

OSHA Enforcement and Boot Pits – Where are we?

PRESENTED BY

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OSHA's Treatment of Boot Pits

- Some OSHA Area Offices treat boot pits as “automatic” permit-required confined spaces
 - Theory seemed to be: “Potential” for atmospheric hazard (H₂S, oxygen deficiency, CO) always exists
 - No good deed goes unpunished: If employer voluntarily tests boot pit atmosphere, the boot pit must be a PRCS

NGFA's Response

- Play offense
 - Sweep auger situation took on a life of its own
 - Smithpeter letters were a surprise
 - OSHA keep issuing additional guidance claiming that use of sweep augers while employees were in bin violated Section 1910.272(g) or (h)

NGFA's Response

- Sweep auger issue now resolved, and OSHA will issue new guidance confirming that employees *can* be in the bin
- For boot pits
 - Do not wait for OSHA guidance
 - Develop NGFA guidance on how to assess boot pits
 - Let OSHA tell us why our method of evaluating is insufficient

NGFA's Response

- Guidance document for grain handling employers on how to determine whether boot pits are PRCs
 - Issued September 2013
 - Modeled on OSHA's eLaws Confined Space Advisor, OSHA guidance and the rulemaking record

OSHA's PRCS Standard

- For the standard to apply, the space must:
 - Meet the definition of a “confined space”; AND
 - Have a characteristic that makes it a “permit space”
- Types of boot pits – many!
 - Below grade or above
 - May or may not be in priority housekeeping area
 - Different types of ventilation/equipment

OSHA's PRCS Standard

- What is a “confined space”?
 - Is not designed for continuous human occupancy
 - Has limited or restricted means for entry/exit
AND
 - Is large enough so employee can enter and perform work
- *Must meet all three criteria*

Is a Boot Pit a Confined Space?

- Is large enough and so configured that an employee can work in it? **YES**
 - Employees enter to perform maintenance
 - For some boot pits, employees *must* enter because they are priority housekeeping areas (floor areas inside 35 feet of inside bucket elevators – fugitive dust over 1/8 of an inch must be removed immediately)

Is a Boot Pit a Confined Space?

- Has limited or restricted means for entry or exit? **MAYBE**
 - Standard-sized door?
 - Ladder, articulated steps, or something different than regular stairs?
 - Crawl through or around equipment?
 - Tunnels? (OSHA guidance on this unclear)
- Main issue: Anything that would prevent the employee from escaping easily?

Is a Boot Pit a Confined Space?

- Not designed for continuous human occupancy? **THIS FACTOR OFTEN NOT MET**
 - “Intended as a regular place of work and supplied with ventilation and other conditions necessary to support life”
 - Critical factor is if employee can work in the space, not the primary use of the space
 - OSHA Example: Primary purpose of telecommunications vault doesn’t matter; issue is whether employees can work in the space

Is a Boot Pit a Confined Space?

- Key distinction between typical boot pit and other types of spaces: No operational adjustments need to be made when entering a boot pit
 - Entering a grain bin: isolate or empty the bin
 - Entering a boot pit: enter under normal operating conditions and start working
- Boot pits generally *are* designed for continuous human occupancy

Is a Boot Pit a PRCs?

- Assuming a boot pit is a confined space, is it a PRCs?
- Must have *one* of the following:
 - Contains or potential to contain hazardous atmosphere
 - Potential for engulfment
 - Internal configuration that could trap employee
 - “Any other recognized safety or health hazard”

Is a Boot Pit a PRCs?

- “Hazardous atmosphere”
 - Flammable in excess of 10% of LFL
 - Airborne combustible dust at LEL
 - O₂ below 19.5% or above 23.5%
 - Any other atmospheric hazard that is immediately dangerous to life and health

Is a Boot Pit a PRCs?

- When is there the “potential” for a hazardous atmosphere”? This is often where the conflict is
- OSHA guidance:
 - “Some spaces may develop a hazardous atmosphere under certain conditions”
 - Example: Space with normal atmosphere may contain CO if particular types of work are done around or adjacent to the space

Is a Boot Pit a PRCS?

- Potential hazardous atmosphere must be *realistic*
 - CO can accumulate in a basement if the furnace malfunctions
 - The basement is not automatically a PRCS because it has a furnace
- Example: Boot pit is not automatically a PRCS because it is *conceivable* that water could mix with grain/dust to form H₂S

Is a Boot Pit a PRCs?

- Hydrogen sulfide
 - OSHA seems to believe that there is always the potential for H₂S because water *could* mix with grain/dust, rot and then emit H₂S
- Factors
 - How often is boot pit cleaned?
 - Is it water tight?
 - Bottom line: H₂S will only form in unusual, remote situations

Is a Boot Pit a PRCs?

- Hazardous atmosphere must be “immediately dangerous to life and health”
 - High enough to cause “death, incapacitation, impairment of ability to self-rescue, injury or acute illness”
 - H₂S example: PEL is 20 parts per million; IDLH is 100 parts per million
 - Space must have or have the potential to have 100 parts per million

Is a Boot Pit a PRCs?

■ Carbon dioxide

- Certain grains under specific conditions can give off carbon dioxide
- Is there a realistic probability that an IDLH atmosphere of carbon dioxide will form in a boot pit?
- What kind of ventilation system is in the boot pit?
- More potential in a grain bin than in a boot pit

Is a Boot Pit a PRCs?

- Oxygen deficiency/carbon monoxide
 - Is there a path for CO from idling trucks to enter the boot pit?
 - Does the facility require trucks to be turned off during unloading?

Is a Boot Pit a PRCs?

- Combustible dust in a boot pit
 - Under normal conditions, not enough dust to exceed the LEL
 - Upset conditions (inspection door left open; plugged or choked leg that must be emptied) – amount of dust typically would not exceed the LEL if it becomes airborne
 - Electrical classification may also be a factor

Is a Boot Pit a PRCs?

- “Other recognized safety and health hazards”
 - Physical hazards like moving equipment, electrical hazards, snakes/rodents, poor visibility
 - Under normal conditions, these hazards will not be present

How are Grain Bins Different?

- Section 1910.272(g) (bins) and (h) (flat storage structures) apply to entries
- 1910.272(g): test atmosphere if “reason to believe” there may be hazards
 - Wet grain
 - Fumigants
 - Some kind of upset condition

Why Voluntarily Perform Air Monitoring?

- At the request of an OSHA Area Office
- In unique situations where there could be a hazard
- As a practice exercise for employees
- *Voluntary monitoring does not “convert” a boot pit into a PRCS – the definition is either met or it is not*

Status of the Guidance

- NGFA met with OSHA on September 12, 2013
- OSHA asked a number of questions about boot pits, including atmospheric conditions
- Did not point out any flaws in the evaluation process set forth in the document
- Fairly non-committal – OSHA will continue to evaluate status on a case-by-case basis

Questions??

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