



Reply to the attention of:

JAN 7 2009

Letter # 20081016-8697

Re: Whether EZ-MARKER assured grounding marker may be used to color code electrical cords under 1926.404(b)(1)(iii)(G).

***Question:** The AJ Solutions', Inc. EZ-MARKER assured grounding marker is a device that is used to color code electrical cords, in order to keep track of when inspections take place, instead of using colored tape. Specifically, it attaches to an electrical cord and can be set to show one of several colors. Is it permissible to use this device to color code electrical cords to meet the test recording requirement in 1926.404(b)(1)(iii)(G)?*

**Answer**

OSHA is generally precluded from approving or endorsing specific products. The variable working conditions at job sites and possible alteration or misapplication of an otherwise safe piece of equipment could easily create a hazardous condition beyond the control of the equipment manufacturer. However, where appropriate, we try to give some guidance to help employers assess whether products are appropriate to use in light of OSHA requirements.

Under 29 CFR 1926.404(b)(1)(i), the employer must use either ground fault circuit interrupters (in accordance with 1926.404(b)(1)(ii)) or an assured equipment grounding conductor program ("AGCP") that meets the criteria in 1926.404(b)(1)(iii). One of the AGCP criteria requires periodic testing of electrical cords; under 1926.404(b)(1)(iii)(G) an employer shall record these tests as follows:

Tests performed as required in this paragraph shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test and shall indicate the last date it was tested. This record shall be kept by means of logs, color coding, or other effective means and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the Assistant Secretary and any affected employee. [Emphasis added].

Section 1926.404(b)(1)(iii)(G) does not specify particular materials that an employer must use when using color coding to comply with this provision. Therefore, 1926.404(b)(1)(iii)(G) does not prohibit the type of device you describe for color coding.

Noah Connell, Acting Director  
Directorate of Construction

*NOTE:* 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>.