Z244 COMMITTEE
ANSI ACCREDITED STANDARDS COMMITTEE
CONTROL OF HAZARDOUS ENERGY – LOCKOUT, TAGOUT
AND ALTERNATIVE METHODS
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December 12, 2016

U.S. Occupational Safety and Health Administration
OSHA Docket Office, Technical Data Center, Room N-2625
U.S. Department of Labor
200 Constitution Ave. N.W.
Washington, DC 20210

ANSI/ASSE Z244 ASC - ADDRESSING OSHA LOTO PROPOSAL
[Docket No. OSHA-2012-0007], RIN 1218-AC67
Standards Improvement Project-Phase IV

OSHA Docket Office:

This comment is submitted by the American National Standards Institute Accredited Z244 Committee for the Control of Hazardous Energy – Lockout, Tagout and Alternative Methods (ANSI/ASSE Z244 ASC). This comment addresses the proposed language in the October 4th Federal Register announcement amending Subpart J of 1910--General Environmental Controls, Control of Hazardous Energy (Lockout/Tagout) in 29 CFR 1910.147.

The ANSI/ASSE Z244 ASC has been in existence since the early 1970’s. The committee is the author and source for the long-respected ANSI/ASSE Z244.1 Standard, which has been revised several times over its forty plus years of history. The ANSI/ASSE Z244 ASC is providing technical comment addressing language in the October 4th Standards Improvement Project and specifically the proposed change in the Federal standard addressing removal of the term unexpected from the standard.

…According to its terms, the lockout/tagout standard applies to servicing and maintenance operations ``in which the unexpected energization or startup of the machines or equipment, or the release of stored energy could cause injury to employees” (Sec. 1910.147(a)(1)(i) (emphasis in original)). Because OSHA believes the term unexpected has been misinterpreted to exclude some operations where employees are subject to injury from startup or the release of stored energy, the Agency is proposing to remove the word from Sec. 1910.147(a)(1) and several other places it appears in the standard (Sec.
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1910.147(a)(2)(iii)(A), (a)(3)(i), (b), (c)(1), (c)(4)(i) (f)(4), and in Appendix A)…

Z244 Position: The Z244 ASC opposes the proposal for the removal of the word unexpected from the Federal standard for the following reasons:

1. The proposal is not consistent with terminology that has been used in business and industry for decades. When the original OSHA Lockout/Tagout standard was published in 1989, much of the language was taken from the existing 1982 Z244.1 Standard. Both Z244.1 and the Federal standard included the term unexpected as noted below:

1910.147(a)(1)(i) This standard covers the servicing and maintenance of machines and equipment in which the unexpected energization or start-up of the machines or equipment, or release of stored energy, could harm employees. This standard establishes minimum performance requirements for the control of such hazardous energy.

1910.147(b) Servicing and/or maintenance. Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

The concern is that this inconsistency is going to lead to confusion and misinterpretation for occupational safety and health professionals implementing the standard, managing LOTO-related programs and activities, and/or using voluntary national consensus standards, such as Z244.1. (This standard is also recognized by the Federal government in a wide range of documents and materials.) The proposal runs counter to common terms used in business and industry. The Z244 ASC is not aware of any data or significant anecdotal materials warranting changing a term used throughout business and industry.

2. The proposal does not meet Public Law 104-113 (Morella Amendment to the National Technology Transfer and Advancement Act of 1996) or the Office of Management and Budget Circular A-119 Federal Participation in the Development and Use of Voluntary Standards, since it does not take into account current LOTO best-practice documents, such as the newly approved ANSI/ASSE Z244.1 (2016)
Standard. That is why it is critical that governmental agencies such as OSHA continue to operate in accordance with established public policy such as the documents cited above in our letter. The goals of these public policy documents are:

a. Eliminate the cost to the Government of developing its own standards and decrease the cost of goods procured and the burden of complying with agency regulation.

b. Provide incentives and opportunities to establish standards that serve national needs.

c. Encourage long-term growth for U.S. enterprises and promote efficiency and economic competition through harmonization of standards.

d. Further the policy of reliance upon the private sector to supply Government needs for goods and services.

The Z244 Committee operates under ANSI accreditation, with the American Society of Safety Engineers as its secretariat. ASSE publishes a white paper that addresses the use of consensus standards by governmental agencies, titled “Position Statement on the Role of Consensus Standards and Governmental Regulations in Occupational Safety and Health.” The white paper is included as an attachment and provides solid rationale for why governmental agencies, such as OSHA, should actively participate in the development of voluntary national consensus standards such as the newly revised ANSI/ASSE Z244.1 Standard.

3. This change is inconsistent with the intent of the original ANSI Z244.1 Standard where unexpected was intentionally used to differentiate where energy was used during thousands of productive tasks that are not done under isolation circumstances. When the 2016 ANSI Z244.1 standard was announced for review and comment via public review numerous times, the Z244 ASC did not receive any comments regarding the term “unexpected” and how it is viewed by US industry.

4. The proposal runs contrary to the concepts and goals of risk assessment. OSHA appears to be suggesting that their CHSOs (Compliance Safety and Health Officers) are over-burdened in having to evaluate eleven factors associated with warning device application. We contend that modern manufacturing requires the evaluation
of complex situations where unique applications of energy control are both necessary and risk acceptable. The zero-risk blanket approach is outdated and in conflict with current safety management practice. The recent revision of Z244.1 is based on this tenet: the risk assessment guides hazardous energy control techniques and not one-size-fits-all.

The ANSI/ASSE Z244 Accredited Standards Committee recommends that the OSHA proposal to remove unexpected from the current Lockout/Tagout rule not proceed any further. We suggest that more data and information is needed on the technical implementation aspects of removing unexpected before this proposal goes any further. The Z244 ASC would be pleased to assist OSHA with such a research initiative since such information could be of use in creating effective and efficient LOTO programs. Furthermore, it is now time for OSHA to begin the process of revising the entire 1910.147 standard where comprehensive improvements can be made involving stakeholders.

Finally, we also would cordially and respectfully suggest that OSHA play a more participative role on the Z244 Committee since the insight and regulatory knowledge of OSHA would blend well with the wealth of subject matter expertise of its members committed to safeguarding the occupational safety and health of workers.

Respectfully Submitted on Behalf of the ANSI/ASSE Z244 ASC:

Ed Grund, CSP, PE
Chair, ANSI/ASSE Z244 ASC

Copy To: ANSI/ASSE Z244 Committee Members
ASSE Standards Development Committee
ASSE LOTO Contact List

Attachments: ANSI/ASSE Z244.1-2016 American National Standard
ANSI Z244.1 Historic Standards and Reports
ASSE Consensus Standards Position Statement