



VOSH PROGRAM DIRECTIVE: 12-101

ISSUED: April 1, 1995

SUBJECT: Amendments to the Applicability of Standards in 29 CFR Part 1910, §1928.21

A. Purpose.

This directive transmits to field personnel the above-amended standard.

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.

B. Scope.

This directive applies to all VOSH personnel.

C. Action.

The Deputy Commissioner, directors and supervisors shall assure that field personnel and employers understand and comply with the provisions of this amended standard.

D. Effective Date.

June 1, 1995

E. Expiration Date.

Not Applicable.

F. Background.

By enacting the standard on the Retention of DOT Markings, Placards and Labels, General Industry, §1910.1201, on July 19, 1994, federal OSHA was responding to a congressional mandate under Hazardous Materials Transportation Act of 1990 (HMTUSA). The mandate requires employers, who receive packaging or vehicles containing hazardous materials, to assure the retention of markings, placards and labels and any other information required by Department of Transportation (DOT) regulations be on the packaging or on vehicles until the hazardous materials have been removed so that a health or safety risk is no longer posed. As such, §1928.21 needed to be amended to reflect

the changes resulting from the promulgation of §1910.1201.

Additionally, on October 12, 1994, federal OSHA published the revised standard for Logging Operations, General Industry, §1910.266. The revised logging standard expanded the coverage of the old pulpwood logging standard to include all logging operations, regardless of the end use of the wood. As such, §1928.21 needed to be revised so that the standard for Logging Operations, General Industry, §1910.266, will apply to logging operations undertaken in the agricultural industry.

G. Summary.

As a result of the promulgation of the Retention of DOT Markings, Placards, and Labels in General Industry, §1910.1201, the Applicable Standards in 29 CFR Part 1910, §1928.21, was amended by adding and reserving paragraph (a)(6), and by adding a new paragraph (a)(7) which references the Retention of DOT Markings, Placards, and Labels in General Industry, §1910.1201. *The effective date of this amendment is June 1, 1995.*

Paragraph (a)(3) of §1928.21, Agriculture Standard, Applicable Standards in 29 CFR Part 1910, was revised to reference the revised general industry standard on "Logging Operations--§1910.266." *The effective date of this amendment is June 1, 1995.*

Theron J. Bell
Commissioner

e-Attachments: 59 Fed. Reg. 36695 (July 19, 1994)
http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_ty pe=FEDERAL_REGISTER&p_toc_level=2&p_keyvalue=59&p_text_version=FALSE

59 Fed. Reg. 51672 (October 12, 1994)
http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_ty pe=FEDERAL_REGISTER&p_toc_level=2&p_keyvalue=59&p_text_version=FALSE

Distribution: Commissioner of Labor and Industry
Deputy Commissioner
Directors and Supervisors
Consultation Services Staff
Training Staff
OSHA Regional Administrator, Region III

**Agriculture Standard, Applicable Standards in
29 CFR 1910, §1928.21**

As adopted by the
Safety and Health Codes Board

Date: December 19, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective dates: June 1, 1995

Agriculture Standard, Applicable Standards in
29 CFR 1910, §1928.21
VR 425-02-99

When the regulations, as set forth in the amendments to the Agriculture Standard, Applicable Standards in 29 CFR 1910, §1928.21, 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

October 17, 1994

June 1, 1995

February 9, 1995

June 1, 1995