
October 29, 2021

Ms. Jessica Stone, Chair
Small Business Advocacy Review Panel
Occupational Safety and Health Administration
U.S. Department of Labor

Delivered via E-mail to Ms. Anissa Harmon, OSHA

Dear Ms. Stone,

RE: NRECA's Post-SBREFA Panel Comments on the Proposed Emergency Response Standard.

The National Rural Electric Cooperative Association ("NRECA") appreciates the opportunity to provide post-SBREFA panel comments to OSHA. By way of background, NRECA is the national trade association representing nearly 900 local electric cooperatives and other rural electric utilities. America's electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing regions to remote farming communities, electric cooperatives power 1 in 8 Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation's landscape.

Electric cooperatives operate at cost and without a profit incentive. NRECA's member cooperatives include 62 generation and transmission (G&T) cooperatives and 831 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line co-op consumer-members.

NRECA members are eligible to participate in the organization's Rural Electric Safety Achievement Program ("RESAP"). RESAP, our national safety program in partnership with statewide and cooperative safety leaders, utilizes a framework for continuous improvement to improve safety performance & culture. The program requires written executive commitment, regular audits of safety programs and development and update by participants of safety improvement plans.

As you know, Mr. Archie Dickens from Coast Electric Membership Association in Mississippi participated in the SBREFA panel and expressed views on OSHA's proposed emergency response standard. Those views can be summarized as follows:

1. Electric Utility Operations Should be Exempt from any new OSHA Emergency Response Standard, as the work performed by electric power workers is sufficiently regulated by current OSHA standards.

Electric utility work is regulated by OSHA under several of the agency's standards and particularly under 29 CFR 1910.269 and 29 CFR 1926 Subpart V. These regulations are designed to protect workers that work on or near power lines. As we illustrate in our comments below, much of the proposed emergency response standard requirements for electric utility workers are covered under the two standards listed above.

2. The work that electric utility workers perform as Skilled Support Employees consists of shutting power off or turning power on at the emergency site.

As Mr. Dickens described, there are two basic functions that electric utility workers perform at the scene of an emergency. These are: 1) shutting power off to the extent that live power creates a hazard and 2) restoring electric power service. These two distinct and discrete functions are performed in full compliance with existing OSHA standards 1910.269 and 1926 subpart V. To add additional requirements for these functions does not appear to increase safety or reduce hazards for electric utility workers.

3. Specific comments on draft regulatory language

a. Section (b) Duty

Subsection (3) of the Duty section would require each skilled support employer to develop in writing and implement an Emergency Response program to provide protection for each employee designated to operate on an emergency response incident. For an electric utility this requirement is duplicative of current 29 CFR 1910.269 and 29 CFR 1926 Subpart V. Those regulations set forth very specific requirements for protecting employees working on or near power lines. As this is the work that electric utility employees perform at an emergency incident, they are sufficiently protected by current OSHA regulation.

b. Section (c) Definitions and Acronyms

To the extent OSHA agrees that electric utilities are sufficiently protected under current OSHA regulation, we suggest adding a phrase to the last sentence of the definition of Emergency Service Organization (ESO). The revised last sentence would read: "It does not include organizations solely engaged in law enforcement, crime prevention or similar activities, nor does it include electric utility personnel" (emphasis added).

For the definition of mutual aid, mutual aid agreement, we suggest that OSHA clarify that only those mutual aid agreements between ESO's are included in this definition. Electric cooperatives are signatories to mutual aid agreements under which they provide assistance to each other in the event of a natural disaster. We do not believe that electric cooperative mutual aid agreements should be covered by a new regulation.

For the definition of Skilled Support Employer (SSE), we suggest changing the final sentence to read: "...tow trucks, construction equipment, gas or water service, public health employees, etc." This removes electric utility workers from those covered by a new rule, assuming that OSHA agrees with our view that current regulation of electric utility workers is sufficient protection.

c. Section (r) Skilled Support Employer General Requirements

(1)(i) – the requirement to establish in writing the type and level of emergency services is overkill for electric utilities. There are two functions performed by electric utilities at an emergency – shutting off power or turning power on.

(1)(ii) – this section conflicts with and/or duplicates existing OSHA standards 1926.954 and 1910.269(g) Personal Protective Equipment.

(1)(iii) – this section conflicts with and/or duplicates existing OSHA standards 1926.960, working on or near exposed energized parts and 1910.269 (a).

(2) – Medical Screening. Many electric cooperatives have medical requirements already established for each job. The draft regulatory language may also be problematic in that it may interfere with a supervisor or manager’s ability to assess fitness in the field.

(3) – Fatigue Management. The requirements of this section duplicate what is standard operating procedure at electric cooperatives – that is, holding safety meetings and training on fatigue and other hazards of the job.

d. Section (s) Skilled Support Personal Protective Equipment

The requirements in this section duplicate current OSHA standard 1926.954, Personal Protective Equipment and 1910.269(g), Personal Protective Equipment.

e. Section (t) – Skilled Support Training

Many of the requirements in this portion of the draft regulatory language duplicate portions of existing OSHA standard 1910.269 (a) (2), Training and 1926.950, Training.

4. Conclusion

NRECA appreciates the opportunity to provide these post panel comments. We are grateful that OSHA took the time to hear from an electric cooperative small entity representative and subject matter expert.

We believe that the remarks of the electric cooperative SER as well as the information provided here support a conclusion that an OSHA emergency response standard should exempt electric utility work and workers, as there is sufficient protection for these workers under existing OSHA regulation.

Respectfully submitted,



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