



Oregon
Theodore R. Kulongoski, Governor

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North American Energy Services
Tom Terrell, Site Manager
P.O. Box 460
Rainier, OR 97048

Dear Mr. Terrell,

This is in response to your letter requesting clarifications of 1910.146, Permit Required Confined Spaces.

Q: How many test results (air sampling) are required to be able to declare a confined space as a non-permit required confined space?

A: The definition of a permit-required confined space includes a confined space where the **potential** for an atmospheric hazard exists. Therefore, if a confined space has the potential for a hazardous atmosphere, such as an oxygen deficiency, explosive hazard, or toxic substances, it can only be designated a non-permit required confined space when there are no physical hazards and when testing shows that there are no atmospheric hazards. This must be done for each entry.

Q: What tests (air sampling) are required to be taken, and does it change when the work task changes?

A: The atmospheric tests that are required are oxygen level, lower explosive limit, and any toxic air contaminants that may be present [1910.146(b) and 1910.146(c)(5)(ii)(C)]. The rule also requires that there be no atmospheric hazards while a space is occupied, therefore if work being done inside the space may create a hazardous atmosphere, continuous monitoring must be accomplished [1910.146(c)(5)(ii)(D)].

Q: Once an area is declared a non-permit confined space, what are subsequent entry requirements?

A: When a permit-required confined space is reclassified as a non-permit required confined space, means of assuring that no atmospheric hazards are present while the space is occupied must be accomplished. Additionally, if any subsequent hazards arise during the entry, the space must be evacuated immediately and reclassified as a permit-required confined space.

Q: Please explain what “designed for continuous employee occupancy means.

A: A space that designed for continuous employee occupancy is a space, room, area, building, structure, etc, that is designed for human occupancy. For example, an office building is designed for human occupancy, while a grain storage silo is not designed for human occupancy.

The preamble to the rule, which was printed in the January 14, 1993 Federal Register, Volume 58, Number 9, includes a discussion regarding the phrase “continuous employee occupancy,” and also states the “...key to which is whether a human can occupy the space during normal operating conditions.”

Q: If any of the requirements for a permit entry confined space is eliminated, does this make it a non-permit required confined space?

A: If one or more of the criteria for a permit-required confined space is eliminated, but not all, it is still a permit required confined space. However, if a confined space can be reconfigured to not have a restricted means of access/egress, it may no longer be considered a confined space. An example of this would be placing a mobile staircase inside a pit. In this instance, the pit no longer has a limited means of access/egress, and would no longer be classified as a confined space. However, all other Oregon OSHA rules would still apply.

Q: Has Federal OSHA issued new codes for confined spaces, or is this planned for the future?

A: Federal OSHA is currently developing a confined space standard for construction.

Q: What are record keeping requirements for a non-permit confined space?

A: There are no record-keeping requirements for non-permit required confined spaces, unless it has been declassified from a permit-required confined space. In this instance, the permit-required confined space program must be developed, and a means of recording each instance when a permit-required confined space is reclassified as a non-permit-required confined space, as well as the test results that were used in the decision-making process to reclassify the space.

Q: Should ventilation be used in a non-permit required confined space, even if atmospheric testing results are good?

A: If a non-permit required confined space has the potential to contain, at any time, a hazardous atmosphere, it is a permit-required confined space. If ventilation is used, all conditions set forth in 1910.146(c)(5)(ii) must be met.

Q: Would it be conducive for individuals to wear personal oxygen monitors while in a confined space, whether it be non-permit or permit?

A: An employee wearing a personal O₂ meter while inside a permit-required confined space or a non-permit-required confined space that has been reclassified as a non-permit required confined space is one means of ensuring that a hazardous atmosphere does not exist during the entry, provided that the only hazard is that of an oxygen deficient or oxygen rich atmosphere.

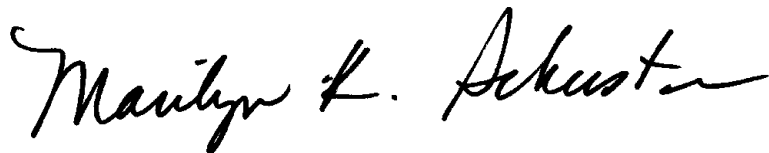
Atmospheric testing is not required in a non-permit confined space, as, by definition, it does not have the potential to contain one.

Q: Should there be a hole watch on a non-permit confined space entry?

A: Having a watch on an entry into a non-permit required confined space would be a prudent action. However, if there are any hazards or potential hazards that would necessitate a stand-by watcher, the space may be a permit-required confined space.

We hope this answers your question regarding confined spaces. If you have any questions or if we can be of further assistance, please contact [David McLaughlin](#) at (503) 378-3272.

Sincerely,

A handwritten signature in black ink that reads "Marilyn K. Schuster". The signature is written in a cursive style with a long, sweeping underline.

Marilyn K. Schuster, Manager
Standards and Technical Resources Section
Oregon Occupational Safety and Health Division