



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Labor and Industry
<b>Virginia Administrative Code (VAC) citation</b>	16 VAC 25-90-1910.95; 16 VAC 25-90-1910.134; 16 VAC 25-90-1910.178; 16 VAC 25-90-1910.266; 16 VAC 25-90-1910.441; 16 VAC 25-90-1910.1000; 16 VAC 25-90-1910.1001; 16 VAC 25-90-1910.1017; 16 VAC 25-90-1910.1018; 16 VAC 25-90-1910.1020; 16 VAC 25-90-1910.1025; 16 VAC 25-90-1910.1027; 16 VAC 25-90-1910.1028; 16 VAC 25-90-1910.1029; 16 VAC 25-90-1910.1030; 16 VAC 25-90-1910.1043; 16 VAC 25-90-1910.1045; 16 VAC 25-90-1910.1047; 16 VAC 25-90-1910.1048; 16 VAC 25-90-1910.1050; 16 VAC 25-90-1910.1051; 16 VAC 25-90-1910.1052; 16 VAC 25-90-1910.1450; 16 VAC 25-100-1915.1001; 16 VAC 25-175-1926.60; 16 VAC 25-175-1926.62; 16 VAC 25-175-1926.754; 16 VAC 25-175-1926.1092; 16 VAC 25-175-1926.1101; and 16 VAC 25-175-1926.1127
<b>Regulation title</b>	Technical Amendments to Parts 1910, 1915 and 1926
<b>Action title</b>	Corrections and Technical Amendments to final rules in: PART 1910 -- General Industry; PART 1915 -- Shipyard Employment; and PART 1926 -- Construction; Final Rule
<b>Final agency action date</b>	June 19, 2006
<b>Document preparation date</b>	June 19, 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.*

As part of the ongoing review of its regulations, federal OSHA identified safety and health rules that needed to be corrected or needed 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, is not requesting adoption of the changes in items 1, 33 and 34 of the attached Federal Register pages, 71 FR 6672 *et seq.* The changes covered under items 1, 33 and 34 update references from what was 29 CFR 1910.20 which, in 1988, federal OSHA substantively revised and renumbered as the current 29 CFR 1910.1020.

At that time in 1988, the Board chose to continue the enforcement of the old federal standard §1910.20 and did not adopt the revisions and section renumbering to 29 CFR 1910.1020. VOSH is also not requesting the changes to Part 1913 as it too changes §1910.20 references to the current federal 29 CFR 1910.1020 which as stated previously, is not in effect in Virginia.

#### **A. Effective Dates and Startup Dates**

In the safety standards for general industry (Part 1910), paragraph (a)(2) of §1910.178(a)(2) (“Powered Industrial Trucks”) refers to effective dates specified in paragraph (b) of former §1910.182 (“Effective dates”). OSHA removed §1910.182 during an earlier rulemaking, which made this reference obsolete. (61 FR 9227) Therefore, OSHA has now removed the reference to §1910.182(b) from §1910.178(a)(2).

Several additional safety standards for general industry had provisions that contained references to expired effective dates. Therefore, federal OSHA removed the entry “j. Effective date” in paragraph (a), as well as paragraph (j), from §1910.266 (“Logging operations”); and the single-sentence standard, §1910.441, that specifies the effective date for the general-industry diving standards in subpart T (“Commercial Diving Operations”).

Federal OSHA also removed a number of provisions among its substance-specific standards for general industry (part 1910); for Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records” [§1913.10 (n)]; for shipyard employment [§1915.1001(q)]; and for construction (part 1926) because the effective and/or startup dates they contain are now fully effective and are no longer relevant for pending enforcement cases.

Federal OSHA also removed a number of provisions in parts 1910, 1915 and 1926 that refer to the effective date of a standard as a number of days after the date of publication in the *Federal Register* and not to a specific month, day and year.

#### **B. References to Former 1910.20 (“Access to Employee Exposure and Medical Records”)**

In an earlier rulemaking (61 FR 9227), federal OSHA revised the designation of former §1910.20 to §1910.1020. However, this previous rulemaking did not revise references to §1910.20 contained in various (usually recordkeeping) provisions of a number of its

standards and regulations. Additionally, OSHA has now removed the reference to §1910.20 in numerous paragraphs in parts 1910, 1913 and 1915 and replaced it with a reference to the new designation, §1910.1020.

A number of paragraphs in part 1926 (construction) also refer incorrectly to §1910.20. Therefore, OSHA has revised affected paragraphs to refer instead to §1926.33, the construction standard that regulates access to employee exposure and medical records, instead of §1910.20.

**C. Removal or Correction of Other Outdated Provisions and References**

OSHA has removed or corrected other outdated provisions and references in the following standards:

- 1) Access to Employee Exposure and Medical Records (§1910.1020);
- 2) Cadmium (§§1910.1027 and 1926.1127);
- 3) Benzene (§1910.1028);
- 4) Formaldehyde (§1910.1048);
- 5) Methylenedianiline (§§1910.1050 and 1926.60);
- 6) 1,3—Butadiene (§1910.1051);
- 7) Lead (§1926.62); and
- 8) Structural Steel Assembly (§1926.754)

### 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.*

On June 19, 2006, the Safety and Health Codes Board adopted federal OSHA's corrections and technical amendments to various sections of Parts 1910, 1913, 1915 and 1926, as published in 71 FR 16669 on April 3, 2006, with an effective date of September 1, 2006.

### Family impact

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

The amendments to these regulations have no impact on the institution of the family or family stability.

To access Corrections and Technical Amendments to final rules in following --

PART 1910 -- General Industry;

PART 1913 -- Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records;  
PART 1915 -- Shipyard Employment; and  
PART 1926 -- Construction; Final Rule  
please refer to:

[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20060403.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20060403.pdf)

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