



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Labor and Industry/Safety and Health Codes Board
<b>Virginia Administrative Code (VAC) citation</b>	§1910.97, Nonionizing radiation; §1910.145, Specifications for accident prevention signs and tags; §1910.261, Pulp, paper, and paper board mills; §1926.200, Accident prevention signs and tags; §1926.201, Signaling; and §1926.202, Barricades
<b>Regulation title</b>	Updating OSHA Standards Based on National Consensus Standards for Signage
<b>Action title</b>	Direct Final Rule for Updating OSHA Standards Based on National Consensus Standards for Signage
<b>Final agency action date</b>	July 18, 2013
<b>Document preparation date</b>	August 19, 2013

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.*

On June 13, 2013, Federal OSHA has issued a Direct Final Rule to update its general industry and construction signage standards by adding references to the latest versions of the American National Standards Institute ("ANSI") standards on specifications for accident prevention signs and tags, ANSI Z535.1-2006 (R2011), Z535.2-2011 and Z535.5-2011, along with an identical proposed rule [78 FR 35585]. This Direct Final Rule updates the references to ANSI consensus standards in four provisions of

OSHA’s general industry and construction standards: §§1910.97, Nonionizing radiation; 1910.145, Specifications for accident prevention signs and tags; 1910.261, Pulp, paper, and paper board mills; and 1926.200 Accident prevention signs and tags. OSHA also has retained the existing references to the earlier ANSI standards, ANSI Z53.1-1967, Z35.1-1968 and Z35.2-1968, in its signage standards, thereby providing employers an option to comply with the updated or earlier standards. OSHA has also incorporated by reference Part VI of the Manual of Uniform Traffic Control Devices (“MUTCD”), 1988 Edition, Revision 3, into the incorporation-by-reference section of the construction standards, having inadvertently omitted this edition of the MUTCD from §§1926.201, Signaling, and 1926.202, Barricades, during an earlier rulemaking, and has amended citations in two provisions of the construction standards to show the correct incorporation-by-reference section.

**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.*

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On July 18, 2013, the Safety and Health Codes adopted the Update of OSHA’s Standards Based on National Consensus Standards for Signage, with an effective date of November 1, 2013.

**Family impact**

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

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

**Updating OSHA Standards Based on National Consensus Standards for Signage;  
Direct Final Rule**

As Adopted by the  
Safety and Health Codes Board

Date: July 18, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: November 1, 2013

16VAC25-90-1910.97, Nonionizing Radiation, §1910.97;  
16VAC25-90-1910.145, Specifications for Accident Prevention Signs and Tags, §1910.145;  
16VAC25-90-1910.261, Pulp, Paper, and Paper Board Mills, §1910.261;  
16VAC25-175-1926.200, Accident Prevention Signs and Tags, §1926.200;  
16VAC25-175-1926.201, Signaling, §1926.201; and  
16VAC25-175-1926.202, Barricades, §1926.202

When the regulations, as set forth in the Direct Final Rule Updating OSHA Standards Based on the National Consensus Standards for Signage, 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

September 11, 2013

November 1, 2013

**Subpart G—[Amended]**

- 3. Revise the authority citation for subpart G of part 1910 to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 50017), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

- 4. Amend § 1910.97 by revising paragraph (a)(3)(ii) to read as follows:

**§ 1910.97 Nonionizing radiation.**

(a) \* \* \*

(3) \* \* \*

(ii) ANSI Z53.1-1967 or ANSI Z535.1-2006(R2011), incorporated by reference in § 1910.6, is for use for color specification. All lettering and the border shall be of aluminum color.

**Subpart J—[Amended]**

- 5. Revise the authority citation for subpart J of part 1910 to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable.

Sections 1910.141, 1910.142, 1910.145, 1910.146, and 1910.147 also issued under 29 CFR part 1911.

- 6. Amend § 1910.145 by revising paragraphs (d)(2), (d)(4), and (d)(6) to read as follows:

**§ 1910.145 Specifications for accident prevention signs and tags.**

(d) \* \* \*

(2) *Danger signs.* The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1, "Fundamental Specification of Safety Colors for CIE Standard Source 'C,'" of ANSI Z53.1-1967 or in Table 1, "Specification of the Safety Colors for CIE Illuminate C and the CIE 1931, 2° Standard Observer," of ANSI Z535.1-2006(R2011), incorporated by reference in § 1910.6.

\* \* \* \* \*

(4) *Caution signs.* The standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of ANSI Z53.1-1967 or Table 1 of ANSI Z535.1-2006(R2011), incorporated by reference in § 1910.6.

\* \* \* \* \*

(6) *Safety instruction signs.* The standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of ANSI Z53.1-1967 or in Table 1 of ANSI Z535.1-2006(R2011), incorporated by reference in § 1910.6.

\* \* \* \* \*

**Subpart R—[Amended]**

- 7. Revise the authority citation for subpart R of part 1910 to read as follows:

**Authority:** 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

- 8. Amend § 1910.261 by revising paragraph (c)(16) to read as follows:

**§ 1910.261 Pulp, paper, and paperboard mills.**

\* \* \* \* \*

(c) \* \* \*

(16) *Signs.* When conveyors cross walkways or roadways in the yards, the employer must erect signs reading "Danger—Overhead Conveyor" or an equivalent warning, in accordance with ANSI Z35.1-1968 or ANSI Z535.2-2011, incorporated by reference in § 1910.6.

\* \* \* \* \*

**PART 1926—[AMENDED]**

**Subpart A—[Amended]**

and (i). Copies available for purchase from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: [www.safetysigns.com](http://www.safetysigns.com).

\* \* \* \* \*

(u) \* \* \* (1) Manual on Uniform Traffic Control Devices (MUTCD), Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operation, 1988 Edition, Revision 3, September 3, 1993; IBR approved for §§ 1926.200(g), 1926.201(a), and 1926.202. Electronic copies of the MUTCD, 1988 Edition, Revision 3, are available for downloading at [http://www.osha.gov/doc/highway\\_workzones/mutcd/index.html](http://www.osha.gov/doc/highway_workzones/mutcd/index.html).

(2) Manual on Uniform Traffic Control Devices (MUTCD), Millennium Edition, Dec. 2000; IBR approved for §§ 1926.200(g), 1926.201(a), and 1926.202. Electronic copies of the MUTCD 2000 are available for downloading at [http://mutcd.fhwa.dot.gov/kno-millennium\\_12.18.00.htm](http://mutcd.fhwa.dot.gov/kno-millennium_12.18.00.htm).

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**Subpart G—[Amended]**

■ 11. Revise the authority citation for subpart G of part 1926 to read as follows:

**Authority:** 40 U.S.C. 333; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

■ 12. Amend § 1926.200 by revising paragraphs (b)(1), (c)(1), (c)(3), (g)(2), (h)(2), and (i) to read as follows:

**§ 1926.200 Accident prevention signs and tags.**

\* \* \* \* \*

(b) *Danger signs.* (1) Danger signs shall be used only where an immediate hazard exists, and shall follow the specifications provided in Figure 1 of ANSI Z35.1-1968 or in Figure 2 of ANSI Z535.2-2011, incorporated by reference in § 1926.6.

\* \* \* \* \*

(c) *Caution signs.* (1) Caution signs shall be used only to warn against potential hazards or to caution against unsafe practices, and shall follow the specifications provided in Figure 4 of ANSI Z35.1-1968 or in Figure 2 of ANSI Z535.2-2011, incorporated by reference for the sections specified in § 1926.6.

\* \* \* \* \*

(3) The standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of ANSI Z53.1-1967 or in Table 1 of ANSI Z535.1-2006(R2011), incorporated by reference in § 1926.6.

\* \* \* \* \*

(g) \* \* \*

(2) All traffic control signs or devices used for protection of construction workers shall conform to Part VI of the MUTCD, 1988 Edition, Revision 3, or Part VI of the MUTCD, Millennium Edition, incorporated by reference in § 1926.6.

(h) \* \* \*

(2) For accident prevention tags, employers shall follow specifications that are similar to those in Figures 1 to 4 of ANSI Z35.2-1968 or Figures 1 to 8 of ANSI Z535.5-2011, incorporated by reference in § 1926.6.

(i) *Additional rules.* ANSI Z35.1-1968, ANSI Z535.2-2011, ANSI Z35.2-1968, and ANSI Z535.5-2011, incorporated by reference in § 1926.6, contain rules in addition to those specifically prescribed in this subpart. The employer shall comply with ANSI Z35.1-1968 or ANSI Z535.2-2011, and ANSI Z35.2-1968 or Z535.5-2011, with respect to such additional rules.

■ 13. Amend § 1926.201 by revising paragraph (a) to read as follows:

**§ 1926.201 Signaling.**

(a) *Flaggers.* Signaling by flaggers and the use of flaggers, including warning garments worn by flaggers, shall conform to Part VI of the Manual on Uniform Traffic Control Devices (1988 Edition, Revision 3, or the Millennium Edition), incorporated by reference in § 1926.6.

\* \* \* \* \*

■ 14. Revise § 1926.202 to read as follows:

**§ 1926.202 Barricades.**

Barricades for protection of employees shall conform to Part VI of the Manual on Uniform Traffic Control Devices (1988 Edition, Revision 3, or the Millennium Edition), incorporated by reference in § 1926.6.

[FR Doc. 2013-13909 Filed 6-12-13; 8:45 am]

BILLING CODE 4510-26-P