



Reply to the attention of:

June 20, 2014

MEMORANDUM FOR:

REGIONAL ADMINISTRATORS

FROM:

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Thomas Galassi
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DIRECTOR, DIRECTORATE OF
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SUBJECT:

Temporary citation policy for
29 CFR 1910.137(b) and 1910.269; and
29 CFR 1926.97 and Subpart V

The purpose of this memorandum is to establish a temporary enforcement policy for: 29 CFR 1910.137(b) and 1910.269; and 29 CFR 1926.97(b) and Subpart V. 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 and for electrical protective equipment. The new standards become effective on July 10, 2014, although some provisions have compliance deadlines in 2015. For enforcement purposes, OSHA has determined that it will accept compliance with the prior version of 29 CFR 1910.269 (i.e., the version of that standard that was in effect on April 11, 2014) as compliance with revised 29 CFR 1910.269 and 29 CFR 1926, Subpart V until October 31, 2014. OSHA will also delay enforcement of paragraph (b) of revised 29 CFR 1910.137 and paragraph (b) of 29 CFR 1926.97 until October 31, 2014.

Therefore, beginning July 10, 2014, and continuing through October 31, 2014, the following policy applies:

- no citations will be issued under 29 CFR 1910.269 or 1926, Subpart V to employers who are in compliance with the version of 29 CFR 1910.269 that was in effect on April 11, 2014, and
- no citations will be issued under 29 CFR 1910.137(b) or 29 CFR 1926.97(b).

Paragraphs (a) and (c) of 29 CFR 1910.137 and 29 CFR 1926.97 become effective and enforceable on July 10, 2014 and are not affected by this policy. If, on or after July 10, 2014, an Area Director determines that an employer is not in compliance with the prior version of 29 CFR 1910.269, citations may be issued, as appropriate, for violations of any effective and applicable provision of revised 29 CFR 1910.269 and 29 CFR 1926, Subpart V. Any citation proposed to be issued under this temporary enforcement policy shall be forwarded to the Directorate of Enforcement Programs or the Directorate of Construction, as appropriate, through the Regional Office for clearance, which will include review by attorneys in the OSH Division of the Solicitor's Office. Note that for purposes of this policy, employers engaged in construction work will be deemed in compliance with the prior version of 29 CFR 1910.269 only to the extent they are also in compliance with 29 CFR 1926, Subpart M requirements as they apply to fall protection in aerial lifts.

Please share this information with the State Plans and On-Site Consultation Projects in your region. If you have any questions regarding application of this memorandum in general industry, please contact Art Buchanan in DEP. And if you have questions related to application of this memorandum in construction, please contact Chuck Harvey in DOC.