



RECEIVED

*International Brotherhood of Electrical Workers*

2008 JUL 14 A 9:30

Local Union No. 659

4480 ROGUE VALLEY HWY., SUITE 3

CENTRAL POINT, OREGON 97502

(541) 664-0800 • FAX (541) 664-0806

P.U.C.



July 9, 2008

Mr. Jerry Murray  
Oregon Public Utility Commission  
PO Box 2148  
Salem OR 97308-2148

Dear Mr. Murray:

I have reviewed the following documents, letter and comments regarding the NESC Arc-Flash Safety Standards, scheduled for implementation on January 1, 2009:

- \* The OPUC Initial Comments in Docket AR 513, dated **April 11, 2007**.
- \* The OPUC Staff comments, submitted **April 23, 2007**.
- \* Order No. 07-179, entered **May 9, 2007**.
- \* ORECA letter requesting delay of **January 1, 2009** implementation of NESC Arc Flash Safety Standards, dated **April 29, 2008**.
- \* The minutes of the Arc-Flash Workshop held on **June 17, 2008**.
- \* The NW Line Construction Chapter of N.E.C.A. request for delay dated **June 18, 2008**.
- \* The Consumer Power, Inc. request for delay dated **June 19, 2008**.
- \* The ORECA request for delay dated **June 30, 2008**.
- \* The Pacific Power & Light request for delay dated **June 30, 2008**.
- \* The summary of public comments, compiled by OPUC Staff member, Jerry Murray dated **July 8, 2008**.

The history of OPUC Docket AR 513 has certainly been a long and complex one. It is apparent that early on there were concerns regarding the implementation of the Arc-Flash Safety Standards. From the recent history, it appears the main concerns are:

1. The costs of implementation, i.e. worker clothing and costs associated with system assessments.
2. The appropriate method to calculate the Arc-Flash hazard in single and three phase environments, i.e. liability.
3. The time needed to evaluate the Arc-Flash hazard of the various systems.
4. The errors in the NESC 410 tables.
5. Consistency of OR-OSHA, other states, Federal OSHA and NESC regulations, i.e. enforcement issues.
6. Time to train employees regarding the NESC regulations.

Mr. Jerry Murray  
July 9, 2008  
Page 2

It should be noted that none of these issues are new. The Arc-Flash safety issue has been argued across the U.S. for many years now. It is only in recent years that a consensus has been reached within the Federal OSHA and the National Electrical Safety Code forums.

In my dealings with other Electrical Utilities and National Electrical Contractor Chapters across the United States, it appears the Northwest is behind most of the other regions, on these issues. Electrical Arc-Flash assessment Laboratories have been around for at least a decade. Most Utilities and N.E.C.A. Chapters around the U.S. have been providing Arc-Flash protective clothing to their employees for years.

There may be legitimate reasons for the lag, i.e. the rubber glove method of work employed in those regions, versus the hot-stick method used in Oregon and most of the Northwest. The primary difference is a function of distance from the energized equipment, which changes the impact to the worker. These are well-known facts, known to safety professionals throughout the industry.

It is the opinion of Local Union 659 of the International Brotherhood of Electrical Workers that it is time to start implementing the provisions mandated by the NESC for the following reasons:

- \* All Electrical Utility and Contractor Organizations have been aware of the possible impacts of these regulations for years.
- \* Employers cannot avoid liability issues by delaying implementation of the NESC.
- \* Employers have known for some time, they would eventually have to make hazard assessment of their systems.
- \* The errors in the NESC 410 tables have been corrected and will be available soon.
- \* The various enforcement functions of OR-OSHA and the OPUC can and should be dealt with between those organizations.
- \* The Electrical Workers in our industry deserve the protection mandated by the NESC and the knowledge and training required to perform their duties.
- \* Some Electric Utilities are already providing required PPE and have been for years. The NECA contractors working on these properties are also providing PPE in accordance with the contracts with their Utility customers.
- All members of the National Safety Council, which I assume would be the majority of electric utility and contract companies, have access to a multitude of programs designed to provide compliance with OSHA, NFPA 70E and NESC regulations.

For these reasons, LU 659 would go on record opposing any delay in the implementation of the NESC Arc-Flash Safety Standards, past January 1, 2009.

Sincerely,

I.B.E.W., LOCAL UNION NO. 659



Ron Jones  
Business Manager

RJ/vw