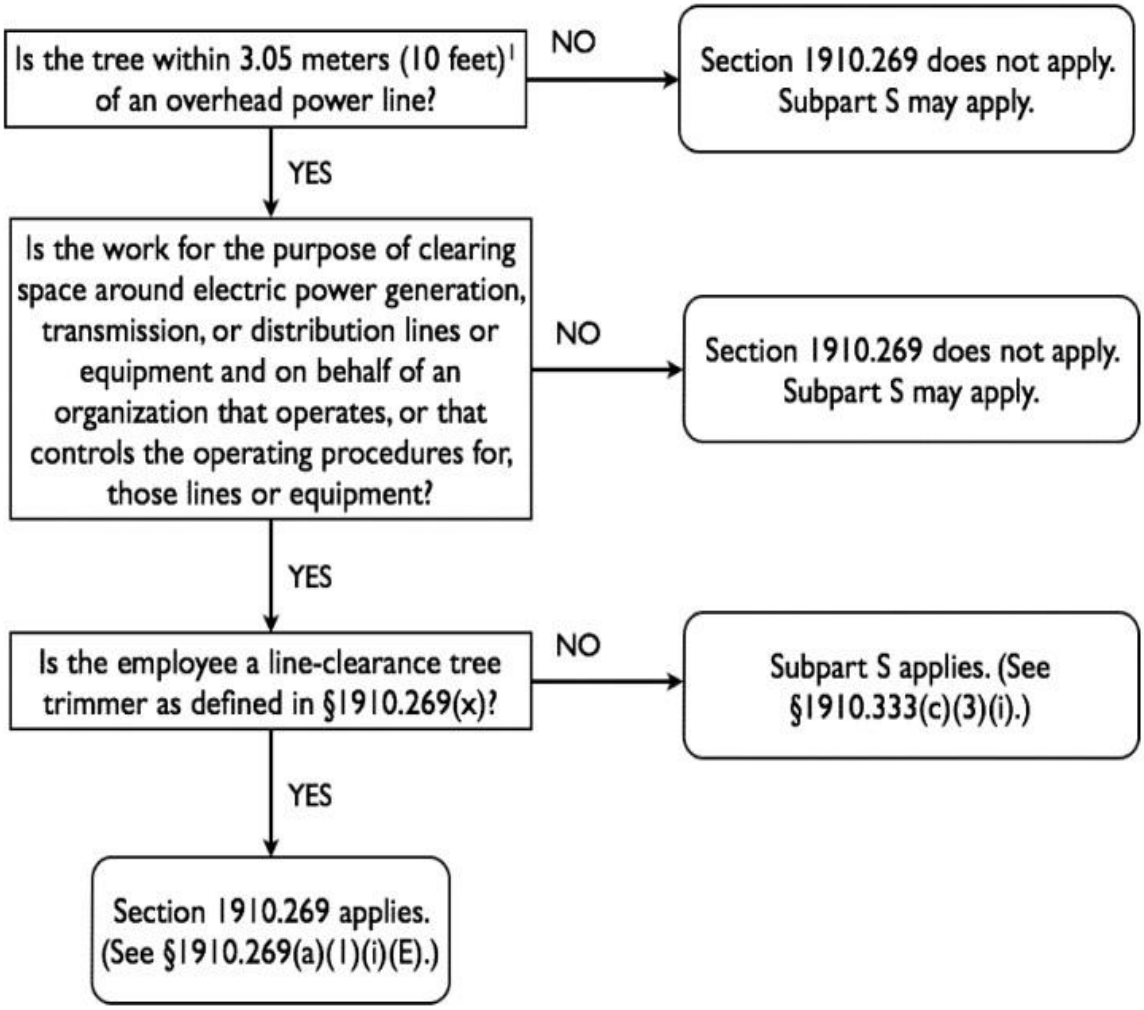
Note 2 to the definition of "line-clearance tree trimmer": A line-clearance tree trimmer is not considered to be a "qualified employee" under this section unless he or she has the training required for a qualified employee under paragraph (a)(2)(ii) of this section. However, under the electrical safety-related work practices standard in Subpart S of this part, a line-clearance tree trimmer is considered to be a "qualified employee." Tree trimming performed by such "qualified employees" is not subject to the electrical safety-related work practice requirements contained in §§ 1910.331 through 1910.335 when it is directly associated with electric power generation, transmission, or distribution lines or equipment. (See § 1910.331 for requirements on the applicability of the electrical safety-related work practice requirements contained in §§ 1910.331 through 1910.335 to line-clearance tree trimming performed by such "qualified employees," and see the note following § 1910.332(b)(3) for information regarding the training an employee must have to be considered a qualified employee under §§ 1910.331 through 1910.335.)

Line-clearance tree trimming. * * *

Note to the definition of "line-clearance tree trimming": This section applies only to line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment. See paragraph (a)(1) of this section. Tree trimming performed on behalf of a homeowner or commercial entity other than an organization that operates, or that controls the operating procedures for, electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is outside the scope of this section. In addition, tree trimming that is not for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is outside the scope of this section. Such tree trimming may be covered by other applicable standards. See, for example, §§ 1910.268 and 1910.331 through 1910.335.

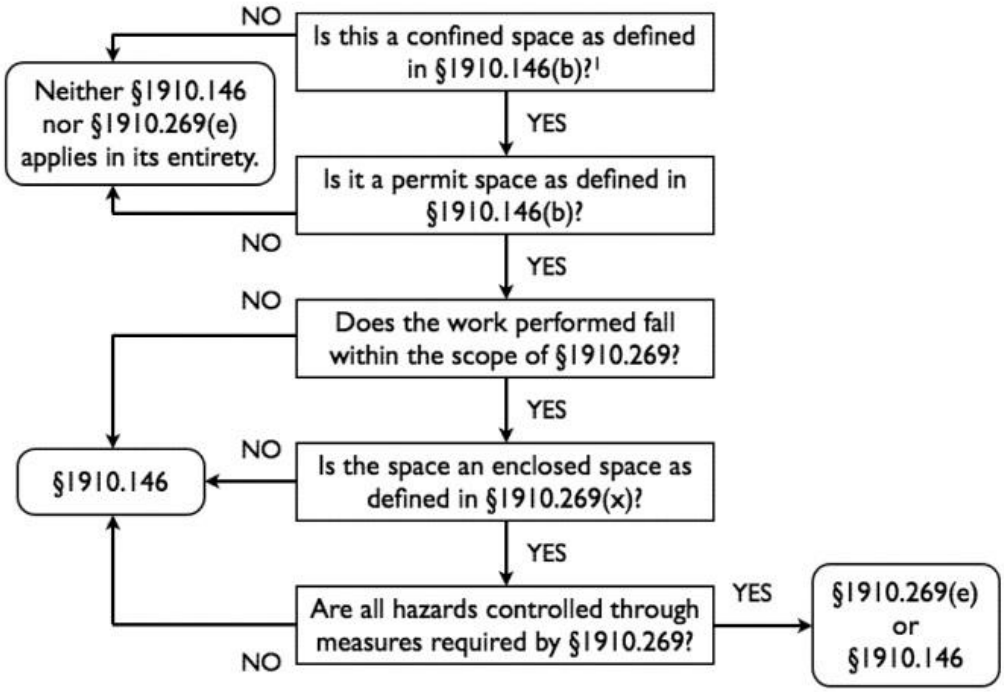
* * * * *

Appendix A-3—Application of §1910.269 and Subpart S of this Part to Tree Trimming



[1] 3.05 meters (10 feet) plus 0.1 meters (4 inches) for every 10 kilovolts over 50 kilovolts.

Appendix A-5 to §1910.269—Application of §§1910.146 and 1910.269 to Permit-Required Confined Spaces



[1]See §1910.146(c) for general nonentry requirements that apply to all confined spaces.

Note: Paragraph (t) of §1910.269 contains additional requirements for work in manholes and underground vaults.

Subpart S—Electrical

■ 3. The authority citation for subpart S of part 1910 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 8–76 (41 FR 25059), 1–90 (55 FR 9033), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

* * * * *

■ 4. Amend § 1910.331 by revising paragraph (b) and Note 3 to paragraph (c)(1) to read as follows:

§ 1910.331 Scope.

* * * * *

(b) *Other covered work.* The provisions of §§ 1910.331 through 1910.335 also cover:

(1) Work performed by unqualified persons on, near, or with the installations listed in paragraphs (c)(1) through (4) of this section; and

(2) Work performed by qualified persons near the installations listed in paragraphs (c)(1) through (c)(4) of this section when that work is not on or directly associated with those installations.

(c) * * *

(1) * * *

Note 3 to paragraph (c)(1): Work on or directly associated with generation, transmission, or distribution installations includes:

(1) Work performed directly on such installations, such as repairing overhead or underground distribution lines or repairing a feed-water pump for the boiler in a generating plant.

(2) Work directly associated with such installations, such as line-clearance tree trimming and replacing utility poles, when that work is covered by § 1910.269 (see § 1910.269(a)(1)(i)(D) and (E) and the definition of "line-clearance tree trimming" in § 1910.269(x)).

(3) Work on electric utilization circuits in a generating plant provided that:

(A) Such circuits are commingled with installations of power generation equipment or circuits, and

(B) The generation equipment or circuits present greater electrical hazards than those posed by the utilization equipment or circuits (such as exposure to higher voltages or lack of overcurrent protection).

This work is covered by § 1910.269.

* * * * *

PART 1926—[AMENDED]

Subpart V—Electric power transmission and distribution

■ 5. The authority citation for subpart V of part 1926 continues to read as follows:

Authority: 40 U.S.C. 3701 *et seq.*; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 1–2012 (77 FR 3912); and 29 CFR part 1911.

■ 6. In § 1926.950, revise paragraph (a)(3) to read as follows:

§ 1926.950 General.

(a) * * *

(3) *Applicable part 1910 requirements.* (i) Line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment shall comply with § 1910.269 of this chapter.

(ii) Work involving electric power generation installations shall comply with § 1910.269 of this chapter.

* * * * *

§ 1926.960 [Amended]

■ 7. In § 1926.960, in Table V–5, first entry, remove "0.50" and add in its place "0.050 to".

[FR Doc. 2015–25062 Filed 10–2–15; 8:45 am]

BILLING CODE 4510–26–P

CHANGE II

Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Correcting Amendments

As Adopted by the

Safety and Health Codes Board

Date: December 11, 2014

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2015

Subpart R – Special Industries
16VAC25-90-1910.269, Electric Power Generation, Transmission, and Distribution, §1910.269

Subpart V – Electric Power Transmission and Distribution,
16VAC25-175-1926.960, Working On or Near Exposed Energized Parts
16VAC25-175-1926.968, Definitions

When the regulations, as set forth in the Correcting Amendments to the Final Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms	VOSH Equivalent
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
September 24, 2014	February 15, 2015

To access the Correcting Amendments to the Final Rule for Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment, please click on the link below:

http://www.osha.gov/FedReg_osha_pdf/FED20140924.pdf

CHANGE I

Electric Power Generation, Transmission, and Distribution, and Electrical Protective Equipment, Parts 1910 and 1926; Final Rule

As Adopted by the

Safety and Health Codes Board

Date: June 5, 2014

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 1, 2014

Electric Power Generation, Transmission, and Distribution, and Electrical Protective Equipment, Parts 1910 and 1926; Final Rule

Electric Power Generation, Transmission, and Distribution; and Electrical Protective Equipment
Part 1910 - General Industry and Part 1926 – Construction Industry

Part 1910 – General Industry, **16VAC25-90-**	**Part 1926 Construction Industry,** **16VAC25-175-**
Subpart I – Personal Protective Equipment	**Subpart E - Personal Protective and Life Saving Equipment**
1910.136, Foot Protection	1926.97, Electrical Protective Equipment
1910.137, Electrical Protective Equipment	1926.500, Scope, Application, Definitions Applicable to Subpart
Appendix B to Subpart I of Part 1910 –Nonmandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection	**Subpart V –Electric Power Transmission and Distribution**
Subpart R – Special Industries	1926.950, General
1910.269, Electric Power Generation, Transmission, and Distribution	1926.951, Medical Services and First Aid
Appendices to §1910.269	1926.952, Job Briefing
Appendix A - Flow Charts	1926.953, Enclosed Spaces
Appendix A-1 - Application of §1910.269 and Subpart S of this Part to the Design of Electrical Installations	1926.954, Personal Protective Equipment
Appendix A-2 - Application of §1910.269 and Subpart S of this Part to Electrical Safety-Related Work Practices	1926.955, Portable Ladders and Platforms
Appendix A-3 - Application of §1910.269 and Subpart S of this Part to Tree-Trimming Operations	1926.956, Hand and Portable Power Equipment
Appendix A-4 to §1910.269 – Application of §§1910.147, 1910.269 and 1910.333	1926.957, Live-line tools
Appendix A-5 to §1910.269 – Application of §§1910.146 and 1910.269 to Permit-Required Confined Spaces	1926.958, Materials Handling and Storage
Appendix B –Working on Exposed Energized Parts	1926.959, Mechanical Equipment
Appendix C –Protection From Hazardous Differences in Electric Potential	1926.960, Working on or near Exposed Energized Parts
Appendix D –Methods of Inspecting and Testing Wood Poles	1926.961, Deenergizing lines and Equipment for Employee Protection
Appendix E – Protection From Flames and Electric Arcs	1926.962, Grounding for the Protection of Employees
Appendix F –Work-Positioning Equipment Inspection Guidelines	1926.963, Testing and Test Facilities
Appendix G – Reference Documents	1926.964, Overhead Lines and Live-line Barehand Work
Subpart S – Electrical	1926.965, Underground Electrical Installations
1910.331, Scope	1926.966, Substations
1910.339, Definitions Applicable to this Subpart	1926.967, Special Conditions
	1926.968, Definitions
	Appendices to Subpart V of Part 1926
	Appendix A -Reserved
	Appendix B -Working on Exposed Energized Parts
	Appendix C -Protection From Hazardous Differences in Electric Potential
	Appendix D -Methods of Inspecting and Testing Wood Poles
	Appendix E - Protection From Flames and Electric Arcs
	Appendix F –Work-Positioning Equipment Inspection Guidelines
	Appendix G – Reference Documents
	Subpart X – Stairways and Ladders
	1926.1053, Ladders
	Subpart CC – Cranes and Derricks in Construction
	1926.1400, Scope
	1926.1410, Power Line Safety (All Voltages) –Equipment Operations Closer than the Table A Zone

When the regulations, as set forth in the Final Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment, Parts 1910 and 1926, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms	VOSH Equivalent
OSHA	VOSH
Federal Agency	State Agency
Assistant Secretary	Commissioner of Labor and Industry
Regional Administrator	Assistant Commissioner
Area Director	Regional Director VOSH Program Director
Area Office/Regional Office	Regional Office
Regional Solicitor	Attorney General or VOSH Division of Legal Support (DLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety and Health Officer (CSHO)	CSHO
Agency	Department
July 10, 2014	September 1, 2014

(Please refer to Section V for implementation schedule of various provisions)

To access the Final Rule for Electric Power Generation, Transmission, and Distribution, Parts 1910 and 1926; Electrical Protective Equipment, §1926.97, please click on the link below:

http://www.osha.gov/FedReg_osha_pdf/FED20140411.pdf