

**NORTH CAROLINA DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
RALEIGH, NORTH CAROLINA**

Chapter 7
Subchapter 7C
NC-OSH

CFR Revision 109

Field Information System Part I
Excavations; Final Rule

DISCUSSION:

On October 31, 1989, OSHA amended its Construction Standards for Excavations, 29 CFR 1926.650, Subpart P at 54 FR 45194. The existing standards regulate the use of support systems, sloping and benching systems and other systems as means of protection against excavation cave-ins. Additionally, the standards regulate the means of access to and egress from excavations, and employee exposure to vehicular traffic, falling loads, hazardous atmospheres, water accumulation, and unstable structures in and adjacent to excavations. The revised standard uses performance criteria where possible, rather than specification requirements; it consolidates and simplifies many of the existing provisions; adds and clarifies definitions, reformats the standard to eliminate duplicate provisions and ambiguous language; provides a consistent method of soil classification; and gives employers added flexibility in providing protection to employees. The original effective date was 2 January 1990; the extended effective date is 5 March 1990. The effective date in North Carolina is 3 September 1990.

This final rules applies to all open excavations in earth surfaces; including trenches. Excavation is defined as any man-made cut, cavity, trench, or depression in an earth surface, formed by earth removal. A trench or trench excavation is defined as a narrow excavation (in relation to its length) made below the surface of the ground. Generally, the depth of a trench is greater than the width, but the width of a trench (measured at the bottom) is not greater than 15 feet. If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structures to the side of the excavation to 15 feet or less, the excavation is also considered a trench.

ADDITIONAL REFERENCE:

OSHA Instruction CPL 2.87, Inspection Procedures for Enforcing the Excavation Standards - 29 CFR 1926, Subpart P

This instruction establishes inspection procedures and provides clarification to ensure uniform enforcement of the Excavation Standards, and describes a Federal Program Change which affects state programs. CPL 2.87 establishes procedural guidance which provides a general framework that is designed to assist the compliance officer with all inspections at construction sites, where the excavation standards are or will be applicable. CPL 2.87 was incorporated into the State Plan on 28 August 1990 as OPN 69, in Part II of the North Carolina OSH Information System.

ACTION:

This new federal final rule at 29 CFR 1926.650, Subpart P has been adopted verbatim by the Commissioner of Labor with an effective date of 3 September 1990. A copy of the [Federal Register](#) announcement at 54 FR 45194 is attached. Please file this NC-CFR Revision in Part I of your Field Information System.

Date: 09-12-90

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NC Effective Date: 3 September, 1990

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