



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Labor and Industry
<b>Virginia Administrative Code (VAC) citation</b>	16 VAC-25-90-1910.1026; 16 VAC 25-100-1915.1026; 16 VAC 25-175-1926.1126; 16 VAC 25-90-1910.1000; 16 VAC 25-100-1915.1000; 16 VAC 25-120-1917.1; 16 VAC 25-130-1918.1; and 16 VAC 25-175-1926.55
<b>Regulation title</b>	Occupational Exposure to Hexavalent Chromium: Part 1910.1026 for General Industry; Part 1915.1026 for Shipyards, and Part 1926.1126 for Construction
<b>Action title</b>	Occupational Exposure to Hexavalent Chromium, Parts 1910, 1915 and 1926; Final Rules
<b>Final agency action date</b>	March 7, 2006
<b>Document preparation date</b>	March 10, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The new standard will reduce worker exposure to hexavalent chromium, or Cr(VI), by lowering the permissible exposure limit (PEL) from 52 micrograms of Cr (VI) per cubic meter of air (52  $\mu\text{g}/\text{m}^3$ ) to 5  $\mu\text{g}/\text{m}^3$  for all sectors. An exemption is provided for employers who can demonstrate the Cr(VI) exposures under any anticipated working conditions will not exceed 0.5  $\mu\text{g}/\text{m}^3$ .

OSHA has amended the existing standard which limits occupational exposure to hexavalent chromium Cr(VI) based upon its determination from the best evidence currently available that at the current permissible exposure limit (PEL) for Cr(VI), workers face a significant risk to material impairment of their health. OSHA believes that the evidence in the record for this rulemaking indicates that workers exposed to Cr(VI) are at an increased risk of developing lung cancer and also indicates that occupational

exposure to Cr(VI) may result in asthma, and damage to the nasal epithelia and skin.

The final rule establishes an 8-hour time-weighted average (TWA) exposure limit of 5 micrograms of Cr(VI) per cubic meter of air ( $5 \mu\text{g}/\text{m}^3$ ). This is a considerable reduction from the previous PEL of 1 milligram per 10 cubic meters of air ( $1 \text{ mg}/10 \text{ m}^3$ , or  $100 \mu\text{g}/\text{m}^3$ )  $\text{CrO}_3$ , which is equivalent to a limit of  $52 \mu\text{g}/\text{m}^3$  as Cr(VI).

The final standard separately regulates general industry, construction, and shipyards in order to tailor requirements to the unique circumstances found in each of these sectors. The PEL established by this rule reduces the significant risk posed to workers by occupational exposure to Cr(VI) to the maximum extent that is technologically and economically feasible. The adoption of §1910.1026 for General Industry also requires the amendment of the 1910.1000 Air Contaminants Standard. The adoption of 1926.1126 for the Construction Industry also requires the amendment of 1926.55, Gases, Vapor, Fumes, Dusts and Mists. The adoption of 1915.1026 for Shipyard Employment is also included by reference in the amendments to 1917.1, Scope and Applicability, for Marine Terminals and 1918.1, Scope and Application for Longshoring.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On March 7, 2006, the Safety and Health Codes Board adopted federal OSHA's final rules and related amendments for Hexavalent Chromium, as published in 71 FR 10099 on February 28, 2006. This final rule also amended the following standards:

Part 1910.1000, Air Contaminants;  
Part 1917.1, Scope and Applicability for Marine Terminals;  
Part 1918.1, Scope and Application for Longshoring; and  
Part 1926.55, Gases, Vapor, Fumes, Dusts and Mists

The initial effective date is June 15, 2006, other start-up dates also apply.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action will enhance the family and family stability in that the new standard focuses protections on workers facing heightened health risks from airborne exposures. It will provide greater protection against significant health effects from exposure to Hexavalent Chromium (Cr(VI)).

To access Occupational Exposure to Hexavalent Chromium; Final Rule, please refer to:

[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20060228.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20060228.pdf)

