OSHA’s New Standards for Confined Spaces in Construction

Hinckley Allen Construction Newsletter

December 10, 2015

The Occupational Safety and Health Administration (OSHA) recently published new standards governing Confined Spaces in Construction (“New Standards”), to provide added protections to employees performing work in confined spaces (e.g., sewers, manholes, HVAC ducts, boilers, crawl spaces, tanks, and pits). The New Standards went into effect on August 3, 2015, and OSHA began enforcing compliance on October 2.

The New Standards mainly target three particular parties:

- The “host employer,” such as the owner or property manager of the site
- The “controlling contractor,” the party having primary control over the project
- The “entry employer,” whose employees will at some point occupy the confined space.

These parties are subject to a comprehensive set of requirements designed to protect employees from exposure to hazards associated with work in confined spaces. The requirements imposed by the New Standards fall into the following categories:

- Work site evaluation by a competent person to identify confined spaces
- Continuous monitoring of confined space atmospheres by employers, including by employing lookouts or equipment to monitor, for example, engulfment hazards like flash flooding in storm sewers
- Training workers on the location and hazards of permit-required confined spaces
- Maintaining a written confined space program if workers will enter permit-required confined spaces
- Ensuring that unauthorized workers do not enter permit-required confined spaces
- If there are multiple trades working in the same confined spaces, coordination of activities between employers to avoid introducing hazards into confined spaces from
Much of the onsite administrative burden falls on the controlling contractor, who must act as the primary point of contact for information about the permitted confined spaces at the worksite and ensure that all such information is communicated to the entry employer. The controlling contractor also is charged with implementing the above requirement (vi), i.e., taking steps to prevent the introduction of “outside” hazards to confined spaces. For example, if the host employer’s employees will be running a generator near the entrance of a confined space, the controlling contractor must inform the entry employer if the generator exhaust could result in increased levels of carbon monoxide.

The requirements imposed by the New Standards are comprehensive and detailed, and this article is intended to provide a general summary only. Contractors and subcontractors should take appropriate steps to familiarize themselves with the New Standards and should consult legal counsel if necessary to ensure compliance.

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