

**VOSH PROGRAM DIRECTIVE: 12-015M**

**ISSUED: 01 November 2013**

**SUBJECT:** Standards Improvement Project - Phase III (SIP - III) Parts 1910, 1915, 1917, 1918, 1919, and 1926

**Purpose** The directive transmits non-substantive, housekeeping, technical, repetitive and error correction provisions as well as updates to consensus or industry standards for VOSH Standards.

This latest update transmits revisions which continue a multi-year project launched by federal OSHA in 1998 to update or remove outdated, duplicative, and inconsistent references in its regulatory standards to improve clarity and consistency with standards that have been promulgated more recently.

*This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.*

**Scope** This directive applies to all VOSH personnel.

*See also other recent VOSH standards which fall under the Standards Improvement Project – Phase III (SIP – III):*

**12-102E**, Respiratory Protection Standard, §1910.134, or its successor;

**12-114A**, Mechanical Power-Transmission Apparatus, General Industry and Construction Industry, §1910.219 and 1926.307, respectively; Mechanical Power Presses, §1910.217; Telecommunications, §1910.268; and Hydrogen, §1910.103; or its successor

**12-245B**, Safety Standards for Scaffolds Used in the Construction Industry, §§1926.450 – 1926.454; Repeal of 1926.556, Aerial Lifts; Corrections to §§1926.451 and 1926.453; and Administrative Stay of §1926.451(b), or its successor; and

**12-256**, Rigging Equipment for Material Handling Construction Standard, §1926.251; Correction and Technical Amendment, or its successor

**References**

CHANGE XV: 78 FR 35559 (13 June 2013);  
CHANGE XIV: 77 FR 37587 (22 June 2012); and 77 FR 42988 (23 July 2012);  
CHANGE XIII: 76 FR 80735 (27 December 2011);  
CHANGE XII: 76 FR 33590 (08 June 2011);  
CHANGE XI: 74 FR 46350 (09 September 2009);  
CHANGE X: 71 FR 16669 (April 3, 2006);  
CHANGE IX: 72 FR 71061 (December 14, 2007);  
CHANGE VIII: 71 FR 41127 (July 20, 2006);

CHANGE VII: 71 FR 16669 (April 3, 2006);  
CHANGE VI: 70 FR 76979 (December 29, 2005);  
CHANGE V: 70 FR 53925 (September 13, 2005);  
CHANGE IV: 70 FR 1111 (January 5, 2005);  
CHANGE III: 63 FR 33450 (June 18, 1998) and OSHA Memorandum 98-2 (October 7, 1998);  
CHANGE II: 61 FR 31427 (June 20, 1996); and  
CHANGE I: 61 FR 9230 (March 7, 1996).

**Cancellation**

VOSH Program Directive 12-015L (01 February 2013)

**Effective Dates**

CHANGE XV: 01 November 2013  
CHANGE XIV: 01 January 2013  
CHANGE XIII: 15 September 2012  
CHANGE XII: 15 January 152012  
CHANGE XI: 15 February 2010  
CHANGE X: 16 November 2009  
CHANGE IX: 01 June 2008  
CHANGE VIII: 21 March 2007  
CHANGE VII: 01 August 2006  
CHANGE VI: 15 June 2006  
CHANGE V: 15 June 2006  
CHANGE IV: 15 August 2005  
CHANGE III: 01 January 1999  
CHANGE II: 15 December 1996  
CHANGE I: 01 September 1996

**Action**

Directors and Managers shall ensure that VOSH field personnel are advised of these changes and ensure that employers are aware of and comply with the requirements of these standards.

**Expiration Date**

Not Applicable.

*William P. Burge*

Acting Commissioner

Distribution: Commissioner of Labor and Industry  
Assistant Commissioner  
VOSH Directors and Managers  
Legal Support and IMIS Support Staffs

Voluntary Compliance Manager  
VOSH Compliance & Training Staff  
OSHA Region III & Norfolk Area Offices

Attachment: 78 FR 35559 (13 June 2013) or refer to:  
[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20130613A.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20130613A.pdf)

## I. Background and Summary.

**CHANGE XV:** In June 2009, the National Electrical Manufacturers' Association ("NEMA") contacted federal OSHA and requested that OSHA add references to the latest versions of ANSI's Z535 series of standards to OSHA's signage standards. NEMA specifically advocated incorporating by reference ANSI Z535.2, "Environmental and Facility Safety Signs," in OSHA standards that refer to old versions of this ANSI standard. NEMA also asked OSHA to update its standards' references to ANSI Z53.1-67, "Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment," by citing the current version of this standard, ANSI Z535.1, "Safety Colors."

There were several meetings over the next few years between OSHA staff and NEMA to discuss the association's request that OSHA adopt ANSI's Z535 series of standards. On June 13, 2013, federal OSHA issued a Direct Final Rule to update its general industry and construction signage standards by adding references to the latest versions of the American National Standards Institute ("ANSI") standards on specifications for accident prevention signs and tags, ANSI Z535.1-2006 (R2011), Z535.2-2011 and Z535.5-2011, along with an identical proposed rule [78 FR 35585]. OSHA also has retained the existing references to the earlier ANSI standards, ANSI Z53.1-1967, Z35.1-1968 and Z35.2-1968, in its signage standards, thereby providing employers an option to comply with the updated or earlier standards. OSHA has also incorporated by reference Part VI of the Manual of Uniform Traffic Control Devices ("MUTCD"), 1988 Edition, Revision 3, into the incorporation-by-reference section of the construction standards, having inadvertently omitted this edition of the MUTCD from §§1926.201, Signaling, and 1926.202, Barricades, during an earlier rulemaking, and has amended citations in two provisions of the construction standards to show the correct incorporation-by-reference section.

On July 18, 2013, the Safety and Health Codes Board adopted the Direct Final Rule updating OSHA Standards Based on National Consensus Standards for Signage, with an effective date of November 1, 2013.

**CHANGE XIV:** Subpart I of federal OSHA's general industry standards contains design requirements for head protection. OSHA has similar requirements in Subpart I of Part 1915 (Shipyard Employment), Subpart E of Part 1917 (Marine Terminals), Subpart J of part 1918 (Longshoring), and Subpart E of Part 1926 (Construction Standards). The General Industry and Maritime rules require that the specified head protection comply with national consensus standards incorporated by reference into the OSHA standards unless the employer demonstrates that non-specified head-protection equipment is at least as effective in protecting workers as equipment that complies with the incorporated national consensus standard. These design provisions are part of comprehensive requirements to ensure that employees use personal protective equipment that will protect them from hazards in the workplace.

On September 9, 2009, OSHA published the final rule for Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment, which became effective on October 9, 2009 (74 FR 46350). These revised standards, adopted by the Safety and Health Codes Board on January 14, 2010 and effective on April 15, 2010, permitted compliance with ANSI Z89.1-2003, ANSI Z89.1-1997, or ANSI Z89.1-1986. Subsequent to this action by federal OSHA and the Board, the latest version of ANSI Z89.1-2009 then became available. This rulemaking updates the references to head protection to recognize the most recent edition, ANSI Z89.1-2009.

On June 22, 2012, federal OSHA issued this Direct Final Rule to revise the personal protective equipment (PPE) sections of its General Industry, Shipyard Employment, Longshoring, and Marine Terminals standards regarding requirements for head protection, along with an identical proposed rule [77 FR 37617]. OSHA updated the references in §§1910.135(b)(1), 1915.155(b)(1), 1917.93(b)(1), 1918.103(b)(1) to recognize the 2009 Edition of the American National Standard for Industrial Head Protection (ANSI Z89.1). The provisions in the 2009 Edition permit optional testing for helmet worn in the backwards position ("reverse wearing"), optional testing for

helmets at colder temperatures than provided in previous editions, and optional testing for the high-visibility coloring of helmets.

Additional changes in the 2009 Edition include: (1) removing the definition of “cap” and “hat” and inserting the definitions of “manufacturer” and “test plaque” in the 2009 edition; (2) permitting the testing facility to determine an appropriate size of the headform if the manufacturer did not specify the size; (3) requiring orientation of test samples in the normal wearing position when conducting various test procedures; and (4) removing vertical guard rails from the lists of necessary components for specified test equipment.

The 2009 revision to the General Industry and Maritime Industry personal protective equipment standards, however, did not address the construction standards requiring personal protective equipment. Therefore, the construction standards at §1926.100 (b) and (c) still required compliance with the older ANSI Z89.1-1969 and ANSI Z89.2-1971, respectively.

To bring the construction standard up-to-date and to ensure consistency across all of its standards, federal OSHA amended §1926.100 to permit compliance with ANSI Z89.1-1969 and ANSI Z89.2-1971, which set forth requirements regarding different types of helmets now addressed in Z89.1, and replaced these outdated head protection references with the same three most recent editions of ANSI Z89.1, referenced in the general industry and maritime industry standards: ANSI Z89.1-1997, ANSI Z89.1-2003, or ANSI Z89.1-2009.

The 2009 Edition defines Type I and Type II helmets by the area of the head to which the helmets afford protection, rather than by whether the helmets have a brim. It also renames the classes of helmets tested for protection against electrical hazards, i.e., classes G, E, and C instead of A, B, and C, although it still bases helmet classification on the capacity of the helmet to protect employees from electrical hazards. In addition, the 2009 edition of ANSI Z89.1 eliminates a fourth class of helmets used in fire fighting. Many requirements included in the 1969 and 1971 editions, such as requirements specifying the type of material manufacturers must use when making different components and specifications regarding helmet accessories, have been eliminated in the 2009 edition. Most importantly, ANSI revised the performance requirements and test methods. The 2009 edition includes fundamental updates such as more and different types of test methods, and the use of different equipment for performing these test methods.

Additionally, federal OSHA corrected Instruction Number 16 of the Direct Final Rule (77 FR 37600) with respect to the Construction Industry head protection standards to eliminate confusion resulting from a drafting error in §1926.100. The original instruction number 16 stated that §1926.100 was amended by adding paragraph (b)(1) through (b)(3) and removed paragraph (c). The corrected Instruction Number 16 states that §1926.100 was amended by removing paragraph (c) and revising paragraph (b).

On September 12, 2012, the Safety and Health Codes Board adopted an identical version of federal OSHA’s Direct Final Rule with an effective date of January 1, 2013.

**CHANGE XIII:** Federal OSHA has made non-substantive technical amendments to and has corrected typographical errors in 16 different General Industry, Construction and Shipyard Employment standards. The technical amendments include updating or revising cross-references and updating OSHA recordkeeping log numbers.

These amendments do not affect the substantive requirements or coverage of those standards, do not modify or revoke existing rights or obligations, and do not establish new rights or obligations (76 FR 80736). The revisions are as follows:

- A. **PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS, §1910.119.** In Appendix A, the chemical entry entitled “Oleum” appeared with an incorrect Chemical Abstracts Service (CAS) number of 8014-94-

7. OSHA corrected the CAS number for Oleum to read: 8014-95-7.

- B. **HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE, §1910.120.** In the definition of “hazardous substance” in paragraph (a)(3), OSHA referred to “Section 101(14)” of the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA) (42 U.S.C.9601). After OSHA published the standard, Congress redesignated Section 101(14) of CERCLA as Section 103(14). OSHA has revised the definition to include the new citation.
- C. **PERMIT-REQUIRED CONFINED SPACES, §1910.146.** OSHA corrected a cross-reference in paragraph (d)(4)(vi) from “(d)(3)(iv)” to “(d)(3)(v)”. Paragraph (d)(4)(vi) now reads: “Barriers and shields as required by paragraph (d)(3)(v) of this section”.
- D. **MEDICAL SERVICES AND FIRST AID (§§1910.151 AND 1926.50).** OSHA updated all references to the Recordkeeping forms in other OSHA standards referred to in the Appendices to §§1910.151 and 1926.50.
- E. **SERVICING MULTI-PIECE AND SINGLE-PIECE RIM WHEELS, §1910.177.** Based on discussions with representatives from the tire, rubber, and wheel manufacturing industries, OSHA determined that new charts addressing current hazards in the tire-servicing industry were necessary because the new charts summarize updated information from many sources, including the National Highway Transportation Safety Administration (NHTSA) and OSHA charts, rim manuals, and the OSHA standard.  
  
OSHA also revised the content of its two existing charts: “The Multi-piece Rim Matching Chart” and the Demounting and Mounting Procedures for Truck/Bus Tires” chart and amended the definition of “charts” in paragraph (b) of the standard to refer to the new U.S. Department of Labor charts (i.e., manuals or posters), or to any other information or poster that provides at least the same instructions, safety precautions, and other information contained in OSHA’s charts, and that is applicable to the types of rim wheels the employer is servicing. Additionally, Appendix B was revised to provide current ordering information for the new OSHA manuals.
- F. **MECHANICAL POWER PRESSES, §1910.217.** OSHA amended the requirement that employers submit to OSHA reports of employees injured while operating such presses. Paragraph (g)(1) and (2) specify that employers must submit the reports to federal OSHA or, for state-plan states, the state agency administering the plan. OSHA revised this provision to include the new title of the federal OSHA office designated to receive the reports, and provided an electronic address for submitting reports.
- G. **PULP, PAPER, AND PAPERBOARD MILLS, §1910.261.** OSHA corrected three errors involving incorrect cross references in this standard. It removed the references to paragraphs (b)(3), (b)(1), and (b)(4) in existing paragraphs (e)(12)(i), (e)(12)(ii), and (e)(12)(iii), respectively, and replaced these references with the correct references (29 CFR 1910.23, 29 CFR 1910.219, and paragraph (b)(1) of 29 CFR 1910.261, respectively).
- H. **SAWMILLS, §1910.265.** OSHA corrected a typographical error in a cross reference in paragraph (e)(2)(iv) of this standard. The cross reference was to a standard which establishes safety requirements for twin circular-head saw rigs. The cross reference to paragraph (e)(2)(iv) should have been to paragraph (e)(2)(iii), which specifies requirements for singular circular-head saws.
- I. **GRAIN HANDLING FACILITIES, §1910.272.** OSHA inserted a note in paragraph (a) of the standard stating that it will enforce the standard, as it applies to the marine terminal industry only, consistent with a 1985 OSHA compliance directive.

- J. **COMMERCIAL DIVING OPERATIONS, §1910.440.** OSHA revised §1910.440(b)(4) by removing the record-transfer requirement for accuracy and to be consistent with Phase III of the Standards Improvement Project (SIP III). SIP III was the third part of an ongoing OSHA project to remove or revise individual requirements within its rules that are confusing, outdated, duplicative or inconsistent. SIP III was adopted by the Safety and Health Codes Board on October 13, 2011, with an effective date of January 15, 2012.
- K. **13 CARCINOGENS (4-NITROBIPHENYL, ETC.), §1910.1003.** In paragraph (d)(2) of §1910.1003, OSHA deleted two cross references to paragraph (f), concerning reporting requirements. Paragraph (f) previously had been deleted by OSHA in the second Standards Improvement Project rulemaking (70 FR 1116).
- L. **LEAD, §§1910.1025 AND 1926.62.** For the sake of consistency and accuracy among action levels across all OSHA Lead standards in all industries, and in keeping with the original purpose specified in the Standards Improvement Project (SIP III) rulemaking (*see § J, above*), OSHA replaced the term “exceeds” in §§1910.1025(j)(2)(iv)(B) and 1926(j)(2)(iv)(B) with the phrase “is at or above” to designate the actionable blood-lead levels (i.e., 40 µg/dl) at which employers must notify their employees that the standard requires temporary medical removal with medical-removal protection benefits when an employee’s blood-lead level is at or above a specified level.
- M. **BLOODBORNE PATHOGENS, §1910.1030.** When OSHA revised the recordkeeping rule, it reordered many sections of the Recordkeeping rule, including §1904.6, which became §1904.33. Therefore, OSHA updated a cross reference in paragraph (i)(5)(iii) of the §1910.1030 from 29 CFR 1904.6 to 29 CFR 1904.33.
- N. **AIR CONTAMINANTS, §1915.1000.** In four places in paragraph (d)(1)(ii), the Air Contaminants standard for shipyard employment incorrectly referred to the abbreviation for “parts per million” as “p/m”. OSHA corrected the abbreviation to read “ppm.”

The Safety and Health Codes Board adopted these corrections and technical amendments to multiple standards on May 24, 2012, with an effective date of September 15, 2012.

**CHANGE XII:** Federal OSHA amended its general industry, maritime, construction, and agricultural standards. The ongoing Standards Improvement Project (SIP) removes or revises individual requirements with rules that are confusing, outdated, duplicative, or inconsistent.

Federal OSHA identified several requirements for this phase of the Standards Improvement Project, including rigging, NIOSH records, and training certifications for improvement based on OSHA’s review of its standards, suggestions and comments from the public, or recommendations from the Office of Management and Budget (OMB). The Standards Improvement Project - Phase III (SIP-III):

- Revised the title of the Means of Egress standard to “Exit Routes and Emergency Planning” to more accurately represent the requirements of the standard;
- Updated the Means of Egress provisions by adding another compliance alternative to the exit routes standards so employers can comply with the exit-route provisions of either the National Fire Protection Association 2009 Life Safety Code or the International Code Council 2009 International Fire Code;
- Removed requirements from several general industry substance-specific standards for employers to prepare and maintain training-certification records because other effective means exist to verify employee training (e.g., employer observation of employees, employee interviews by OSHA compliance officers);

- Made seven revisions related to respiratory protection standard at §1910.134, including:
  - Updating and clarifying a provision in the Respiratory Protection standard that after-market breathing-gas containers not meeting NIOSH approval are not acceptable for use (§1910.134(i)(9));
  - Revising the medical evaluation questionnaire, Appendix C, Part A, Section 2, in the Respiratory Protection standard by replacing the word “fits” with the less offensive word “seizures”;
  - Clarifying that compliance with Appendix D of the Respiratory Protection standard, which contains information for employees using respirators when not required to do so under the standard, is then mandatory if the employee chooses to use a respirator;
  - Aligning air cylinder testing requirements for self-contained breathing apparatuses (§1910.134(i)(4)(I)) with federal Department of Transportation regulations;
  - Revising the Asbestos standard for shipyards (§1915.1001) and construction (§1926.1101) to correct omissions and require the implementation of respiratory protection programs;
  - Reinstating the original respirator-use requirements in paragraph (c)(4)(iv) of §1910.1003 (full facepiece, supplied-air respirators) for workers exposed to four of the 13 carcinogen standards that had been inadvertently omitted; and
  - Removing the requirement for employers to keep fit-test records from the 1,3 – Butadiene standard for employees because this requirement is redundant with provisions of §1910.1051(m)(3).
- Made two revisions under Subpart J, General Environmental Controls:
  - Revising and updating the definition of the term “potable water” in the Sanitation standard for general industry (§1910.141(a)(2)); and
  - Revising the Bloodborne Pathogens standard by removing the word “hot” from the definition of “handwashing facilities” at §1910.1030 (b) in the phrase “hot air drying machines,” which permits employers to use new technologies (e.g., high-velocity air blowers) that do not involve “hot” or “warm” air in the workplace. This revision applies to sanitation standards for general industry (§1910.141(d)(2)(iv)) and marine terminals (§1917.127(a)(1)(iii)).
- Updated OSHA’s standards regulating slings for general industry (§1910.184); shipyard employment (§§1915.112, 1915.113, and 1915.118) and construction (§1926.251) by removing outdated tables that specify safe working loads and require, instead, that employers use the safe work-load information imprinted on a permanently affixed identification marking or tag. This revision is consistent with current ANSI standards.
- Removed two obsolete recordkeeping requirements in §1910.440(b)(3)(I) and (b)(5) in Subpart T, Commercial Diving Operations, because the standard no longer requires medical examinations, and corrected a typographical error in §1910.440 (b)(4));
- Removed several standards in Subpart Z, Toxic and Hazardous Substances, that required employers to transfer medical records to the National Institute for Occupational Safety and Health (NIOSH) because

NIOSH found that the records were not useful for research purposes and were expensive to store and maintain;

- Revised the monitoring requirements under the lead standards for general industry (§1910.25) and construction (§1926.62) to require employers to provide follow-up blood sampling tests when an employee's blood lead level is at or above the numerical criterion for medical removal.
- Removed an outdated medical recommendation in its standard on occupational exposure to hazardous chemicals in laboratories (§1910.1450);
- Revised a sentence to better clarify the original purpose of the shipyard confined-space standard, i.e., that OSHA does not consider abrasive blasting of the external surface of the vessel (the hull) to be hot work (§1915.11(b));
- Added a definition to the longshoring standards of the term "ship's stores" (§1917.2) to eliminate confusion regarding the meaning of this term; and
- Updated the requirement for inspecting a vessel's cargo-handling gear consistent with ILO Convention 152 (§§1919.6, 1919.11, 1919.12, and 1919.15). This revision requires gear to be thoroughly examined before initial use, as well as every 12 months, and re-tested every five years, instead of every four years.

The Safety and Health Codes Board adopted this final rule for the Standards Improvement Project - Phase III on October 13, 2011, with an effective date of January 15, 2012.

**CHANGE XI:** Federal OSHA has been undertaking a series of projects to update its standards to incorporate the latest versions of national consensus and industry standards. These projects include updating or revoking national consensus and industry standards referenced in existing OSHA standards, updating regulatory text of standards adopted directly by OSHA from the language of outdated consensus standards and, when appropriate, replacing specific references to outdated national consensus and industry standards with performance-oriented requirements.

Federal OSHA issued this final rule to revise the personal protection equipment (PPE) sections of its general industry, shipyard employment, longshoring, and marine terminals standards regarding requirements for eye and face protective devices, head protection, and foot protection. OSHA updated the references in its regulations to recognize more recent editions of the applicable national consensus standards, and deleted editions of the national consensus standards that PPE must meet if purchased before a specified date. Additionally, federal OSHA amended paragraph (a)(5)(v)[a] in 29 CFR 1910.94 that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard. It also amended paragraph (b)(2)(ii)(I) in 29 CFR 1910.252 which requires filter lenses and plates in eye-protective equipment to meet a test for transmission or radiant energy specified by another ANSI standard. In amending these paragraphs, federal OSHA will require this safety equipment to comply with the applicable PPE design provisions in 29 CFR 1910, subpart I.

The Safety and Health Codes Board adopted this revised final rule for Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment on January 14, 2010, with an effective date of April 15, 2010.

**CHANGE X:** This change reflects a completion of the adoption of the amendment to various safety and health standards in need of corrections, housekeeping changes or technical amendments, which was published by federal OSHA in 71 FR 16669 on April 3, 2006 (see CHANGE VII, below), and adopted by the Safety and Health Codes Board ("Board") on June 19, 2006, with an effective date of September 1, 2006. This amendment



included updating references from existing OSHA standards, but did not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations.

During its June 19, 2006 meeting, the Board adopted most of the various corrections and technical amendments to Parts 1910 – General Industry, 1915 – Shipyard Employment, and 1926 – Construction, as published in 71 FR 16669 on April 3, 2006. The Board chose to continue enforcing the old federal standard, §1910.20, and did not adopt any amendments that substituted “§1910.1020, Access to Employee Exposure and Medical Records” for “§1910.20, Access to Employee Exposure and Medical Records” which appeared in items 1, 34 and 36 of the Federal Register [71 FR 16669 (April 3, 2006)]. The Board also did not adopt similar changes to Part 1913, which also revised references from “§1910.20” to the current “§1910.1020”.

***NOTE:** In 1988, federal OSHA revised and renumbered Access to Employee Exposure and Medical Records, §1910.20, as §1910.1020. At that time in 1988, the Safety and Health Codes Board chose to continue the enforcement of the old federal standard, §1910.20, and did not adopt the revisions which included the renumbering to §1910.1020.*

As a result of a recent periodic review of regulations, VOSH noticed numerous differences between the Virginia unique regulation for Access to Employee Exposure and Medical Records, 16 VAC 25-80, and the federal OSHA regulation, 29 CFR 1910.1020. VOSH acknowledged that there were numerous additional requirements in the current federal regulation which highlight OSHA’s significant effort to solve the regulatory dilemma caused by seeking to accommodate the competing interests between the need for chemical identity disclosure for medical treatment of a patient’s health problems, which may be a result of chemical exposure, and trade secret protection for the employer that, once lost, cannot be fully recaptured.

Additionally, in §1913, “Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records” under item 34 [71 FR at 16674], paragraph (n) was removed because it specified an effective date that expired over 20 years ago.

On April 16, 2009, the Board repealed its Virginia unique version of Access to Employee Exposure and Medical Records (16 VAC 25-80) and adopted the federal regulation, 29 CFR 1910.1020, with an effective date of August 20, 2009.

**CHANGE IX:** This direct final rule is a continuation of federal OSHA’s ongoing effort to update references to consensus and industry standards used throughout its rules. The direct final rule and the accompanying Notice of Proposed Rule Making (NPRM) (72 FR 71091) address welding definitions; abrasive wheel specification; floor and wall openings, railings, and toeboards; marking of portable compressed gas cylinders; and spray finishing.

Specifically, in this direct final rule, federal OSHA amended subparagraph (c)(1)(iv) of its spray-finishing standard at 29 CFR 1910.107, which incorrectly refers to the requirements for powder-coating equipment in “paragraph (c)(1) of this section.” The amendment at 29 CFR 1910.107(c)(1)(iv) will identify the correct provision for regulating powder-coating equipment.

Additionally, federal OSHA removed the reference to American Welding Society (“AWS”) standard A3.0-1969 (“Terms and Definitions”) in paragraph (c) of 29 CFR 1910.251 (“Definitions”). Federal OSHA determined that after over 35 years of experience with these terms, employers and employees performing welding, cutting, and brazing operations understand their meaning when applying the substantive requirements in 29 CFR 1910.252-1910.255.

Federal OSHA removed the reference to the ANSI standards in the following standards:

1910.68(b)(4) and (b)(8)(ii);  
1910.94(b)(5)(i)(a) and replaced it with a cite to 1910.215, Tables O-1 and O-9;  
1910.94(c)(5)(iii)(e);  
1910.103(b)(1)(i)(c), 1910.110(b)(5)(iii) and 1910.111(e)(1) and replaced them with a cite to paragraph (b)(1)(ii) of 1910.253;  
1910.144(a)(1)(ii);  
1910.243(d)(1)(i) and replace it with a cite to the design requirements specified by 1910.243(d)(2); and  
1910.261(c)(15)(ii), (e)(4), (g)(13)(i), (h)(1), (j)(4)(iii), (j)(5)(i), (k)(6), (k)(13)(i), and (k)(15) and replaced them with a cite to 1910.23.

In the following standards, federal OSHA removed the reference to the NFPA standard:

1910.94(c)(1)(ii);  
1910.94(c)(3)(i);  
1910.94(c)(3)(i)(a);  
1910.94(c)(3)(iii);  
1910.94(c)(3)(iii)(a); and  
1910.94(c)(5)(iii)(e)

The Safety and Health Codes Board adopted this direct final rule for Updating OSHA Standards Based on National Consensus Standards on February 28, 2008, with an effective date of June 1, 2008.

**CHANGE VIII:** Federal OSHA published corrections and technical amendments to its direct final rule on Roll-over Protective Structures (ROPS) in construction, §1926.1002, and agriculture, §1928.53, on December 29, 2005. No adverse comments were received. In addition to editorial corrections, federal OSHA made technical changes to improve the consistency among the figures used in the standards and replaced a number of figures with new computer-generated images.

The Safety and Health Codes Board adopted these corrections and technical amendments to the final rule for Roll-over Protective Structures for the Construction Industry and the Agriculture Industry on December 6, 2006, with an effective date of March 21, 2007.

**CHANGE VII:** As part of the ongoing review of its regulations, VOSH adopted federal OSHA's amendment to various safety and health standards in need of corrections, housekeeping changes or technical amendments. The revisions do not affect the substantive requirements or coverage of the standards involved, modify or revoke existing rights and obligations, or establish new rights and obligations. The revisions include updating references and removing obsolete effective dates and startup dates from existing OSHA standards.

VOSH, however, did not adopt the changes in items 1, 33 and 34 of the attached *Federal Register* pages (71 FR 16672 *et seq.*) The changes covered under items 1, 33 and 34 update references from what was 29 CFR 1910.20 which, in 1988, the Board chose to continue the enforcement of the old federal standard, §1910.20, dealing with medical records, and it did not adopt the revisions and section renumbering to 29 CFR 1910.1020. VOSH also did not request the changes to Part 1913 as it too changes §1910.20 references to the current federal 29 CFR 1910.1020, which is not in effect in Virginia.

The Safety and Health Codes Board adopted this revised final rule on June 19, 2006, with an effective date of September 1, 2006.

**CHANGE VI:** On December 29, 2005, in a separate action, OSHA reinstated its originally developed Roll-Over Protective Structures (ROPS) standards for both construction and agriculture to rectify several substantive differences between the national consensus standards and the original pre-1996 OSHA-developed ROPS standards. (70 FR 76979) Minor non-substantive changes to improve readability and understanding were also made.

Federal OSHA revoked three references to outdated national consensus standards and two references to industry standards. By eliminating the outdated references, OSHA will clarify employer obligations under the applicable OSHA standards and reduce administrative burdens on employers and OSHA.

These standards are used to protect operators of wheel-type tractors and restored its originally developed standards.

In the Construction standards, OSHA removed paragraphs (c) through (i) and (k) from §1926.1002, which addressed testing of protective frames for wheel-type tractors used in construction, and replaced them with a reference to Society of Automotive Engineers (“SAE”) consensus standard J334a-1970 in §1926.1002(a)(1). Also, OSHA reinstated the impact-testing option provided by the original 29 CFR 1926.1002(c)(1), allowing the regulated community to use either a laboratory test or a field test for impact testing, while the SAE standard requires both tests.

OSHA revised §1926.1003, specifying testing requirements for overhead protection used with tractors, by removing paragraphs (c) through (g) and substituted them with a reference to SAE consensus standard J167-1970 in paragraph (a)(1).

In the Agriculture standards, OSHA deleted §§1928.52 and 1928.53, as well as Appendix B to subpart C of 29 CFR part 1928. Those deleted standards specified procedures for testing protective frames and enclosures for wheel-type tractors used in agriculture, respectively, while Appendix B provided diagrams depicting these testing procedures. In place of those requirements, OSHA referenced SAE consensus standard J334a-1970 and American Society of Agricultural Engineers (“ASAE”) consensus standard S306.3-1974 for protective frames, and SAE consensus standard J168-1970 and ASAE consensus standard S336.1-1974 for protective enclosures, in paragraph (b)(1) of revised 29 CFR 1928.51.

For both protective frames and protective enclosures, the testing conducted under the ASAE and SAE standards adopted in 1996 generally is consistent with the testing requirements of the original OSHA standards. However, OSHA found several substantive differences between the original OSHA standards and the consensus standards (for testing both protective frames and protective enclosures) that replaced them.

Consequently, this 2006 amendment reinstates the testing exemption found in the original OSHA ROPS standards and provides an additional cold-temperature testing option found in the original OSHA standards but not available in the SAE standards. OSHA also made minor non-substantive changes.

On March 7, 2006, the Safety and Health Codes Board adopted this revised final rule, with an effective date of June 15, 2006.

**CHANGE V:** On November 24, 2004, OSHA published a notice in the *Federal Register* announcing its overall project to update OSHA standards that are based on national consensus standards (69 FR 68283). Also, on that same day, federal OSHA published in the *Federal Register* a direct final rule (69 FR 68712) which was later withdrawn on February 18, 2005. (70 FR 8291) The Board adopted this federal change at its meeting on March 7, 2006, with an effective date of June 15, 2006.

These revisions are part of OSHA's overall effort to update its standards that reference, or that include language taken directly from, outdated consensus standards.

OSHA removed outdated references in the following standards:

1. 29 CFR 1910 Subpart A – General (§1910.6);
2. Subpart H – Hazardous Materials [§1910.106(b)(1)(iii)(a)(2)];
3. Subpart J – General Environmental Controls [§1910.142(c)(4)] – (Temporary labor camps, drinking fountains);
4. Subpart P – Hand and Portable Powered Tools and Other Hand-Held Equipment [§1910.243 (e)(1)(i)];
5. Subpart Q – Welding, Cutting and Brazing [§1910.254(d)(1)];
6. Subpart R – Special Industries [§1910.265(c)(31)(i) – Sawmills].

**CHANGE IV:** In Phase II of the Standards Improvement Project, federal OSHA removed and revised 40 health provisions in 23 OSHA standards in general industry, shipyard employment, and construction that were outdated, duplicative, unnecessary, or inconsistent, or could be clarified or simplified by being written in plain language.

In regard to “inconsistent” standards, federal OSHA specifically revised a number of its older standards (vinyl chloride, acrylonitrile, coke oven emissions, arsenic, and DBCP) to be consistent with the frequencies of exposure monitoring, medical surveillance, and compliance plan updates established in the majority of more recently promulgated standards. (70 FR 1113)

The Board adopted Phase II of the Standards Improvement Project at its meeting on May 24, 2005, with an effective date of August 15, 2005.

**CHANGE III:** In June 1998, federal OSHA published Phase I of the Standards Improvement Project which set forth changes to a number of health and safety provisions in 1910 and 1926 that will revise or eliminate duplicative, inconsistent or unnecessary regulatory requirements without diminishing employee protections. Substantive changes include reducing the frequency of required chest x-rays and eliminating sputum-cytology examinations for workers covered by the coke oven and inorganic arsenic standards, and changing the emergency-response provisions of the vinyl chloride standard. This federal final rule was adopted by the Safety and Health Codes Board on October 19, 1998, with an effective date of January 1, 1999.

**CHANGE II:** OSHA issued a final rule which addressed minor clarifications, corrections, and technical amendments to OSHA standards. Most of the changes made in the final rule affect Subpart Z (Toxic and Hazardous Substances) of Parts 1910, 1915 and 1926. Duplicate health provisions from the shipyard and construction standards were eliminated and replaced with cross-references to the identical text in the general industry standards. The new final rule does not make any substantive changes to the requirements of the OSHA standards. This final rule was adopted by the Safety and Health Codes Board on September 30, 1996, with an effective date of December 15, 1996.

*Note: Since the Safety and Health Codes Board adopted a Virginia unique regulation on the Access to Employee Exposure and Medical Records, § 1910.20, this section was not impacted by these technical amendments.*

**CHANGE I:** Following a line-by-line review of its standards published in Title 29 of the Code of Federal Regulations (29 CFR), federal OSHA identified a number of sections and provisions of those standards which could be deleted, revised, clarified or reorganized throughout Parts 1910, 1915, 1926 and 1928. No changes to the substantive requirements of the affected standards were made. On June 17, 1996, the Safety and Health Codes Board adopted these revisions, with an effective date of September 1, 1996.

Attachments: **CHANGE XV:** 78 FR 35559 (June 13, 2013)

**CHANGES I - XIV:** None. See General Industry, Shipyard Employment and Construction Industry Standards

E-Attachments: **CHANGE XIV:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20120622A.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20120622A.pdf)

**CHANGE XIII:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20111227.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20111227.pdf)

**CHANGE XII:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20110608.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20110608.pdf)

**CHANGE XI:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20090909.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20090909.pdf)

**CHANGE X:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20060403.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20060403.pdf)

**CHANGE IX:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20071214.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20071214.pdf)

**CHANGE VIII:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20060720.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20060720.pdf)

**CHANGE VII:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20060403.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20060403.pdf)

**CHANGE VI:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20051229.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20051229.pdf)

**CHANGE V:** [http://www.osha.gov/FedReg\\_osea\\_pdf/FED20051229.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20051229.pdf)

[http://www.osha.gov/FedReg\\_osea\\_pdf/FED20050913.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20050913.pdf)

**Updating OSHA Standards Based on National Consensus Standards for Signage;  
Direct Final Rule**

As Adopted by the

Safety and Health Codes Board

Date: July 18, 2013



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: November 1, 2013

16VAC25-90-1910.97, Nonionizing Radiation, §1910.97;  
16VAC25-90-1910.145, Specifications for Accident Prevention Signs and Tags, §1910.145;  
16VAC25-90-1910.261, Pulp, Paper, and Paper Board Mills, §1910.261;  
16VAC25-175-1926.200, Accident Prevention Signs and Tags, §1926.200;  
16VAC25-175-1926.201, Signaling, §1926.201; and  
16VAC25-175-1926.202, Barricades, §1926.202

When the regulations, as set forth in the Direct Final Rule Updating OSHA Standards Based on the National Consensus Standards for Signage, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

September 11, 2013

November 1, 2013

**Updating OSHA Standards Based on National Consensus Standards for Head Protection;  
Direct Final Rule for Multiple Standards; and  
Correction to Direct Final Rule**

As Adopted by the

Safety and Health Codes Board

Date: September 12, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

16VAC25-90-1910.135, Head Protection, §1910.135 (General Industry);  
16VAC25-100-1915.155, Head Protection, §1915.155 (Shipyard Employment);  
16VAC25-120-1917.93, Head Protection, §1917.93 (Marine Terminals);  
16VAC25-130-1918.103, Head Protection, §1918.103 (Longshoring); and  
16VAC25-175-1926.100, Head Protection, §1926.100 (Construction)



When the regulations, as set forth in the Update of OSHA Standards Based on the National Consensus Standards for Head Protection; Direct Final Rule for Multiple Standards; and Correction to Direct Final Rule, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and  
Industry

Agency

Department

September 20, 2012

January 1, 2013

**Corrections and Technical Amendments  
to Multiple Standards**

As Adopted by the

Safety and Health Codes Board

Date: May 24, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 September 2012

16VAC25-90-1910.119, Process Safety Management of Highly Hazardous Chemicals, §1910.119  
16VAC25-90-1910.120, Hazardous Waste Operations and Emergency Response, §1910.120  
16VAC25-90-1910.146, Permit-Required Confined Spaces, §1910.146  
16VAC25-90-1910.151, Medical Services and First Aid, §1910.151  
16VAC25-175-1926.50, Medical Services and First Aid, §1926.50  
16VAC25-90-1910.177, Servicing Multi-Piece and Single-Piece Rim Wheels, §1910.177  
16VAC25-90-1910.217, Mechanical Power Presses, §1910.217  
16VAC25-90-1910.261, Pulp, Paper, and Paperboard Mills, §1910.261  
16VAC25-90-1910.265, Sawmills, §1910.265  
16VAC25-90-1910.272, Grain Handling Facilities, §1910.272  
16VAC25-90-1910.440, Commercial Diving Operations, §1910.440  
16VAC25-90-1910.1003, 13 Carcinogens (4-Nitrobiphenyl, etc.), §1910.1003  
16VAC25-90-1910.1025, Lead (General Industry), §1910.1025  
16VAC25-175-1926.62, Lead (Construction), §1926.62  
16VAC25-90-1910.1030, Bloodborne Pathogens, §1910.1030  
16VAC25-100-1915.1000, Air Contaminants, (Shipyard Employment), §1915.1000

When the regulations, as set forth in the Corrections and Technical Amendments to Multiple Standards, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

December 27, 2011

September 15, 2012

**STANDARDS IMPROVEMENT PROJECT - PHASE III; FINAL RULE**

As Adopted by the

Safety and Health Codes Board

Date: October 13, 2011

VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 15, 2012

16 VAC25-90-1910.33	16 VAC 25-90-1910.34	16 VAC25-90-1910.35
16 VAC25-90-1910.36	16 VAC25-90-1910.132	16 VAC25-90-1910.134
16 VAC25-90-1910.141	16 VAC25-90-1910.184	16 VAC25-90-1910.440
16 VAC25-90-1910.1001	16 VAC25-90-1910.1003	16 VAC25-90-1910.1017
16 VAC25-90-1910.1018	16 VAC25-90-1910.1020	16 VAC25-90-1910.1025
16 VAC25-90-1910.1027	16 VAC25-90-1910.1028	16 VAC25-90-1910.1029
16 VAC25-90-1910.1030	16 VAC25-90-1910.1043	16 VAC25-90-1910.1044
16 VAC25-90-1910.1045	16 VAC25-90-1910.1047	16 VAC25-90-1910.1050
16 VAC25-90-1910.1051	16 VAC25-90-1910.1450	16 VAC25-100-1915.112
16 VAC25-100-1915.113	16 VAC25-100-1915.118	16 VAC25-100-1915.152
16 VAC25-100-1915.1001	16 VAC25-120-1917.2	16 VAC25-120-1917.127
16 VAC25-130-1918.2	16 VAC25-130-1918.95	16 VAC25-137-1919.6
16 VAC25-137-1919.11	16 VAC25-137-1919.12	16 VAC25-137-1919.15
16 VAC25-137-1919.18	16 VAC25-175-1926.60	16 VAC25-175-1926.62
16 VAC25-175-1926.251	16 VAC25-175-1926.1101	16 VAC25-175-1926.1127

Standards Improvement Project - Phase III; Final Rule, Parts 1910, 1915, 1917, 1918, 1919, and 1926

When the regulations, as set forth in the Final Rule for Standards Improvement Project – Phase III, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

July 8, 2011

January 15, 2012

**MISCELLANEOUS AND TECHNICAL AMENDMENTS TO  
PARTS 1910, 1915, 1926 AND 1928**

As adopted by the

Safety and Health Codes Board

- CHANGE I:** June 17, 1996
- CHANGE II:** September 30, 1996
- CHANGE III:** October 19, 1998
- CHANGE IV:** May 24, 2005
- CHANGE V:** March 7, 2006
- CHANGE VI:** March 7, 2006
- CHANGE VII:** June 19, 2006
- CHANGE VIII:** December 6, 2006
- CHANGE IX:** February 28, 2008
- CHANGE X:** August 13, 2009
- CHANGE XI:** January 14, 2010



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM  
VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

**Effective dates:**

- CHANGE I:** September 1, 1996
- CHANGE II:** December 15, 1996
- CHANGE III:** January 1, 1999
- CHANGE IV:** August 15, 2005
- CHANGE V:** June 15, 2006
- CHANGE VI:** June 15, 2006
- CHANGE VII:** September 1, 2006
- CHANGE VIII:** March 21, 2007
- CHANGE IX:** June 1, 2008
- CHANGE X:** November 15, 2009
- CHANGE XI:** April 15, 2010