U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

March 13, 2024

The Honorable Brian Fitzpatrick
U.S. House of Representative
Washington, D.C. 20515

Dear Representative Fitzpatrick:

Thank you for your letter raising concerns about potential increased worker exposure to arc-flash-related hazards during the implementation of Public Law 117-58 "Infrastructure Investment and Jobs Act." Specifically, you state that workers are currently without adequate protection from these hazards due to a lack of industry compliance with recognized industry standards, such as National Fire Protection Association (NFPA) 70E, "Standards for Electrical Safety in the Workplace." You ask the Occupational Safety and Health Administration (OSHA) to re-evaluate its enforcement policies related to such standards and provide detailed guidance for industry to prepare for the increase in infrastructure projects nationwide. I want to assure you that we actively encourage employers to follow consensus standards such as NFPA 70E when complying with OSHA's electrical standards, and are continuing to develop written guidance to assist them in doing so.

OSHA recognizes that employees may be exposed to arc-flash hazards during implementation of the Infrastructure Investment and Jobs Act, as the Act may increase demand for projects involving electric grid improvements and electric vehicle charging stations. OSHA has standards that protect employees from arc-flash hazards in different industries and circumstances, including OSHA's Electrical Power Generation, Transmission, and Distribution standards, 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V, which both contain provisions designed to protect workers from such hazards. Additionally, OSHA has and will continue to recommend that employers consult consensus standards such as NFPA 70E to identify safety measures that can be used to comply with or supplement the requirements of OSHA's standards for preventing or protecting against arc-flash hazards.

From an enforcement policy perspective, OSHA has issued many letters of interpretation that address OSHA's position in enforcing its requirements under these standards. Additionally, OSHA is developing enforcement directives covering OSHA's general industry and construction standards on general electrical safety and electric power generation, transmission, and distribution. These directives will provide enforcement guidance to OSHA's compliance safety and health officers when enforcing OSHA's multiple electrical standards that address electrical hazards, including arc-flash hazards.

Finally, OSHA has many compliance assistance resources available to employers and workers related to electrical safety. OSHA's Focus Four Outreach Training Program for construction provides a comprehensive training plan for electrical safety, which includes arc-flash hazards. And OSHA is currently developing new guidance products that will focus specifically on the electrical arc-flash hazards. These guidance products are informed by industry standards, such as NFPA 70E, and OSHA's ongoing coordination with the Partnership for Electrical Safety. With the issuance of these products, OSHA hopes to improve worker outcomes related to electrical safety.

For more information on OSHA's standards and guidance, please see Electrical - Standards | Occupational Safety and Health Administration (https://www.osha.gov/electrical/standards) and Electrical - Construction | Occupational Safety and Health Administration (https://www.osha.gov/electrical/construction).

We hope you find this information helpful. Thank you for your interest in occupational safety and health. If you have additional questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

Douglas L. Parker