

Standard Interpretations

12/21/2005 - Whether gas-actuated fastening tools require the same individual training for each model as powder-actuated fastening tools.

- **Standard Number:** 1926.21(b)(2); 1926.302(e); 1910.243(d)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

December 21, 2005

Mr. Martin Schofield
5400 South 122nd East Avenue
P.O. Box 21148
Tulsa, Oklahoma 74121

Re: Whether gas-actuated fastening tools require the same individual training for each model as powder-actuated fastening tools.

Dear Mr. Schofield:

This is in response to your letter dated August 6, 2004, to the Occupational Safety and Health Administration (OSHA). We apologize for the delay in responding. You ask about requirements in the construction hand tools standard, 29 CFR Part 1926 Subpart I, regarding the training requirements for fuel-actuated hand held fastening tools.

We have paraphrased your questions as follows:

Question (1): *Section 1926.302(e) references an ANSI standard that requires training for each specific type of powder-actuated hand held fastening tool. Does this same requirement apply to fuel-actuated hand held fastening tools?*

Answer: Section 1926.302(e)(1) states:

[o]nly employees who have been trained in the operation of the particular tool in use shall be allowed to operate a powder-actuated tool.

This provision applies specifically to powder-actuated tools, and is thus inapplicable to the tool you describe, which is fuel-actuated. The section of the standard that addresses the fuel-actuated tools you are asking about, §1926.302(c) (*Fuel powered tools*), does not include a requirement on training.

However, section 1926.21(b)(2) states:

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Therefore, the employer must ensure that the employee is instructed "in the recognition and avoidance of unsafe conditions and the regulations applicable to" the use of fuel powered fastening tools used by the employee.

Question (2): *Section 1910.243 references an ANSI standard that specifies design requirements for explosive-actuated fastening tools. Do these requirements apply regardless of whether the tool is firing into hard material (i.e., concrete or steel) or soft material (sheetrock or wood)?*

Answer: Section 1910.243(d), *Explosive-actuated fastening tools*, is a General Industry standard, and we have referred your question to the Office of General Industry Enforcement, within the Directorate of Enforcement Programs. Further inquiry should be directed to:

Office of General Industry Enforcement (OSHA)
Room N-3107
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-1850

Summary

In sum, the tool you describe is not subject to the training requirements set forth for powder-actuated tools, although the requirement under §1926.21(b)(2) to instruct the employee "in the recognition and avoidance of unsafe conditions and the regulations applicable to" the use of fuel powered fastening tools is applicable.

If you need additional information, please contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Guidance, fax # 202-693-1689. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

Russell B. Swanson, Director
Directorate of Construction