



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation(s)	16VAC90-1910.1024
Regulation title(s)	Occupational Exposure to Beryllium in General Industry
Action title	Limited Extension of Select Compliance Dates for the Occupational Exposure to Beryllium in General Industry, §1910.1024(o)(2)
Final agency action date	November 8, 2018
Date this document prepared	November 14, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Federal OSHA has revised §1910.1024 (o)(2) of the Beryllium Standard for General Industry to extend the compliance deadline to **December 12, 2018** for certain ancillary provisions to allow time for OSHA to respond to the concerns of stakeholders, to allow OSHA sufficient time to draft and publish the Notice of Preliminary Rulemaking (NPRM), and to give employers sufficient time to comply. Sections affected include the following:

- Methods of compliance, §1910.1024(f);
- Beryllium work areas and regulated areas, §1910.1024(e);
- Personal protective clothing and equipment, §1910.1024(h);
- Hygiene areas and practices, §1910.1024(i);
- Housekeeping, §1910.1024(j);
- Communication of hazards, §1910.1024(m); and
- Recordkeeping, §1910.1024(n)

Provisions not affected by this amendment:

- new permissible exposure limits (PELs) for general industry, §1910.1024(c), construction, §1926.1124(c) and shipyards, §1915.1024(c);
- exposure assessment, §1910.1024(d);
- respiratory protection, §1910.1024(g);
- medical surveillance, §1910.1024(k); and
- medical removal, §1910.1024(l)

OSHA began enforcing the above sections on May 11, 2018, and Virginia began enforcing them on **September 15, 2018**.

Certain compliance dates outlined in this final rule remain unchanged. Enforcement of the general industry requirements for change rooms and showers will begin for OSHA and VOSH on **March 11, 2019**; and requirements for engineering controls for OSHA and VOSH will begin on **March 10, 2020**.

Finally, this amendment **does not affect** the applicability of:

- Paragraph (a), Scope and applicability
- Paragraph (b), Definitions

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 November 8, 2018, the Safety and Health Codes Board adopted federal OSHA's Limited Extension of Select Compliance Dates for the Occupational Exposure to Beryllium in General Industry, §1910.1024(o)(2), with an effective date of February 15, 2019.

To access the Limited Extension of Select Compliance Dates for the Occupational Exposure to Beryllium in General Industry, §1910.1024(o)(2), click on the link below:

<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-08-09.pdf>

**Occupational Exposure to Beryllium in General Industry, §1910.1024 (o)(2);
Limited Extension of Select Compliance Dates**

As Adopted by the
Safety and Health Codes Board

Date: November 8, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2019

16VAC25-90-1910.1024, Occupational Exposure to Beryllium, General Industry, §1910.1024

When the regulations, as set forth in OSHA’s Final Rule on the Limited Extension of Select Compliance Dates for the Occupational Exposure to Beryllium in General Industry, §1910.1024(o), 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

August 9, 2018

February 15, 2019

Amendments to Standards

For the reasons stated in the preamble of this final rule, OSHA amends 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z—Toxic and Hazardous Substances

■ 2. Amend § 1910.1024 by revising paragraph (o)(2) to read as follows:

§ 1910.1024 Beryllium.

* * * * *

(o) * * *

(2) *Compliance dates.* (i) Obligations contained in paragraphs (c), (d), (g), (k), and (l) of this standard: March 12, 2018;

(ii) Change rooms and showers required by paragraph (i) of this standard: March 11, 2019;

(iii) Engineering controls required by paragraph (f) of this standard: March 10, 2020; and

(iv) All other obligations of this standard: December 12, 2018.

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[FR Doc. 2018–17106 Filed 8–8–18; 8:45 am]

BILLING CODE 4510–26–P