



Reply to the attention of:

APR 13 2016

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

THROUGH: 
DOROTHY DOUGHERTY,
Deputy Assistant Secretary

FROM: DEAN MCKENZIE, Acting Director 
Directorate of Construction

SUBJECT: Confined Spaces Litigation Settlement

This memorandum sets forth an enforcement policy under which work on or directly related to telecommunications lines and equipment by telecommunications employees in an existing telecommunications manhole or vault will not be subject to citation by OSHA under the Confined Spaces in Construction standards, 29 C.F.R. 1926.1200- .1213, if such work is performed in accordance with the Telecommunications standard, 29 C.F.R. 1910.268, and the hazards associated with such work are addressed by the Telecommunications standard. For example, the following work activities performed within an existing manhole or vault would typically fall under this citation policy because, absent unusual circumstances, these activities constitute work on or directly related to telecommunications lines and equipment and involve hazards addressed by the Telecommunications standard: maintenance and repair of telecommunications lines and equipment; testing, locating and inspecting telecommunications lines and equipment; splicing telecommunications lines; and installing and removing telecommunications lines and equipment.

However, not all work related to telecommunications manholes or vaults would fall under this citation policy. For example, constructing telecommunications manholes or vaults, or installing new ducts or horizontal boring for new ducts between existing manholes or vaults, would not fall under this citation policy because these activities do not constitute work on or directly related to telecommunications lines and equipment in existing telecommunications manholes or vaults. Activities outside the scope of this enforcement policy would be subject to citation under any applicable OSHA standard or regulation, which could include the Confined Spaces in Construction standard.

In addition, even where telecommunications employees are performing work on or directly related to telecommunications lines and equipment in existing manholes or vaults, unusual hazards may arise that are not addressed by the Telecommunications standard. For example, a

manhole or vault could contain a toxic atmosphere that could not be made safe before entry as required by the Telecommunications standard. In such cases, work involving hazards not addressed by the Telecommunications standard would be subject to citation under any applicable OSHA standard or regulation, which could include the Confined Spaces in Construction standard.