

Competent Person

By Scott Berry, Training Specialist

From the last article, a statement needs some clarification. When calling for an Emergency Locate, you must allow “A sufficient amount of time for response”. There is no statutory definition of a specific amount time you must wait for an emergency locate response. It is the operator’s responsibility to contact the rest of the service providers in the area to determine an adequate amount of time to wait in an emergency.

Cave-ins in excavations and trenches in the U.S. account for an estimated 100 deaths and 50 serious injuries each year. Un-shored or improperly shored trench and excavation suddenly and without warning collapse. The important difference in this statistic that sets this apart from other occupational injury statistics is that the number of deaths is higher than the number of injuries. If a worker is caught in a cave-in, they stand a 66% chance of dying as a result of their injuries.

OSHA’s definition of a competent person is ***an individual who is capable of identifying existing and predictable hazards or working conditions that are hazardous, unsanitary, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate or control these hazards and conditions.***

The designated competent person should have and be able to demonstrate the following:

- ❖ Training, experience, and knowledge of:
 - soil analysis;
 - use of protective systems; and
 - requirements of 29 CFR Part 1926 Subpart P.
- ❖ Ability to detect:
 - conditions that could result in cave-ins;
 - failures in protective systems;
 - hazardous atmospheres; and
 - other hazards including those associated with confined spaces.
- ❖ Authority to take prompt corrective measures to eliminate existing and predictable hazards and to stop work when required.

Though OSHA defines Competent Person, the employing agency is the only entity that may designate you as a competent person. One question that has been asked in nearly all of the excavation safety classes is “does there need to be a competent person on the job site at all times?” I will answer this by quoting OSHA statute.

In regard to whether the competent person mentioned in 29 CFR 1926.651(k)(1) must be on site at all times, please be advised that there is no blanket requirement that a competent person be present at a construction jobsite at all times. The competent person can leave the site periodically, consistent with the goals of this section. It is the responsibility of the competent person to make those inspections necessary to identify situations that could result in hazardous conditions (e.g., possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions), and then to insure that corrective measures are taken. It is, therefore, subject to the conditions present at each individual worksite whether or not a competent person is required to be present at the jobsite at all times.

This may be interpreted to mean, as long as the job is getting done, a competent person does not need to be on site at all times. The competent person does need to look far enough ahead on the job to determine any foreseeable threats to safety and health. If the trench line will be going through a swale, creek bed or any place where the soil conditions are likely to change, a competent person needs to be on site. If the CP is going to off site for an extended amount of time, the CP needs to designate an on site alternate who can recognize changing conditions and who has the authority to take corrective measures.

Record keeping is an important part of the CP’s job. The CP will need to conduct daily inspections of the job site, protection systems, and soil conditions. The CP should keep a daily journal for each and every day of the project. In this journal he/she shall note the weather conditions, safety concerns and the steps taken to mitigate these concerns, the number of personnel and equipment working, any potential

problems with personnel, production rates, and any thing else that is important to note for the duration of the project. An important thing to remember is “if you didn’t write it down, you didn’t do it”.

Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated. 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.

In closing, I will just say that if you are not familiar with the OSHA regulations pertaining to excavation safety, you may wish to study OSHA Standard 1926 subpart P.