



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Labor and Industry/Safety and Health Codes Board
<b>Virginia Administrative Code (VAC) citation</b>	16 VAC 25-175-1926.754
<b>Regulation title</b>	Safety Standards for Steel Erection
<b>Action title</b>	Technical Amendment to Structural Steel Assembly, §1926.754 (a) of the Final Rule for Safety Standards for Steel Erection
<b>Final agency action date</b>	August 18, 2010
<b>Document preparation date</b>	August 19, 2010

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### 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.*

Federal OSHA has added a technical amendment in the form of a nonmandatory note to the final rule for the Safety Standards for Steel Erection in 29 CFR 1926.754 (a), Structural Steel Assembly. This technical amendment provides information on existing Federal Highway Administration (FHWA) regulations that may apply to employers engaged in activities covered by federal OSHA's steel erection standards.

**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 August 18, 2010, the Safety and Health Codes Board adopted federal OSHA’s Technical Amendment to Structural Steel Assembly, §1926.754 (a), of the Final Rule for the Safety Standards for Steel Erection, as published in 75 FR 27428 on May 17, 2010, with an effective date of November 15, 2010.

**Family impact**

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

This regulatory action will have no impact on the institution on the institution of the family and family stability.

To access the Technical Amendment to Structural Steel Assembly, §1926.754 (a), of the Final Rule for Safety Standards for Steel Erection, please refer to:

[http://www.osha.gov/FedReg\\_osha\\_pdf/FED20100517.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20100517.pdf)

**PART 1926—[AMENDED]**

**Subpart R—[Amended]**

- 1. The authority citation for subpart R is revised to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Nos. 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), and 5–2007 (72 FR 31160); and 29 CFR part 1911.

- 2. Amend § 1926.754 by adding a note after paragraph (a) to read as follows:

**§ 1926.754 Structural steel assembly.**

(a) \* \* \*

**Note to paragraph (a):** Federal Highway Administration (FHWA) regulations incorporate by reference a number of standards, policies, and standard specifications published by the American Association of State Highway and Transportation Officials (AASHTO) and other organizations. (See 23 CFR 625.4). Many of these incorporated provisions may be relevant to maintaining structural stability during the erection process. For instance, as of May 17, 2010, in many cases FHWA requires a Registered Engineer to prepare and seal working drawings for falsework used in highway bridge construction. (See AASHTO Specifications for Highway Bridges, Div. II, § 3.2.1, 15th edition, 1992, which FHWA incorporates by reference in 23 CFR 625.4). FHWA also encourages compliance with AASHTO Specifications that the FHWA regulations do not currently incorporate by reference. (See <http://www.fhwa.dot.gov/bridge/lrfd/index.htm>.)

\* \* \* \* \*  
 [FR Doc. 2010–10983 Filed 5–14–10; 8:45 am]  
**BILLING CODE 4510–26–P**

**Authority and Signature**

This document was prepared under the authority of David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to Sections 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order 5–2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on May 4, 2010.  
**David Michaels,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

- For the reasons set forth above in the preamble, OSHA is amending 29 CFR part 1926 as follows: