

# **Exhibit C**

MEMORANDUM FOR:

REGIONAL ADMINISTRATORS

FROM:

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DEPUTY ASSISTANT SECRETARY

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DIRECTOR, DIRECTORATE OF  
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SUBJECT:

29 CFR 1910.269 and 29 CFR Part 1926,  
Subpart V—Enforcement dates

## **Introduction**

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. The revised standards became effective on July 10, 2014, although some paragraphs have compliance deadlines in 2015.

A Memorandum for Regional Administrators, dated June 20, 2014, and extended on October 28, 2014, and again on December 16, 2014, established a temporary enforcement policy for 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V; that policy provided that OSHA would accept compliance with the prior version of 29 CFR 1910.269 as compliance with revised 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V. This memorandum revokes the temporary citation policy of June 20, 2014, as extended. OSHA will immediately begin enforcing all paragraphs of 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V according to the compliance dates set forth in those rules, except as stated in this memorandum.

### **A. Training**

OSHA is not adopting a general enforcement delay for the training provisions at 29 CFR 1910.269(a)(2) or 29 CFR 1926.950(b). However, the Agency will not cite employers for failing to train employees in the work practices necessary to comply with the provisions addressed elsewhere in this memorandum until the Agency is enforcing those provisions.

### **B. Information Transfer**

Until **June 30, 2015**, no citations will be issued to host employers (as defined at 29 CFR 1910.269(x) and 29 CFR 1926.968) under the information-transfer provisions at 29 CFR

1910.269(a)(3) and 29 CFR 1926.950(c), provided that after **April 30, 2015**, the employer can demonstrate that it is providing contract employers (as defined at 29 CFR 1910.269(x) and 29 CFR 1926.968) with the information, other than information on maximum switching-transient voltages, required by 29 CFR 1910.269(a)(3)(i)(A) and 29 CFR 1926.950(c)(1)(i).

Until **June 30, 2015**, no citations will be issued to contract employers (as defined at 29 CFR 1910.269(x) and 29 CFR 1926.968) under the information-transfer provisions at 29 CFR 1910.269(a)(3) and 29 CFR 1926.950(c).

### **C. Job Briefing**

Until **April 30, 2015**, no citations will be issued under 29 CFR 1910.269(c)(1)(i) or 29 CFR 1926.952(a)(1), which require the employer to provide the employee in charge of the job with all available information that relates to the determination of existing characteristics and conditions.

### **D. Minimum Approach Distances**

The standards give employers until **April 1, 2015**, to comply with revised minimum approach distances for voltages of 5.1 kilovolts and more. See 29 CFR 1910.269 (Table R-3, Note 4) and 29 CFR 1926.960 (Table V-2, Note 4).

Until **January 31, 2016**, 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, 2015**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.

Until **January 31, 2016**, 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, 2015**, OSHA will extend this policy as necessary to give employers time to read and implement such guidance when it becomes available.

### **E. Estimates of Available Heat Energy**

Until **March 31, 2015**, no citations will be issued under 29 CFR 1910.269(l)(8)(ii) or 29 CFR 1926.960(g)(2), which require the employer to make a reasonable estimate of the incident heat energy exposures faced by each employee exposed to electric arc hazards.

## **F. Flame Resistant Clothing**

Under 29 CFR 1910.269(l)(8)(iv)(A) through (l)(8)(iv)(C) and 29 CFR 1926.960(g)(4)(i) through (g)(4)(iii), employers generally must ensure that the outer layer of clothing worn by an employee is flame resistant under certain conditions. Before **April 1, 2015**, no citations will be issued under 29 CFR 1910.269(l)(8)(iv)(A) through (l)(8)(iv)(C) or 29 CFR 1926.960(g)(4)(i) through (g)(4)(iii) for a failure to wear flame-resistant pants when employees are wearing 11-ounce or heavier weight cotton pants.

## **G. Arc-rated Protection**

The standards give employers until **April 1, 2015**, to comply with 29 CFR 1910.269(l)(8)(v) or 29 CFR 1926.960(g)(5), which generally require employers to ensure that each employee exposed to hazards from electric arcs wears protective clothing and other protective equipment with an arc rating greater than or equal to the estimated heat energy to which he or she would be exposed.

Until **August 31, 2015**, no citations will be issued under 29 CFR 1910.269(l)(8)(v) or 29 CFR 1926.960(g)(5) because an employer failed to provide protective clothing or equipment rated higher than 8 cal/cm<sup>2</sup>.

## **H. Fall Protection in Aerial Lifts**

Until **March 31, 2015**, no citations will be issued under 29 CFR 1910.269(g)(2)(iv)(C)(1), which requires employees working from aerial lifts to use fall restraint systems or personal fall arrest systems, to any employer performing line-clearance tree-trimming work covered by 29 CFR 1910.269, provided that the employer ensures that each employee uses a body belt and lanyard attached to the boom or basket of the aerial lift.

From **March 31 to December 31, 2015**, no citations will be issued under 29 CFR 1910.269(g)(2)(iv)(C)(1) to any employer performing line-clearance tree-trimming work covered by 29 CFR 1910.269 provided that the employer is actively testing the use of fall restraint systems in the type of bucket at issue in some or all of its affected aerial lifts and provided the employer ensures that each employee not protected by a fall restraint system or a personal fall arrest system uses a body belt and lanyard attached to the boom of the aerial lift. For purposes of this policy, “actively testing” means that the employer, at a minimum, has coordinated with a manufacturer of fall restraint systems to select appropriate fall restraint equipment, is testing the use of that equipment in the field, and has provided training to affected crews regarding how to use that equipment safely. This policy does not apply to types of aerial lift buckets for which the employer is not actively testing the use of fall restraint systems.

## **I. Fall Protection in Elevated Locations on Poles, Towers, or Similar Structures**

Under 29 CFR 1910.269(g)(2)(iv)(C)(2) and (3) and 29 CFR 1926.954(b)(3)(iii)(B) and (C), employers generally must ensure that employees in elevated locations more than 1.2 meters (4 feet) above the ground on poles, towers, or similar structures use a personal fall arrest system, work-positioning equipment, or fall restraint system, as appropriate. (The standards provide that until **March 31, 2015**, qualified employees climbing or changing location on poles, towers, or similar structures do not need to use fall protection equipment unless conditions could cause the employee to lose his or her grip or footing.) Until **May 31, 2015**, no citations will be issued under 29 CFR 1910.269(g)(2)(iv)(C)(2) or (3) or 29 CFR 1926.954(b)(3)(iii)(B) or (C) to employers complying with the fall protection requirements in the version of 29 CFR 1910.269(g)(2)(v) that was in effect on April 11, 2014.

## **J. Underground Installations/Work in Manholes and Vaults**

Until **February 28, 2015**, no citations will be issued under 29 CFR 1910.269(t)(5) through (t)(7) or 29 CFR 1926.965(f) through (h), which address the movement of cables and protection against faults in underground electrical installations, provided the employer is in compliance with the requirements for underground electrical installations in the version of 29 CFR 1910.269(t)(5) through (t)(7) that was in effect on April 11, 2014.