



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (OR-OSHA)

350 Winter Street NE, Room 430

P.O. Box 14480

Salem, OR 97309-0405

Phone: (503) 378-3272

Toll Free: 1-800-922-2689

Fax: (503) 947-7461

www.orosha.org

December 29, 1997

Reviewed: October 30, 2007

John Narizny, President
Fountain Technology and Design, Inc.
5637 W. Cheltenham Dr.
Portland, OR 97201

Mr. Narizny:

This is in response to your letter requesting clarifications on Oregon OSHA's requirements for confined spaces.

Under OAR 437-002-1910.146 (1910.146), "Permit-Required Confined Spaces," a confined space is defined as a space that employees can enter, has a limited means of entering and exiting, and is not designed for continuous employee occupancy. From your letter, it appears that the vaults you described are confined spaces.

A permit-required confined space is a confined space that contains or has the potential to contain a hazardous atmosphere, has the potential to trap an entrant, or has any other serious safety or health hazard.

In your letter, you explain that there is a forced air blower that blows 100 cubic feet per minute at minimum. Both 19 10.146 and the preamble to the final rule treat ventilation as a means of controlling hazards, not eliminating them, so any potential atmospheric hazards would need to be tested before an employee enters the space.

You also state that the water is treated with ozone and silver copper algaecides, and the threat of an oxygen deficient atmosphere is eliminated. As long as the user can certify that any water that may leak into the vault has been treated, the manufacturer's recommendations for treating the water are followed, standing water cannot accumulate in areas where it cannot be seen, and all standing water is cleaned up as soon as it is discovered, then an oxygen deficient atmosphere may not be a hazard within the vault.

However, you mention that ozone is used to treat the water, and, depending on how the vault is set up, ozone may be a potential air contaminant that would classify it as a permit-required confined space.

Also, any other serious safety or health hazards, such as engulfment or electrical hazards, would also classify the space as a permit-required confined space.

If these vaults are ultimately deemed to be permit-required confined spaces, there are 2 potential exemptions.

Under 1910.146(c)(7), spaces can be reclassified for specific entries. If there are no actual or potential atmospheric hazards, and all other hazards can be eliminated, such as through locking and tagging out equipment, then the space can be reclassified as a non-permit required confined space for that specific entry. Once entry has been completed, the space is again considered a permit-required confined space.

In this case, if potential or actual atmospheric hazards may exist, using ventilation under this exemption does not eliminate the hazard, and this exemption cannot be used.

The other exemption that may apply is if the only actual or potential hazard is atmospheric. In this case, monitoring and inspection data must be compiled to show that ventilation alone is sufficient to eliminate the actual or potential hazards, and must be accompanied by periodic testing. Before every entry, employees must also test the atmosphere inside the confined space for oxygen content, flammable gasses and vapors, and any other potential toxic air contaminants.

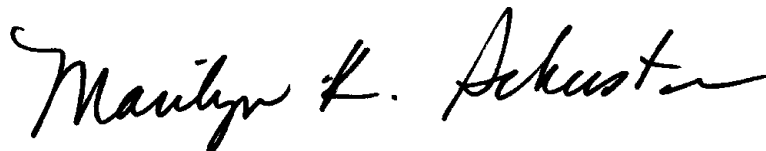
Under both of these exemptions, a written record must be maintained to ensure that all of the conditions required by these rules are met.

The requirements listed above are highlights of what the rules require. Please refer to the aforementioned codes for all of the requirements.

Also, it must be pointed out that current OSHA policy does not allow for using both exemptions at the same time. For example, you cannot lockout/tagout equipment, as required by 1910.146(c)(7), and then follow the requirements of 1910.146(c)(5).

We hope this answers your question regarding this matter. If you have any questions or if we can be of further assistance, please contact David McLaughlin at (503) 947-7457.

Sincerely,

A handwritten signature in black ink that reads "Marilyn K. Schuster". The signature is written in a cursive, flowing style.

Marilyn K. Schuster, Manager
Standards and Technical Resources Section
Oregon Occupational Safety and Health Division