

NORTH CAROLINA DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
RALEIGH, NORTH CAROLINA

Chapter 7
Subchapter 7F

CFR Revision 131C
NC-OSH

Field Information System Part I
Subpart E; Personal Protective and Life Saving Equipment
Locking Snaphooks
29 CFR 1926.104 Safety belts, lifelines, and lanyards
OSHNC-Specific Amendment

DISCUSSION:

Pursuant to the changes outlined in CFR Revisions 131A and 131B, OSHNC elected to amend the reinstated Subpart E to require the use of locking snaphooks as part of 1926.104, *Safety belts, lifelines, and lanyards*. Accordingly, locking snaphooks are now required to be used with all safety belts, lifelines and lanyards utilized for fall protection in steel erection activities at the height requirements established in CFR Revision 131B (see the July 10, 1995, James Stanley Memo on "Fall Protection in Steel Erection that is attached to CFR Rev 131B.)"

ACTION:

This final state-specific amendment at Subpart E, 29 CFR 1926.014(g), was approved by the Administrative Rules Review Commission and becomes effective on February 1, 1996. A copy of the text from the **NC Administrative Code** at 13 NCAC 07F.0201 is attached.

Please file this NC CFR Revision in Part CFR II of your Field Information System.

Date: 2/22/1996

Charles N. Jeffress, Director
Division Of Occupational Safety and Health
(Signed on Original)

Filing Date: October 27, 1995
NC Effective Date: February 1, 1996
Number: 13 NCAC 7F.0201(a)(3)

NORTH CAROLINA DEPARTMENT OF LABOR
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Chapter 7
Subchapter 7F

Interim Order 131 C
OSHNC

Field Information System Part I
Subpart M; Fall Protection in Construction
Locking Snaphooks
OSHNC-Specific Amendment

INTERIM ORDER:

As a result of feasibility considerations, the use of non-locking hooks on the personal positioning device when working on vertical, modular, concrete wall forms manufactured by Symons, EFCO or Patent will continue to be allowed through December 31, 1996, provided fall arrest lanyards equipped with locking snaphooks are used in conjunction with the personal positioning device.

DISCUSSION:

OSHNC CFR Revision 131A requires the use of locking snaphooks as part of personal fall arrest systems and positioning devices, effective July 1, 1995. OSHNC subsequently learned that the locking, snaphooks are too thick for use on the positioning device and on vertical, modular, concrete wall forms manufactured by Symons, EFCO and Patent. For now, concrete formwork employees must continue to use a positioning device which has a non-locking hook without a keeper. Two new locking snaphooks have been developed, but there are challenges to the validity of the equipment testing. More time is needed to validate the testing or improve the new snaphooks, or await the arrival of alternative-design snaphooks into the marketplace.

ACTION:

This interim order is effective July 1, 1996, and shall be rescinded after December 31, 1996. Effective January 1, 1997, locking snaphooks shall be used as part of all personal positioning devices in North Carolina. CFR Revisions 131 A, B and C remain in effect for the duration.

Please post this document as replacement for Interim Order 131 B in front of CFR Revision 131A, in Part CFR II of your Field Information System. Destroy this document on January 1, 1997.

Date: 5/2/1996

Charles N. Jeffress, Director

Division Of Occupational Safety and Health

.0200 - CONSTRUCTION STANDARDS

.0201 CONSTRUCTION

- a. The provisions for the Occupational Safety and Health Standards for Construction, Title 29 of the Code of Federal Regulations Part 1926, are incorporated by reference except as follows:
 1. Subpart C -- General Safety and Health Provisions -- Personal protective equipment, § 1926.28(a) is amended to read as follows: "(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees."
 2. Subpart D -- Occupational Health and Environmental Controls:
 - A. Addition to 29 CFR 1926.54, Nonionizing radiation, after subpart (a) to read:

"(a1) This standard shall apply to all direct or reflected laser equipment except properly maintained unmodified Class I equipment. Class I equipment is defined as intrinsically safe lasers having less than 0.001 milliwatt power and lasers which cannot create eye damage if viewed accidentally or which present no direct ocular hazard, diffuse ocular hazard or fire hazards."
 - B. Incorporation by reference of modified final rule for 29 CFR 1926.59, Hazard Communication, including Appendices A through E, published in 59 FR (February 9, 1994) pages 6170 - 6184 except that 1926.59(b)(6)(ii) is amended to read:

"(ii) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq*), when regulated as a hazardous waste under that Act by the Environmental Protection Agency;"
 3. Subpart E -- Personal Protective and Life Saving Equipment -- addition of (g) to 1926.104 *Safety belts, lifelines, and lanyards*, as follows:

"(g) Snaphooks shall be a locking type designed and used to prevent disengagement of the snaphook keeper by the connected member. Locking type snaphooks have self-closing, selflocking keepers which remain closed and locked until unlocked and pressed open for connection or disconnection."

4. Subpart Z -- Toxic and Hazardous Substances -- incorporation of the existing standard for Bloodborne Pathogens, 29 CFR 1910.1030, excluding subparagraph (e) HIV and HBV Research Laboratories and Production Facilities, into the Safety & Health Regulations for Construction at 29 CFR 1926.1130. Final rule as published in 56 FR (December 6, 1991) pages 64175 - 64182, including Appendix A - Hepatitis B Vaccine Declination (Mandatory) - with corrections as published in 57 FR (July 1, 1992) page 29206, and with the following revision to the definition of Occupational Exposure under subsection (b) Definitions:

"Occupational Exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of collateral first aid duties by an employee in the areas of construction, alteration, or repair, including painting and decorating."
- b. The parts of the Code of Federal Regulations incorporated by reference in this Subchapter shall not automatically include any subsequent amendments thereto, except as follows:
 1. Incorporation of existing General Industry Standards (Part 1910) applicable to construction work into the Safety & Health Regulations for Construction (Part 1926). Final rule as published in 58 FR (June 30, 1993) pages 35076 - 35311 and effective on December 1, 1993; correction to Appendix D to §1926.1147 as published in 58 FR (July 28, 1993) page 40468 and effective on December 31, 1993. The General Industry Standards which are applicable to the Construction Standards are as follows:

Subpart C -- General Safety and Health Provisions,
1926.33 Access to employee exposure and medical records.
1926.34 Means of egress.
1926.35 Employee emergency action plans.

Subpart D -- Occupational Health and Environmental Control,
1926.64 Process safety management of highly hazardous chemicals.
1926.65 Hazardous waste operations and emergency response.
1926.66 Criteria for design and construction for spray booths.

Subpart E -- Personal Protective Equipment and Life Saving Equipment,
1926.95 Criteria for personal protective equipment.
1926.96 Occupational foot protection.

1926.97 Protective clothing for fire brigades.
1926.98 Respiratory protection for fire brigades.

Subpart F -- Fire Protection and Prevention,
Fixed Fire Suppression Equipment

1926.156 Fire extinguishing systems, general.
1926.157 Fire extinguishing systems, gaseous agent.
Other Fire Protection Systems
1926.158 Fire detection systems.
1926.159 Employee alarm systems.

Subpart I -- Tools - Hand and Power,

1926.306 Air receivers.
1926.307 Mechanical power-transmission apparatus.

Subpart L -- Scaffolding,

1926.453 Manually propelled mobile ladder stands and scaffolds
(towers).

Subpart Y -- Commercial Diving Operations,
General

1926.1071 Scope and application.
1926.1072 Definitions.

Personnel Requirements

1926.1076 Qualifications of dive team.

General Operations Procedures

1926.1080 Safe practices manual.
1926.1081 Pre-dive procedures.
1926.1082 Procedures during dive.
1926.1083 Post-dive procedures

Specific Operations Procedures

1926.1084 SCUBA diving
1926.1085 Surface-supplied air diving
1926.1086 Mixed-gas diving.
1926.1087 Liveboating.

Equipment Procedures and Requirements

1926.1090 Equipment.

Recordkeeping

1926.1091 Recordkeeping requirements.
1926.1092 Effective date.

Appendix A to Subpart Y -- *Examples of Conditions Which May Restrict or Limit Exposure to Hyperbaric Conditions.*

Appendix B to Subpart Y -- *Guidelines for Scientific Diving.*

Subpart Z Toxic and Hazardous Substances

1926.1100-1926. 1101 [Reserved].

1926.1102 Coal tar pitch volatiles; interpretation of term.

1926.1103 4-Nitrobiphenyl.

1926.1104 alpha-Naphthylamine.

1926.1105 [Reserved].

1926.1106 Methyl chloromethyl ether.

1926.1107 3,3'-Dichlorobenzidine (and its salts).

1926.1108 bis-Chloromethyl ether.

1926. 1109 beta-Naphthylamine.

1926.1110 Benzidine.

1926.1111 4-Aminodiphenyl.

1926.1112 Ethyleneimine.

1926.1113 beta-Propiolactone.

1926.1114 2-Acetylaminofluorene.

1926.1115 4-Dimethylaminoazobenzene.

1926.1116 N-Nitrosodimethylamine.

1926.1117 Vinyl chloride.

1926.1118 Inorganic arsenic.

1926.1128 Benzene.

1926.1129 Coke emissions.

1926.1144 1,2-dibromo-3-chloropropane.

1926.1145 Acrylonitrile.

1926.1147 Ethylene oxide.

1926.1148 Formaldehyde.

Appendix A to Part 1926. Designations for General Industry Standards Incorporated Into Body of Construction Standards.

2. Subpart D -- Occupational Health and Environmental Controls:
 - A. Revision of Authority Citation for Subpart D of Part 1926 published in 59 FR (July 19, 1994) pages 36699 - 36700 and effective on November 1, 1994.
 - B. Addition of 1926.61 "Retention of DOT markings, placards, and labels," published in 59 FR (July 19, 1994) pages 36699 - 36700 and effective on November 1, 1994.

- C. 29 CFR 1926.62, Lead in Construction. Interim final rule and appendices A through D as published in 59 FR (May 4, 1993) pages 26627-26649 and effective on October 4, 1993.
 - D. Typographical and technical corrections at 1926.63, Cadmium, published in 58 FR (April 23, 1993) pages 21778 - 21780 and 21787 and effective on September 24, 1993; corrections are to final rule for Occupational Exposure to Cadmium as originally published in 57 FR 42101 (September 14, 1992).
 - E. Technical amendments to the existing Appendix B and addition of non-mandatory Appendix E to 1926.65, *Hazardous Waste Operations and Emergency Response* as published in 59 FR (August 22, 1994) pages 43270 - 43280 and effective on November 1, 1994.
3. Subpart E -- (3) Subpart E - Personal Protective and Life Saving Equipment -- revision of Authority Citation for Subpart E of Part 1926; removal of 1926.104, *Safety belts, lifelines, and lanyards*; redesignation of 1926.105(a) as 1926.753, *Safety Nets* in Subpart R; removal and reservation of 1926. 105; and removal of paragraphs (b), (c) and (f) of 1926.107, as published in 59 FR (August 9, 1994) page 40729 and effective on February 6, 1995.

[Note: Pursuant to the notice published in 60 FR (January 26, 1995) pages 5131 - 5132, a delay until August 6, 1995, is in place for the application of the amendment to Subpart M - Fall Protection - to steel erection activities; a delay is also in place for the supporting amendments to Subpart E. Subpart M and other supporting amendments to subparts H, N, P, Q, R, and V of 1926 will be effective for all construction activities other than steel erection on February 6, 1995.]

4. Subpart H -- Materials Handling, Storage, Use and Disposal -- revision of Authority Citation for Subpart H of Part 1926, and revision of 1926.250(b)(2) as published in 59 FR (August 9, 1994) pages 40729 - 40730 and effective on February 6, 1995.
5. Subpart M -- Fall Protection -- revision of Authority Citation for Subpart M of Part 1926 and replacement of Subpart M with 1926.500, 1926.501, 1926.502, 1926.503 and non-mandatory Appendices A through E as published in 59 FR (August 9, 1994) pages 40730 - 40753 and effective on February 6, 1995, with the requirement for the use of locking snaphooks under 29 CFR 1926.500(b) [definition for *Snaphook*],

1926.502(d)(5), 1926.502(e)(7) and Appendix C, Part II(j)(1) having an effective date of July 1, 1995.

[Note: Pursuant to the notice published in 60 FR (January 26, 1995) pages 5131 - 5132, a delay until August 6, 1995, is in place for the application of the amendment to Subpart M - Fall Protection - to steel erection activities; a delay is also in place for the supporting amendments to Subpart E. Subpart M and other supporting amendments to subparts H, N, P, Q, R, and V of 1926 will be effective for all construction activities other than steel erection on February 6, 1995.]

6. Subpart N -- Cranes, Derricks, Hoists, Elevators, and Conveyors -- revision of Authority Citation for Subpart N of Part 1926, and revision of 1926.550(c)(2) and 1926.550(g)(4)(i)(C) as published in 59 FR (August 9, 1994) page 40730 and effective on February 6, 1995.
7. Subpart P -- Excavations -- revision of Authority Citation for Subpart P of Part 1926, revision of section heading of 1926.651, Specific excavation requirements, and revision of 1926.6510) as published in 59 FR (August 9, 1994) page 40730 and effective on February 6, 1995.
8. Subpart Q -- Concrete and Masonry -- revision of Authority Citation for Subpart Q of Part 1926, removal of 1926.701(f)(2) and removal of subparagraph designation (1) of 1926.701(f) as published in 59 FR (August 9, 1994) page 40730 and effective on February 6, 1995.
9. Subpart R -- Steel Erection -- revision of Authority Citation for Subpart R of Part 1926 as published in 59 FR (August 9, 1994) page 40730 and effective on February 6, 1995.
10. Subpart V -- Power Transmission and Distribution -- revision of Authority Citation for Subpart V of Part 1926, and revision of 1926.951(b)(4)(i) as published in 59 FR (August 9, 1994) page 40730 and effective on February 6, 1995.
11. Subpart Z -- Toxic and Hazardous Substances:
 - A. Correction to 29 CFR 1926 by adding text and redesignation for *Cadmium* as published in 59 FR (January 3, 1994) page 215 and effective on April 15, 1994.
 - B. Final rule redesignation of 1926.58 to 1926.1101, and revision of 1926.1101, Asbestos, including amendments to Appendix A, Appendix B, Appendix D, and Appendix F, removal of Appendix G, and amendments to Appendix H, Appendix I, and Appendix K, as published in 59 FR (August 10, 1994) pages 41131 - 41162; effective on February 1, 1995 with corresponding delayed

effective dates as follows: 1926.1101 (q)(3)(i) is effective July 31, 1995; 1926.1101(q)(3)(ii) is effective May 31, 1995; 1926.1101(q)(3)(iii) is effective May 31, 1995; 1926.1101(q)(3)(iv) is effective July 31, 1995; 1926.1101(q)(3)(v) is effective May 1, 1995; 1926.1101(q)(3)(vi) is effective May 1, 1995; and 1926.1101(q)(3)(vii) is effective July 31, 1995.

- c. Copies of the applicable Code of Federal Regulations sections referred to in this Subchapter are available for public inspection at the North Carolina Department of Labor, Division of Occupational Safety and Health. A single copy may be obtained from the Division at a cost of ten dollars and sixty cents (\$10.60) (inclusive of tax); each additional copy will be the same price.

History Note: Statutory Authority G.S. 95-131; 150B-21.6;

- *Eff. August 2, 1993;*
- *Amended Eff. February 1, 1996; January 1, 1996; October 1, 1995; September 6, 1995.*