



# Health & Safety

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## OSHA Sets Policy On Employee Rescue Efforts

One are the days of heroic actions—the Occupational Safety and Health Administration (OSHA) tells employers: “Train the rescuers or train them to *not* rescue.”

### Interpretive Rule

OSHA\* issued an Interpretive Rule on December 27, 1994 (*Federal Register* 59:66612–66613, 29 CFR 1903.14), which addressed the agency’s citation policy regarding voluntary employee rescue activities.

From time to time, workplace incidents occur that involve not only injuries to workers directly exposed to hazards, but injuries (or potential injuries) to employees who voluntarily attempt to rescue or assist their fellow workers. In many instances, employees have voluntarily rescued coworkers or rendered emergency assistance in the aftermath of workplace accidents—sometimes at considerable risk to themselves. Such was the case in an Indiana plating shop tragedy a few years ago, where five young men died. An employee succumbed to hydrogen cyanide gas (HCN) during plating bath maintenance by inadvertently mixing cyanide and acid together. Four of his fellow employees also paid the ultimate price for their rescue attempts.

### Clarification of the Rule

Until recently, there has been no written instruction from OSHA to its field offices providing guidance in such situations. Now comes the agency with an interpretive rule, clarifying its citation policy regarding rescues.

If employees are working in environments where there is a possibility of serious accidents, then they must be trained to ensure that the rescuers themselves do not become victims.

Accidents requiring rescue efforts can be anticipated in certain working

environments, such as: Trenches, excavations, hazardous waste operations, emergency response work, or construction work over water. In addition, confined spaces are notorious for fatal accidents. Because of the foreseeable nature of accidents that invite rescue attempts, laws that include precautions and safeguards for rescue-related operations have been passed. Some of these are the emergency planning and response provisions of the process safety management standard, hazardous waste operations, confined spaces and employee emergency plans.

### Effect of the Rule

OSHA feels that its rule does not require any additional compliance action by employers. It does dictate, however, the responsibility to designate and appropriately train and equip emergency personnel.

### Regulatory Impact Analysis

OSHA has concluded that the interpretation is not a “significant regulatory action,” because the interpretation does not add to the compliance responsibilities.

### Administrative Procedure

OSHA can cite a company in an employee-rescue attempt if:

- The employee is designated to assist in rescue operations and isn’t provided protection, including appropriate training and rescue equipment;
- The employee is directed by the employer to perform rescue activities and fails to provide appropriate training and rescue equipment;
- The employee is required to carry out duties that are directly related to workplace operations where life-threatening accidents could occur (such as confined spaces,

trenches, hazardous waste, emergency response, excavations, or construction over water);

- The employee voluntarily elects to rescue such an individual, **and the employer has failed to instruct employees not to assist in rescue operations, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.**

### Conclusion

The message is clear. Employers must, in most cases, train employees to *not* attempt rescue. This will be one tough mandate, because it goes against the very grain of heroics. Psychological studies have demonstrated that people are more likely to assist others in need if no one else is around. Particular attention should be paid, therefore, to those employees who work in isolated areas of the plant. □

### About the Columnist

Martha S. Martin, CEF, is a compliance consultant with Delta Chemicals & Equipment, Inc., Indianapolis, IN. The Indiana University (IU) honors graduate is an active AESF member who serves on several committees, including the Environmental Committee (vice-chair) and OSHA Committee, and is president of the Indianapolis AESF Branch. She holds professional designations of Certified Electroplater Finisher (CEF) and Certified Environmental Compliance Manager (CECM), and teaches regulatory compliance at IU/Purdue University, and wastewater treatment at IVY Tech.

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