



**CHERIE K. BERRY**  
COMMISSIONER

**KEVIN BEAUREGARD**  
ASSISTANT DEPUTY COMMISSIONER  
OCCUPATIONAL SAFETY AND HEALTH DIVISION

## **MEMO**

**To:** OSH Division

**From:** Kevin Beauregard, Assistant Deputy Commissioner

**Date:** February 23, 2016

**Re:** Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269 and 29 CFR Part 1926, Subpart V)

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The NC OSH Division agrees to follow the extended enforcement dates listed below and, in addition, will continue to follow directions given in the Memorandum - 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V: Flame Resistant Clothing And Arc-Rated Protection, issued April 2, 2015.

OSHA issued a memorandum (dated February 18, 2015) titled "29 CFR 1910.269 and 29 CFR Part 1926, Subpart V-Enforcement date" in response to a February 13, 2015 settlement agreement between OSHA, Edison Electric Institute (EEI), the Utility Line Clearance Coalition (ULCC) and the Tree Care Industry Association (TCIA) regarding revisions to the general industry and construction standards for work on electric power generation, transmission and distribution installations (29 CFR 1910.269 and 29 CFR 1926, Subpart V). The memorandum, the provisions of which were accepted for use by the NC OSH Division, adopted a delayed enforcement date for certain minimum approach distance requirements in 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V. Federal OSHA has now extended those enforcement dates for an additional period of time as follows:

For voltages of 169.1 kilovolts and more: (i) until **January 31, 2017** no citations will be issued under 29 CFR 1910.269(l)(3)(ii) or 29 CFR 1926.960(c)(1)(ii), which require the employer to determine the maximum anticipated per-unit transient overvoltage; and (ii) OSHA will accept compliance with the minimum approach distances in Table 6 or Tables 10 to 13 in Appendix B to 29 CFR 1910.269 as compliance with 29 CFR 1910.269(l)(3)(i) and 29 CFR 1926.960(c)(1)(i). If peer-reviewed guidance regarding the calculation of maximum transient overvoltages is not available before **May 1, 2016**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.

For voltages of 72.6 to 169.0 kilovolts, until **January 31, 2017** no citations will be issued under 29 CFR 1910.269(l)(3)(ii) or 29 CFR 1926.960(c)(1)(ii), which require the employer to determine the maximum anticipated per-unit transient overvoltage, provided the employer assumes a maximum anticipated per-unit transient overvoltage, phase-to-ground, of 3.0 per unit. If peer-reviewed guidance regarding the calculation of maximum transient overvoltages is not available before **May 1, 2016**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.

U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210



Reply to the Attention of:

MEMORANDUM FOR:

REGIONAL ADMINISTRATORS

FROM:

*Dorothy Dougherty*  
DOROTHY DOUGHERTY  
DEPUTY ASSISTANT SECRETARY

*Thomas J. Galassi*  
THOMAS GALASSI  
DIRECTOR, DIRECTORATE OF  
ENFORCEMENT PROGRAMS

*Dean McKenzie*  
DEAN MCKENZIE  
ACTING DIRECTOR, DIRECTORATE OF  
CONSTRUCTION

SUBJECT:

29 CFR 1910.269 and 29 CFR Part 1926,  
Subpart V—Enforcement dates for minimum  
approach distances

On April 11, 2014, OSHA promulgated a final rule revising the general industry and construction standards for work on electric power generation, transmission and distribution installations. On February 13, 2015, OSHA entered into a settlement agreement with the Edison Electric Institute, the Utility Line Clearance Coalition, and the Tree Care Industry Association resolving legal challenges to that final rule. As part of that settlement, OSHA issued a memorandum (dated February 18, 2015) titled "29 CFR 1910.269 and 29 CFR Part 1926, Subpart V—Enforcement dates." The memorandum adopted a delayed enforcement date for certain minimum approach distance requirements in 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V. OSHA is now extending those enforcement dates for an additional period of time, as follows:

Until **January 31, 2017**, for voltages of 169.1 kilovolts and more: (i) no citations will be issued under 29 CFR 1910.269(l)(3)(ii) or 29 CFR 1926.960(c)(1)(ii), which require the employer to determine the maximum anticipated per-unit transient overvoltage; and (ii) OSHA will accept compliance with the minimum approach distances in Table 6 or Tables 10 to 13 in Appendix B to 29 CFR 1910.269 as compliance with 29 CFR 1910.269(l)(3)(i) and 29 CFR 1926.960(c)(1)(i). If peer-reviewed guidance regarding the calculation of maximum transient overvoltages is not available before **May 1, 2016**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.

Until **January 31, 2017**, for voltages of 72.6 to 169.0 kilovolts, no citations will be issued under 29 CFR 1910.269(l)(3)(ii) or 29 CFR 1926.960(c)(1)(ii), which require the employer to determine the maximum anticipated per-unit transient overvoltage, provided the employer assumes a maximum anticipated per-unit transient overvoltage, phase-to-ground, of 3.0 per unit. If peer-reviewed guidance regarding the calculation of maximum transient overvoltages is not available before **May 1, 2016**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.