

December 23, 2004

OSHA Docket Office
Docket No. S-023
US Department of Labor
200 Constitution Ave, NW
Room N-2625
Washington, DC 20210

**Comments on Proposed Rule: Updating OSHA Standards
Based on National Consensus Standards
RIN 1218-AC08, Docket No. S-023**

The International Safety Equipment Association (ISEA) supports the Occupational Safety and Health Administration's effort to update national consensus standards found in OSHA regulatory standards. In addition, we urge OSHA to establish and maintain a sustained effort to continually adopt updated versions of national consensus standards as revisions are approved and published.

ISEA is the national trade association for personal protective equipment, including head, eye and face, hearing, respiratory and fall protection; protective clothing and gloves; high visibility safety apparel; emergency eyewash and showers; first aid kits, and gas detection instruments. The association is the secretariat for numerous American National Standards for personal protective and safety equipment, including the ANSI standards for head protection, eye and face protection and first aid kits cited in OSHA standards.

National consensus standards are scientifically valid and reflect the state-of-the-art in materials science, technology and design. American National Standards Institute (ANSI) rules require that standards developing organizations (SDOs) use transparent and inclusive procedures, and that all standards be revised at least every five years. Since various federal mandates¹ require OSHA to use consensus standards, the agency should be able to keep up with consensus-based standards. We also believe it would be consistent with the spirit and intent of these federal mandates to make every attempt to update and not revoke old standards incorporated within OSHA standards.

Each new standard seeks to improve upon the previous version. Sometimes these updates include new clarifications or administrative steps for manufacturers, other times there are new performance standards for the equipment. Either way ISEA believes that OSHA will find that each new version of a national consensus standard will offer greater workplace protection to the user.

The national consensus standards referred to in these comments are those for which ISEA serves as Secretariat. We address standards for which we believe OSHA can update references by direct final rule, and in some cases by technical amendment, because they are non-controversial, would not impose compliance burdens, and will improve workplace safety and health.

A. ANSI Z87.1-2003 – American National Standard for Occupational and Educational Personal Eye and Face Protection Devices

ANSI Z87.1-2003, the *American National Standard for American National Standard for Occupational and Educational Personal Eye and Face Protection Devices*, establishes performance criteria for eye and face protection. This standard was developed by the Accredited Standards Committee Z87, and approved by ANSI in June 2003.

Current OSHA regulations for general industry, maritime and construction employment refer to outdated versions of this standard, and we urge OSHA to bring all these references up to date.

¹ Such as the National Technology Transfer and Advancement Act (PL 104-113), OMB Circular A-119, and OSH Act (6)(b)(8)

Updating the ANSI Z87.1 references throughout OSHA standards meets all the criteria for direct final rulemaking. Such an action would be non-controversial since protective eyewear complying with the current standard is readily available and accepted in the workplace. Manufacturers typically only supply eye and face protection devices manufactured to current version of the standard. Eye and face protection devices complying with the 2003 standard are at least as protective as those meeting the standards currently identified in the OSHA regulations. Rather than imposing a compliance burden, specifying this edition of the standard would match OSHA regulations with the products currently being used, and make compliance easier for employers.

General Industry

There are two references to ANSI Z87.1 in the general industry PPE standard, 29 CFR 1910.133. The edition in effect when the standard was written was ANSI Z87.1-1989. The PPE standard was written to allow employers to use existing stocks of protective eyewear that may have been purchased before the 1989 standard was issued. Protective eyewear purchased after July 5, 1994 is required to comply with ANSI Z87.1-1989; protective eyewear complying with ANSI Z87.1-1968 is allowed if purchased before that date.

ISEA recommends that the OSHA PPE standard be updated so that eyewear purchased after the effective date of the update comply with ANSI Z87.1-2003, with compliance with the 1989 edition allowed for protective eyewear purchased before that date. The following is recommended regulatory text:

1910.133(b) Criteria for protective eye and face devices

(1) Protective eye and face devices purchased after <effective date> shall comply with ANSI Z87.1-2003, "American National Standard for Occupational and Educational Eye and Face Protection Devices," which is incorporated by reference as specified in Sec. 1910.6.

(2) Eye and face protective devices purchased before <effective date> shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated by the employer to be equally effective.

Welding, Cutting and Brazing

The OSHA standard for Welding, Cutting and Brazing, 29 CFR 1910.252, contains an outdated reference to ANSI Z87.1 which should be updated as follows:

1910.252(b)(2)(ii)(I)

All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z87.1-2003 - American National Standard for Occupational and Educational Eye and Face Protection Devices, which is incorporated by reference as specified in Sec. 1910.6.

Maritime

The OSHA standards for maritime employment, in 29 CFR 1915.153, contain language similar to the general industry standards, which should be updated in the same manner. Recommended text is as follows:

1915.153(b) Criteria for protective eye and face devices

(1) Protective eye and face devices purchased after <effective date> shall comply with the American National Standards Institute, ANSI Z87.1-2003, "American National Standard for Occupational and Educational Eye and Face Protection Devices," which is incorporated by reference as specified in Sec. 1915.5, or shall be demonstrated by the employer to be equally effective.

(2) Eye and face protective devices purchased before <effective date> shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference as specified in Sec. 1915.5, or shall be demonstrated by the employer to be equally effective.

Marine Terminals

The OSHA standard for marine terminals, in 29 CFR 1917.91, contains a reference to ANSI Z87.1-1989 that should be updated as follows:

1917.91(a)(1)

The employer shall ensure that each affected employee uses appropriate eye and/or face protection where there are exposures to eye and/or face hazards. Such equipment shall comply with American National Standards Institute, ANSI Z87.1-2003, "American National Standard for Occupational and Educational Eye and Face Protection Devices."

Longshoring

The OSHA longshoring standard, in 29 CFR 1918.101, contains similar language and should be updated as follows:

1918.101(a) The employer shall ensure that:

(1) Each affected employee uses appropriate eye and/or face protection where there are exposures to eye and/or face hazards. Such equipment shall comply with American National Standards Institute, ANSI Z87.1-2003, "American National Standard for Occupational and Educational Eye and Face Protection Devices."

Construction

OSHA's construction regulations in 29 CFR 1926.102(a)(2) for eye and face protection include a reference to Z87.1-1968. Corrected text is as follows:

1926.102(a)(2)

Eye and face protection equipment required by this Part shall meet the requirements specified in ANSIZ87.1-2003, American National Standard for Occupational and Educational Eye and Face Protection Devices.

B. ANSI Z89.1-2003 - American National Standard for Industrial Head Protection

ANSI Z89.1-2003, the *American National Standard for Industrial Head Protection*, establishes types and classes of head protection and sets minimum test criteria for head protection devices. This standard was developed by a balanced canvass list of producers, users and safety experts and was approved as an American National Standard in 2003, superseding the 1997 edition.

Updating the ANSI Z89.1 references throughout OSHA standards meets all the criteria for direct final rulemaking. Such an action would be non-controversial since there are no hard hats or helmets manufactured to the ANSI Z89.1 standards referenced in the OSHA regulations. The new standard takes into account manufacturing technology and includes current test methods to ensure consistent product performance in the field, and helmets complying with the 1997 and 2003 editions are at least as protective as products meeting the standards called out in the OSHA regulations. Because there are no products manufactured to the 1969 standard and very few products in circulation that are made to the 1986 standard, we believe this will not impose compliance burdens on employers or employees.

General Industry

The general industry standard for PPE, 29 CFR 1910.135, refers to two out-of-date versions of ANSI Z89.1. When the PPE standard was written the current edition of the ANSI standard was ANSI Z89.1-1986. The PPE standard was written to allow employers to use existing stocks of protective helmets that may have been purchased before the 1986 standard was issued. Protective helmets purchased after July 5, 1994 are required to comply with ANSI Z89.1-1986; protective helmets complying with ANSI Z89.1-1969 are allowed if purchased before that date.

In the 1997 edition of the standard, the letters designating the dielectric classes of protective helmets were changed from A, B and C to G (for general), E (electrical) and C (conductive). No change was made to the dielectric strength of each class. Because of this change, ISEA recommends elimination of references to any edition of ANSI Z89.1 previous to the 1997 revision. The following revised regulatory text would recognize this change:

1910.135(b) Criteria for protective helmets.

(1) Protective helmets purchased after <effective date> shall comply with ANSI Z89.1-2003, "American National Standard for Industrial Head Protection," which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated to be equally effective.

(2) Protective helmets purchased before <effective date> shall comply with the ANSI standard ANSI Z89.1-1997, "American National Standard for Industrial Head Protection," which is incorporated by reference as specified in Sec. 1910.6, or shall be demonstrated by the employer to be equally effective.

In the non-mandatory appendix B to subpart I, there are references to Class A, B and C helmets in the selection guidelines. ISEA recommends these references be updated to reflect the Classes in the current standard. As this section contains non-mandatory guidelines, ISEA believes it could be updated by a technical amendment. In the following recommended language, nothing is changed except the letters designating the classes:

9. Selection guidelines for head protection. All head protection (helmets) is designed to provide protection from impact and penetration hazards caused by falling objects. Head protection is also available which provides protection from electric shock and burn. When selecting head protection, knowledge of potential electrical hazards is important. Class G helmets, in addition to impact and penetration resistance, provide electrical protection from low-voltage conductors (they are proof tested to 2,200 volts). Class E helmets, in addition to impact and penetration resistance, provide electrical protection from high-voltage conductors (they are proof tested to 20,000 volts). Class C helmets provide impact and penetration resistance (they are usually made of aluminum which conducts electricity), and should not be used around electrical hazards.

Maritime

The OSHA standards for maritime employment, in 29 CFR 1915.155, contain language similar to the general industry standards, which should be updated in the same manner. Recommended text is as follows:

1910.135(b) Criteria for protective helmets.

(1) Protective helmets purchased after <effective date> shall comply with ANSI Z89.1-2003, "American National Standard for Industrial Head Protection," which is incorporated by reference as specified in Sec. 1915.5, or shall be demonstrated by the employer to be equally effective.

(2) Protective helmets purchased before <effective date> shall comply with the "American National Standard for Industrial Head Protection," ANSI Z89.1-1997, which is incorporated by reference as specified in Sec. 1915.5, or shall be demonstrated by the employer to be equally effective.

Marine Terminals, Longshoring

Personal protective equipment requirements in the marine terminal standard (29 CFR 1917.93) and the longshoring standard (29 CFR 1918.103) contain identical references to ANSI Z89.1-1986. ISEA recommends the following revised regulatory text:

1917.93(b) and 1918.103(b)

Such equipment shall comply with American National Standards Institute, ANSI Z89.1-2003, "American National Standard for Industrial Head Protection."

Construction

OSHA's construction standards in 29 CFR 1926.100(b) hold that: "Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection." Also, 1926.100(c) holds that: "Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971."

ANSI Z89.2-1971 does not exist. This standard has been merged into ANSI Z89.1, and is reflected in the requirements for Class E helmets (intended to reduce the danger of contact with voltage conductors). ANSI Z89.1-2003 Class E helmets are proof tested at 20,000 volts (phase to ground). ISEA recommends the following revised regulatory text:

1926.100(b)

Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in ANSI Z89.1-2003, "American National Standard for Industrial Head Protection."

1926.100(c)

Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in ANSI Z89.1-2003, Class E.

C. ANSI Z308.1-2003 – American National Standard - Minimum Requirements for Workplace First Aid Kits

ANSI Z308.1-2003 establishes minimum required contents and optional contents for workplace first aid kits. The standard includes performance tests for each required and optional fill item, and a performance test for the first aid kit container.

General Industry

Appendix A to 29 CFR 1910.151 Medical Services and First Aid contains a non-mandatory reference to the 1978 version of the standard as a source for minimal contents of a generic first aid kit. The 1978 standard only included criteria for the durability of the first aid kit container, and makes no mention of appropriate supplies for the kit. The 2003 standard establishes requirements for workplace first aid kit contents. Because this reference is in a non-mandatory appendix, and is cited as "an example of the minimal contents," ISEA believes this change can be made by technical amendment. The following is recommended language for the appendix:

Appendix A to Sec. 1910.151--First aid kits (Non-Mandatory)

First aid supplies are required to be readily available under paragraph Sec. 1910.151(b). An example of the minimal contents of a generic first aid kit is described in American National Standard (ANSI) Z308.1-2003 "Minimum Requirements for Workplace First Aid Kits." The contents of the kit listed in the ANSI standard should be adequate for small worksites. When larger operations or multiple operations are being conducted at the same location, employers should determine the need for additional first aid kits at the worksite, additional types of first aid equipment and supplies and additional quantities and types of supplies and equipment in the first aid kits.

Construction

There is similar language in the construction standards referring to the 1978 standard. ISEA recommends the following language for Appendix A to 29 CFR 1926.50 Medical Services and First Aid. Again, because this is a non-mandatory appendix this change could be made by technical amendment.

Appendix A to Sec. 1926.50--First aid Kits (Non-Mandatory)

First aid supplies are required to be easily accessible under paragraph Sec. 1926.50(d)(1). An example of the minimal contents of a generic first aid kit is described in American National Standard (ANSI) Z308.1-2003 "Minimum Requirements for Workplace First Aid Kits". The contents of the kit listed in the ANSI standard should be adequate for small work sites. When larger operations or multiple operations are being conducted at the same location, employers should determine the need for additional first aid kits at the worksite, additional types of first aid equipment and supplies and additional quantities and types of supplies and equipment in the first aid kits.

Non-regulatory OSHA References to Consensus Standards

As OSHA updates its regulations to reflect the current edition of voluntary consensus standards, it is important to ensure that all references to these standards throughout OSHA's public information services are updated as well. This will include the web-based Safety and Health Topics, eTools, and other regulatory and compliance assistance publications. ISEA is ready to assist the agency in all possible ways to identify all the references to standards for which it is responsible.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel K. Shipp". The signature is written in a cursive, flowing style.

Daniel K. Shipp
President