



## OSHA State Differences Summaries and Checklists: Audit Edition 50 States and Puerto Rico

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### new & noteworthy

U.S. OSHA has adopted a COVID-19 Emergency Temporary Standard (ETS) that applies to all settings where any employee provides health-care services or health-care support services. The ETS was filed in the Office of the Federal Register on June 17, 2021, and it became effective when it was published on June 21, 2021.

All State Plan states and territories either must amend their standards to be identical or “at least as effective as” the new standard or must show that an existing state standard covering this area is “at least as effective” as the new federal standard. State Plan states were required to notify U.S. OSHA of the action they intended to take within 15 days of promulgation of the ETS and to adopt the federal ETS within 30 days. The state plan agency in each state should be consulted to determine whether it has adopted the federal ETS or announced alternate intentions. Links to the agency web sites are available in the Agency Contact Information section of each state summary.



### California audit checklists

The California state regulatory summary is included in this *OSHA State Differences* guide. Full audit checklists for California are provided in a separate publication, *OSHA Auditing: California Occupational Health & Safety Guide*, which integrates federal and California regulations in one comprehensive tool.

### need a demo?

If you have any questions about the state differences summaries and checklists or would like a demonstration of their features, please contact Gail Ankiewicz (1-800-251-0381 ext. 717 or [gaila@stpub.com](mailto:gaila@stpub.com)).

# release notes

*please review*

## highlights by state and topic

State-specific updates for all 51 jurisdictions covered in the *OSHA State Differences Summaries* and *Checklists* are summarized below. Only states for which we have provided updates are listed below—a state that is not listed did not receive updates this quarter. Your update only contains material for the jurisdiction(s) included in your subscription.

### California

- **Fire Protection—Fire Code:** The state adopted the 2019 California Fire Code, which is based on the 2018 edition of the IFC (24 CCR Part 9 Section 1.1.1).
- **Toxic and Hazardous Substances—State-Specific Standards:** The state readopted its emergency temporary standards to protect workers from hazards related to COVID-19, with significant changes (8 CCR 3205 – 3205.4).

### Colorado

- **Fire Protection—Fire Code:** The state adopted the 2021 edition of the IFC (8 CCR 1507-101, Section 3.2.2).

### Hawaii

- **Fire Protection—Fire Code:** The state adopted the 2018 edition of NFPA 1 as the State Fire Code (HAR 12-45.4-4).

### Idaho

- **Fire Protection—Fire Code:** The state adopted the 2018 edition of the IFC (IDAPA 18.08.01).

### Indiana

- **Compressed Air Receivers, Boilers, and Pressure Vessels—Boilers and Pressure Vessels:** The state adopted the 2019 editions of the ASME Code and the NBIC (675 IAC 30-1-1(a)).

### Kentucky

- **Posting and Recordkeeping—Recordkeeping:** The state updated its reporting requirements for fatalities and serious injuries to be equivalent to their federal counterparts (803 KAR 2:180).

### Maryland

- **Compressed Air Receivers, Boilers, and Pressure Vessels—Boilers and Pressure Vessels:** The state adopted the 2019 editions of the ASME Code and the NBIC (COMAR 09.12.01.01-1(A)).

### Michigan

- **Toxic and Hazardous Substances—State-Specific Standards:** The state repealed its emergency temporary standard to protect workers from COVID-19 and adopted the federal emergency temporary standard.

### Nebraska

- **Toxic and Hazardous Substances—Ionizing Radiation:** The state adopted special requirements for panoramic and underwater irradiators (180 NAC 19).

## Oregon

- **General Environmental Controls—General Environmental Controls: Labor Camps:** The state modified its COVID-19 rules to remove masking and social distancing requirements for employer-provided housing (OAR 437-004-1115). The state also enacted a temporary amendment to address high ambient temperatures in labor housing (OAR 437-004-1120).
- **Occupational Health—State-Specific Standards:** The state adopted emergency temporary rules to protect workers from heat-related illnesses (OAR 437-002-0155).
- **Toxic and Hazardous Substances—State-Specific Standards:** The state modified its COVID-19 rule to remove masking and social distancing requirements and most industry-specific requirements (OAR 437-001-0744).

## Rhode Island

- **Fire Protection—Fire Code:** The state adopted the 2018 editions of NFPA 1 and NFPA 101 as the Rhode Island Uniform Fire Code (R.I.G.L. 23-28.1-2(a) and 450-RICR-00-00-7).

## South Carolina

- **Agency Contact Information:** Because the U.S. OSHA regional office in Columbia, SC office has closed, the office in Raleigh, NC now serves as the regional office for South Carolina (<https://www.osha.gov/contactus/bystate/SC/areaoffice>).

## Vermont

- **Toxic and Hazardous Substances—Lead-Based Paint:** The state reorganized and renumbered portions of its Lead Control regulations (Lead Control Regs. 1.1).

## Virginia

- **Fire Protection—Fire Code:** The state adopted the 2018 Virginia Statewide Fire Prevention Code, which incorporates the 2018 edition of the IFC, with amendments (13 VAC 5-51-31).

## West Virginia

- **Compressed Air Receivers, Boilers, and Pressure Vessels—Boilers and Pressure Vessels:** The state reorganized and renumbered its regulations for power boilers (42 CSR 3).

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## did you know?

- Connecticut, Maryland, and Michigan adopted the federal modifications from OSHA's 2019 Standards Improvement Project—Phase IV.
- Maryland and Tennessee adopted the 2020 federal updates to the beryllium standard.
- Massachusetts repealed its COVID-19 regulation.

# release notes

*please review*

- Michigan updated its requirements for lockout and machine guarding for plastic molding operations to reflect current technologies (R 408.16202 – R 408.16251).
- Michigan adopted the federal updates to fit test requirements in Appendix A of the respiratory protection standard (29 CFR 1910.134).
- South Carolina adopted the federal language on how to make a determination as to whether an employee's hearing loss is work-related.
- South Carolina announced that it will not adopt the federal COVID-10 Emergency Temporary Standard. Instead, the agency is developing its own standard for infectious diseases generally that will apply to all employers. The state standard is expected to be announced before October 2021.
- Tennessee adopted the federal requirement for including EIN numbers as part of electronic reporting of injury and illness data.
- OSHA partnered with NIOSH to revise a handbook on workplace safety and health information for small business employers. The "Small Business Safety and Health Handbook" is available at <https://www.osha.gov/sites/default/files/publications/small-business.pdf>.
- OSHA issued a request for information seeking public input as the agency considers updating its mechanical power press standard (see <https://www.federalregister.gov/documents/2021/07/28/2021-15995/mechanical-power-presses-update>).
- OSHA issued updated enforcement guidance for inspections in the tree care industry (<https://www.osha.gov/memos/2021-06-30/inspection-guidance-for-tree-care-and-tree-removal-operations>).
- OSHA revised its National Emphasis Program for COVID-19. The revised NEP (DIR 2021-03 (CPL 03)) adjusts the targeted industries (those most at risk for COVID-19 exposure) based on updated inspection and illness data. The NEP is available at [https://www.osha.gov/sites/default/files/enforcement/directives/DIR\\_2021-03\\_CPL\\_03.pdf](https://www.osha.gov/sites/default/files/enforcement/directives/DIR_2021-03_CPL_03.pdf).
- OSHA issued a new directive, DIR 2021-02 (CPL 02), addressing Inspection Procedures for the COVID-19 Emergency Temporary Standard ([https://www.osha.gov/sites/default/files/enforcement/directives/DIR\\_2021-02\\_CPL\\_02.pdf](https://www.osha.gov/sites/default/files/enforcement/directives/DIR_2021-02_CPL_02.pdf)).



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