

# **Safety News**

## **Answers to Your Questions about Confined Spaces**

OSHA's permit-required confined spaces standard (29 CFR 1910.146) establishes safety requirements for confined spaces operations from entry to rescue. Compliance with the regulation, however, often raises important questions.

Here's a "best of" selection of the questions BLR® customers have asked us about confined spaces safety requirements, along with some very important answers.

**Q: Does a company with permit-required confined spaces need to list the hazards and potential hazards of each permit-required space in their policy?**

A: The hazards and potential hazards need to be listed on the entry permit but not in the company's policy. The written confined spaces program should contain a list of all confined spaces. It is up to the company to decide how to organize the confined spaces program and whether to include an appendix.

**Q: Are there certain items that we should have on standby when we enter a confined space?**

A: Yes. The items vary according to the specific hazards of your confined space. For example, if you have an immediately dangerous to life and health (IDLH) space, then there are items you must have that aren't required for other types of confined space. The types of items to have on hand will depend on the hazards you identified during the space evaluation.

Most important is the retrieval system for removal of the entry person(s).

**Q: What exactly do I need to have in place for a nonpermit confined space area?**

A: The following is an excerpt from an OSHA letter of interpretation:

"The general requirements paragraph 1910.146(c)(1) requires that all employers in General Industry evaluate their workplace to determine if any permit-required confined spaces exist.

In order to make a permit space determination, all spaces fitting the definition of a confined space must be identified. The standard does not require a listing of confined spaces or permit spaces; however, a prudent employer would memorialize both classes of spaces, because the standard's requirement to identify permit spaces is ongoing."

Based on the information above, it would be wise to keep documentation on how the nonpermit space was evaluated to determine that it is in fact a non-permit space. It would also be wise to have procedures in place to review nonpermit spaces if there is a change in the use or configuration to determine whether they should be reclassified as permit spaces.

**Q: Can we outsource the rescue and emergency services, and thereby not have to provide emergency training to employees or perform the annual rescue training as required by OSHA?**

A: Yes, however there is a lengthy evaluation process for outside rescue services. See 29 CFR 146(k), "Rescue and Emergency Services" for requirements.

**Q: Do we need to make sure that an off-site rescue service is available each time we schedule a permit-required confined space entry?**

A: Yes, it is necessary each time. If the off-site rescue service indicates for any reason that it would be unable to respond to a rescue summons, entry should not be authorized unless an alternative rescue service can be arranged.

**Q: What is the minimum number of people needed as rescue personnel for employees working in a confined space?**

A: While OSHA recommends a minimum of two highly trained, equipped rescuers, some safety experts suggest four to six people for a rescue team to handle a confined space with a hazardous atmosphere.

**Q: If we have contractors doing work for us in a confined space and have identified the fact that they have had the proper training, are we liable for them following proper procedures?**

A: We think it would come down to the multi-employer requirements, which specify coordination between host employers and contractors as required by 1910.146(c)(8)(iv), (c)(9)(ii), and (d)(11).

According to these sections, the host employer who arranges for a permit space entry by contractor employees has a duty to instruct the contractor on the hazards or potential hazards and other factors that make the space a permit space. The contractor whose employees enter the permit space is responsible for obtaining that information prior to entry.

All employers who will have employees in the permit space are responsible for developing and implementing procedures to coordinate entry operations (for example, determining operational control over the space, affected employee training, rescue, emergency services, and all other aspects of the standard requiring coordination).

Any one of the employers having employees enter the permit space could have operational control over the permit space during dual entry. Nevertheless, host employer and contractors retain responsibility for the protection of their own employees even though all the employers have agreed to a specific controlling employer. There should be absolutely no doubt by any permit space entrant, attendant, or entry supervisor, however, regarding who the controlling employer is and whose policy and permit space practices are to be followed.