

employees to wear foot protection, such as heavy-duty logging boots, that among other things, protect against "penetration by chain saws." Some interested persons have misinterpreted this provision to require steel-toed boots, although the preamble to the final rule explained that the rule does not require steel-toed boots.

OSHA has decided to grant a six-month delay in the effective date of the portion of this provision that requires that foot protection be chain-saw resistant. (The remaining requirements of the foot protection provision will go into effect as scheduled on February 9.) This delay will enable OSHA to review the logging community requirements on available foot protection, including many types of heavy-duty leather logging boots currently used, kevlar boots, and foot coverings that provide adequate chain saw resistance. Finally, this delay will allow greater availability of new products that manufacturers are developing in response to the standard.

Paragraph (d)(1)(vii)—Eye and face protection. The logging standard requires loggers to wear eye and face protection meeting the requirements of OSHA's general personal protection equipment (PPE) standards when there is a potential for injury due to falling or flying objects. Some interested persons have interpreted this provision to require both eye and face protection in all cases.

OSHA has decided to grant a six-month delay in the effective date of this provision to the extent that it requires face protection. (The current effective date of February 9 will continue to apply to the eye protection requirement.) The delay will allow OSHA to clarify what the standard requires, and to better inform employers about available face protection that does not limit worker vision.

Paragraph (d)(2)(iii)—Annual approval of first-aid kits by a health care provider. Paragraph (d)(2) states that employers must provide and maintain adequate first-aid kits at each worksite, and that the number and contents of the kits must be reviewed annually by a health care provider. Some interested persons have interpreted the standard to require that a doctor inspect each kit annually.

OSHA has decided to grant a six-month delay in the effective date of the provision requiring annual health care provider review. The requirement that first-aid kits contain at least the items listed in Appendix A (paragraph (d)(2)(ii)) will go into effect as scheduled on February 9, 1995. During this period, OSHA will revise the

statutory language to clarify its original intent.

Paragraph (f)(2)(iv)—Slope limitations on machine operation. This rule states that logging machines shall not be operated on any slope greater than the maximum slope recommended by the manufacturer. Some parties have interpreted this provision to require manufacturers to specify maximum slopes that would be applicable in all field situations. OSHA is granting a six-month stay of this provision to clarify this point.

Paragraph (f)(2)(xi)—Discharge of stored energy from machine hydraulic and pneumatic storage devices. This provision requires that pressure or stored energy from hydraulic and pneumatic storage devices be discharged after the machine engine is shut down. Some parties have interpreted this provision to require discharge of air and water from all machine components, even when the presence of air or water pressure will not create a hazard for any employee. OSHA is granting a six-month delay in order to clarify this point.

Paragraph (f)(3)(ii)—Machine rollover protective structures. The final rule requires that all rollover protective structures (ROPS) be installed, tested and maintained in accordance with the Society of Automotive Engineers (SAE) J1040, April 1988, performance criteria for rollover protective structures (ROPS). OSHA has learned that some logging equipment currently in production has not yet been designed to meet the 1988 SAE criteria document. OSHA has decided to delay the effective date of this requirement for six-months in order to determine whether any additional extension may be appropriate.

Paragraph (f)(3) (vii) and (viii)—Machine operator cab protective structures. These provisions require that the lower portion of the operator's cab be enclosed with "solid" material that will prevent objects from entering the cab. Some parties have interpreted this provision to encourage the use of materials like steel plating that may restrict the operator's field of vision. OSHA is granting a six-month delay in the effective date of this provision in order to clarify this requirement.

Paragraph (f)(7)(ii)—Machine braking systems. This provision requires that each machine be equipped with "a secondary braking system, such as an emergency brake or a parking brake, which shall be effective in stopping the machine and maintaining parking performance." OSHA has since learned that the terminology used in this provision is inconsistent with that used

by some manufacturers. These manufacturers consider a secondary braking system to be a subsystem of the service brake system and that each subsystem should be capable of stopping the machine even though the other subsystem fails. The parking brake system is not designed to stop the vehicle in motion but rather to restrain it once movement has stopped; thus it is not considered a secondary system.

OSHA is granting a six-month delay in this provision only to the extent that it requires that parking brakes be able to stop the machine. During this period, employers must still assure that each machine has a service brake system that is capable of stopping the machine and a parking brake system that can hold the machine and its maximum load on any slope that the machine is operated. OSHA will revise the terminology in this provision to clarify its intent.

Paragraph (g) (1) and (2)—Inspection and maintenance of employee-owned vehicles. These provisions require that any vehicle used off public roads at logging work sites or to perform any logging operation, including employee-owned vehicles, be maintained in a serviceable condition. Some parties have interpreted this provision to require logging employers to inspect and maintain all vehicles, including those employee-owned vehicles that they allow on their logging sites.

OSHA is granting a six-month delay in the effective date of these provisions insofar as they apply to employee-owned vehicles. The additional time will enable OSHA to reexamine the record on this issue and clarify its intent of the standard.

Paragraph (h)(2)(vii)—Backcuts. This rule requires that backcuts be above the horizontal line of the undercut. OSHA is aware that when loggers use the Humboldt cutting method, in which the diagonal cut is below the horizontal cut of the undercut, the backcut is at the level of the horizontal cut. The Agency is granting a six-month delay in the effective date of this provision only to the extent that the rule does not permit loggers using the Humboldt method to place the backcut at the level of the horizontal cut. (OSHA emphasizes that backcuts may never be made below the horizontal cut.) OSHA will reexamine the record on this issue.

III. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.