



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Labor and Industry / Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-90-1910.1043
Regulation Title:	Cotton Dust Standard
Action Title:	Amendment to Final Rule for Cotton Dust Standard
Date:	June 26, 2001

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This is a direct final order which amends the cotton dust standard. The amendment was proposed in this fashion since the change was supported by relevant government agencies, industry groups, and the union representing textile workers. Due to the substance of the comments received from interested parties, and the general lack of opposition to the proposed

rule, OSHA determined that the direct final rule process was the appropriate means of implementing this change.

This rule adds section 1910.1043(n)(4), or cotton washed in a batch kier system, to the types of washed cotton that are partially exempt from the cotton dust standard. This method proscribes that cotton be washed repeatedly in a giant kettle.

In order to be considered partially exempt under this revised standard, the cotton must be washed under the following conditions:

1. with water;
2. with cotton fiber mechanically opened and thoroughly prewetted before forming the cake;
3. for low-temperature processing, at a temperature of no less than 60 degrees Celsius with a water-to-fiber ratio of no less than 40:1; or, for high-temperature processing, at a temperature of no less than 93 degrees Celsius with a water-to-fiber ratio of no less than 15:1;
4. with a minimum of one wash cycle followed by two rinse cycles for each batch, using fresh water in each cycle; and
5. with bacterial levels in the wash water controlled to limit bacterial contamination of the cotton.

Employers who meet these requirements are not exempt from the requirements of paragraphs (h) medical surveillance, (k)(2) through (4) record keeping—medical records, and Appendices B, C, and D of the regulation.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On June 11, 2001, the Safety and Health Code adopted an identical version of federal OSHA's amendment to the final rule for the Cotton Dust standard, §1910.1043. The effective date for the amendment is September 15, 2001.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The amendment to this regulation has no impact on the institution of the family or family stability.