OSHA Clarifies Key Compliance Expectations Through 7 Letters of Interpretation

Recently, OSHA issued seven letters of interpretation clarifying its interpretation and enforcement of specific regulatory requirements. These letters address the following topics:

1. Permit-required confined spaces;
2. COVID-19 recordkeeping and reporting status;
3. Powered industrial truck (PIT) training;
4. Recordkeeping software;
5. Engineering control standards for benzene and 1,3-butadiene;
6. Audiometric testing for workers with cochlear implants (CIs); and
7. Stair angle and tread depth compliance.

These letters do not create new obligations for employers. Collectively, these interpretations provide practical guidance for employers, helping them understand regulatory expectations, reduce compliance risks and avoid potential citations.

Key Highlights

The following is an overview of each letter of interpretation.

Permit-required Confined Spaces

OSHA clarified how the permit-required confined space requirements apply to utility vaults that contain flowable piping, such as steam, chilled water or hot water lines that pass through a space but do not terminate there. The permit-required confined space requirements are performance-based and require employers to evaluate each space to determine whether it presents a recognized serious safety or health hazard. If a space is classified as permit-required and entry is authorized, employers must isolate the space to the extent necessary to address the hazards identified by the hazard assessment.

OSHA explained that piping containing flowable materials must be isolated and drained before entry only when the employer's evaluation shows a realistic potential for rupture or leakage that could result in engulfment, burns, or another serious safety or health hazard. Where piping simply passes through the space, does not terminate in the space, and the employer's hazard assessment demonstrates no credible risk of failure or release, isolation and draining of those lines is not required. This remains true even when valves, flanges or other connections are present within the space, provided they do not create a reasonable probability of leakage or rupture.

OSHA emphasized that determining whether a reasonable probability of rupture or leakage exists is the employer's responsibility and must be based on site-specific conditions. Relevant factors include:

- Age and condition of the piping;
- Inspection and maintenance history;
- Prior failures;
- The work involving or being conducted near the piping or connections such that piping systems could be damanged; and
- The capability of the volume or flow of material to cause a serious safety or health hazard if released.

Employers should document this evaluation to support their entry decision.

Finally, OSHA noted that questions tied to unique on-site conditions require a site-specific evaluation and cannot be resolved through a general interpretation. If an employer believes compliance is infeasible and an alternative approach would provide equal or greater employee protection, OSHA allows the employer to seek a variance.

COVID-19 Recordkeeping and Reporting Status Under 29 C.F.R. § 1910.502

OSHA adopted a health care emergency temporary standard (ETS) in June 2021 to address COVID-19 risks in health care settings. In December 2021, OSHA withdrew most of the standard but retained the COVID-19 recordkeeping and reporting requirements under separate statutory authority.

OSHA announced on Feb. 5, 2025, by issuing a memorandum that, from that point on and until further notice, it would not enforce those remaining COVID-19 recordkeeping and reporting requirements. This included requirements to maintain COVID-19 logs and report COVID-19 fatalities and hospitalizations under the health care standard. OSHA stated it would also archive its prior COVID-19 ETS inspection guidance.

OSHA states it will continue to enforce its general injury and illness recordkeeping and reporting requirements under Part 1904, which still apply to COVID-19 cases that meet recordability or reporting thresholds. Determinations remain based on work-relatedness, whether the case satisfies recording criteria and application of the Part 1904 framework. Employers must continue to evaluate workplace exposure and comply with serious incident reporting requirements when applicable. They should ensure consistency across respiratory protection programs, exposure controls and workplace health protocols, as these measures can directly affect recordkeeping and reporting obligations.

PIT Training

OSHA addressed whether PIT operators may demonstrate competence through live-streamed or other remote training methods. OSHA clarified that while PIT training may include flexibility in how classroom instruction is delivered, the practical evaluation of an operator's competence cannot be conducted virtually. The standard requires that practical training and evaluation occur under the direct supervision of a qualified individual, meaning the evaluator must be physically present at the location where the operator is performing the tasks.

OSHA explained that live-streamed or remote observation does not meet the direct supervision requirement for hands-on training and evaluation. Although employers retain discretion to determine whether an operator has successfully completed required training, including both classroom and practical components, the performance-based evaluation must occur in person. As a result, employers may use virtual methods for knowledge-based instruction, but they must conduct on-site evaluations to verify the safe operation of the equipment and the operator's competence.

Recordkeeping Software

OSHA clarified that employers may use company-developed or third-party software to maintain injury and illness records instead of the official OSHA Forms 300 and 300A, provided the software generates records that are equivalent to the OSHA forms. To qualify as equivalent, the records must contain the same required information, be as readable and understandable, and follow the same instructions as the OSHA forms they replace. Employers may maintain these records in any file format, including electronic formats, provided that the following conditions are met.

OSHA emphasized that electronic recordkeeping systems must be able to produce paper copies of the records when requested by OSHA, employees, former employees or authorized employee representatives. Employers must provide access to records within required time frames and in paper form unless the requesting party agrees to receive them electronically. All equivalent records are subject to the same access, inspection and copying requirements as the official OSHA forms.

At the end of each calendar year, employers must still review their injury and illness log for accuracy and prepare an annual summary using Form 300A or an equivalent form. The summary must be certified by a company executive and physically posted in the workplace from Feb. 1 through April 30. If an equivalent form is used, it must include the same employee access and employer penalty statements that appear on the OSHA Form 300A.

OSHA also clarified that covered establishments must continue to submit required injury and illness data electronically through OSHA's Injury Tracking Application. Paper or emailed submissions are not accepted. Finally, OSHA reiterated that it does not approve, certify or endorse any recordkeeping software or commercial products, even if they are designed to assist with OSHA compliance.

Engineering Controls Under the Benzene and 1,3-Butadiene Standards

OSHA clarified how the benzene and 1,3-butadiene standards view valves and related equipment as engineering controls for reducing employee exposure to hazardous substances. Both standards are performance-based, meaning employers may use a combination of engineering controls and work practices that are appropriate for their specific operations, so long as employee exposures are reduced and maintained at or below permissible exposure limits.

OSHA confirmed that bellow valves, leak-proof valves and double-seal valves are considered engineering controls under both standards. These types of valves can physically limit or prevent fugitive emissions and may be used alone or in combination with other controls such as exhaust ventilation, enclosures and automated systems. OSHA emphasized that multiple engineering controls may be necessary if a single control does not adequately reduce exposures.

OSHA also clarified that conventional valves that are not bellow, leak-proof or double-seal valves may still qualify as engineering controls. Where such valves are appropriate for the facility's process, such as low-pressure systems with minimal leakage potential, they are acceptable provided employee exposures remain within permissible limits. The selection of valve type should be based on process conditions and the overall effectiveness of exposure control.

Finally, OSHA addressed fugitive emissions and considerations for valve replacement. While OSHA states it does not set specific emission threshold limits for when valves must be replaced, it emphasized the importance of leak detection and repair programs. Employers are expected to follow manufacturer specifications, applicable environmental regulations and recognized industry standards when managing fugitive emissions. Regular leak detection surveys are a key component of compliance and are required under the butadiene standard as part of an effective exposure control program.

Audiometric Testing for Employees With CIs

OSHA clarified how its hearing conservation requirements apply to employees who use CIs and are exposed to noise at or above the 85 A-weighted decibels (or dBA) action level as an eight-hour time-weighted average. Employers must continue to offer audiometric testing to these employees under 29 C.F.R. § 1910.95, even though the standard does not include a specific exception for individuals with CIs.

For audiometric testing purposes, OSHA requires that the CI be turned off during the test. Leaving the device on would prevent an accurate measurement of the employee's natural hearing thresholds, and OSHA would not consider such an audiogram valid. Employees may keep the implant on while receiving test instructions, but it must be turned off before testing begins. If a valid audiogram cannot be obtained, the standard allows for further evaluation or referral to a physician or audiological clinic with more specialized testing capabilities.

OSHA also emphasized that licensed or certified audiologists, otolaryngologists or physicians play a critical role in reviewing audiograms, determining work-relatedness and deciding whether additional medical evaluation is necessary. Employers may rely on these professionals to determine appropriate testing methods for employees with CIs.

Finally, OSHA noted that employees with CIs may still be at risk of additional hearing loss from workplace noise exposure. Employers should consult a qualified occupational hearing professional to determine appropriate hearing protection options or assess whether limitations in using hearing protection with a CI could increase the risk of further hearing loss.

Stair Angle and Tread Depth Compliance

OSHA clarified how stair angle and tread depth requirements apply to stairs installed after Jan. 17, 2017. While the stair standard allows installation angles between 30 and 50 degrees, this range must be read together with the separate requirements for maximum riser height and minimum tread depth. These provisions are intended to work collectively to provide adequate footing and reduce fall hazards.

OSHA explained that stairs built after the compliance date are not permitted to rely on the pre-2017 exception that allowed an 8-inch run. For newer stairs, a minimum tread depth of 9.5 inches must be achieved based on the horizontal walking surface available to the employee. Nosing or beveled edges cannot be used to compensate for insufficient run depth.

OSHA emphasized that tread depth must be measured horizontally between the vertical planes of adjacent tread projections and must exclude sloped, beveled or rounded surfaces that exceed allowable angles. Even if a stair meets the allowable angle range, it will not be compliant if the effective tread depth does not provide adequate stepping space. The clarification aligns OSHA's requirements with recognized consensus standards and reinforces that stair safety depends on meeting all dimensional criteria, not just stair angle alone.

Employer Takeaway

Employers should review these interpretations to validate their current practices for confined space entry, recordkeeping, equipment training, exposure controls and physical workplace design. The letters also underscore the importance of documentation, qualified oversight and consistency across safety programs. By aligning policies and procedures with OSHA's clarified expectations, employers can reduce compliance uncertainty, strengthen safety programs, and better position themselves during inspections or audits.
