

COMPETENT PERSON

DEFINITION: "One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authorization to take prompt corrective measures to eliminate them". (§1504(a))

This seems like a straight-forward definition; however, the employer must get to the intent of the actual rule and that will require that we review the comments made in the preamble to the Federal Register dated Tuesday, October 31, 1989, "Excavations, Final Rule."

INTENT OF COMPETENT PERSON DEFINITION

"It is important to note that what constitutes a "competent person" depends upon the context in which the term is used. In order to be a "competent person" for purposes of this standard, one must have had specific training in, and be knowledgeable about soils analysis, the protective systems and the requirements of the standard. One who does not have such training or knowledge cannot possibly be capable of identifying existing and predictable hazards in excavation work or in taking prompt corrective measures."

The employer needs to understand that it is ultimately his/her responsibility to designate the competent individual. The employee's desire to become the competent person is most certainly a consideration, but must not be the only criteria for the designation.

The designated employee must understand the responsibilities of the task. Many supervisors have ultimate decision-making power when it comes to job production; however, they must be made to understand that there is an additional responsibility placed upon them, the safety of their personnel. Without this mandate, they have only been asked to assume a portion of the job title's responsibilities.

COMPETENCY DOES NOT EXIST UNTIL IT IS DEMONSTRATED!

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| COMPETENT PERSON RESPONSIBILITY FOR TRENCHING AND EXCAVATING UNDER OSHA/Cal-OSHA RULES | |
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1926.651(k)(1)
§1541(k)(1)

Inspections of excavations
Daily for evidence of:

- Possible cave-ins
- Failure of protective systems
- Hazardous atmospheres
- Other hazardous conditions

Frequency of inspections:

- Prior to start of work each day
- As needed throughout shift
- After rainstorms
- After other hazard increasing occurrence

1926.651(k)(2)
§1541(k)(2)

Authority to stop work

- “Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety”.

1926.651(g)(1)(i)
§1541(g)(1)

Testing for hazardous atmospheres when the potential for such atmospheres exists

1926.651(h)(2)
§1541(h)(2)

Monitoring of water removal equipment and operations

1926.652(d)(3)
§1541.1(d)(3)

Inspection of material or equipment if damaged and evaluation of its suitability for continued use

1926 Appendix A
§1541.1 Appendix A

Visual tests (d)(1)(i) – (v)
Acceptable visual and manual tests (d)(1)(A-G)
Observe:

- Samples of soil newly excavated and soil in sides of trench for range of particle size, relative amounts of particle size
- Soil as it is being excavated for clumping and breaking
- Sides of trench and adjacent areas for tension cracks and spalling
- Adjacent areas for utility and other underground structures to identify previously disturbed soils
- Sides of trench for layered soils
- Sides and adjacent areas for evidence of water
- Adjacent areas for sources of vibration

Manual tests (d)(2)(i) – (v) or §(d)(2)(A-E)

- Plasticity – mold soil sample into ball and attempt to make 1/8 inch diameter thread
- Dry Strength – how easily soil crumbles or breaks when dry
- Thumb Penetration – how easily thumb penetrates soil sample
- Use a pocket penetrometer or hand operated sheavane to estimate unconfined compressive strength
- Drying Test – Dry a sample of soil and look for cracks and how easily it can be broken by hand