



**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	16 VAC25-90-1910.33, Table of Contents 16 VAC25-90-1910.34, Coverage and definitions 16 VAC25-90-1910.35, Compliance with alternate exit-route codes 16 VAC25-90-1910.36, Design & construction requirements for exit routes 16 VAC25-90-1910.132, General requirements 16 VAC25-90-1910.134, Respiratory protection 16 VAC25-90-1910.141, Sanitation 16 VAC25-90-1910.184, Slings 16 VAC25-90-1910.440, Recordkeeping requirements 16 VAC25-90-1910.1001, Asbestos 16 VAC25-90-1910.1003, 13 Carcinogens (4-nitrobiphenyl, etc.) 16 VAC25-90-1910.1017, Vinyl chloride 16 VAC25-90-1910.1018, Inorganic arsenic 16 VAC25-90-1910.1020, Access to employee exposure and medical records 16 VAC25-90-1910.1025, Lead 16 VAC25-90-1910.1027, Cadmium 16 VAC25-90-1910.1028, Benzene 16 VAC25-90-1910.1029, Coke oven emissions 16 VAC25-90-1910.1030, Bloodborne pathogens 16 VAC25-90-1910.1043, Cotton dust 16 VAC25-90-1910.1044, 1,2-dibromo-3-chloropropane 16 VAC25-90-1910.1045, Acrylonitrile 16 VAC25-90-1910.1047, Ethylene oxide 16 VAC25-90-1910.1050, Methylenedianiline 16 VAC25-90-1910.1051, 1,2-Butadiene 16 VAC25-90-1910.1450, Occupational exposure to hazardous chemicals in laboratories 16 VAC25-100-1915.112, Ropes, chains, and slings 16 VAC25-100-1915.113, Shackles and hooks 16 VAC25-100-1915.118, Tables 16 VAC25-100-1915.152, General requirements 16 VAC25-100-1915.1001, Asbestos

	16 VAC25-120-1917.2, Definitions 16 VAC25-120-1917.127, Sanitation 16 VAC25-130-1918.2, Definitions 16 VAC25-130-1918.95, Sanitation 16 VAC25-137-1919.6, Criteria governing accreditation to certificate vessels' cargo gear VAC25-137-1919.11, Recordkeeping & related procedures concerning records in custody of accredited persons VAC25-137-1919.12, Recordkeeping & related procedures concerning records in custody of the vessel 16 VAC25-137-1919.15, Periodic tests, examinations and inspections 16 VAC25-137-1919.18, Grace periods 16 VAC25-175-1926.60, Methylenedianiline 16 VAC25-175-1926.62, Lead 16 VAC25-175-1926.251, Rigging equipment for material handling 16 VAC25-175-1926.1101, Asbestos 16 VAC25-175-1926.1127, Cadmium
Regulation title	Standards Improvement Project
Action title	Standards Improvement Project – Phase III; Final Rule
Final agency action date	October 13, 2011
Document preparation date	October 17, 2011

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 proposed a number of actions to amend its standards, including revisions to the Agency's general industry, maritime, construction, and agricultural standards. The ongoing Standards Improvement Project (SIP) removed or revised individual requirements within rules that were confusing, outdated, duplicative, or inconsistent.

Federal OSHA identified several requirements for this phase of the Standards Improvement Project, including rigging, NIOSH records, and training certifications for improvement based on

OSHA's review of its standards, suggestions and comments from the public, or recommendations from the Office of Management and Budget (OMB). SIP-III will:

- Revise the title of the Means of Egress standard to “Exit Routes and Emergency Planning” to more accurately represent the requirements of the standard;
- Update the Means of Egress provisions by adding another compliance alternative to the exit routes standards so employers can comply with the exit-route provisions of either the National Fire Protection Association 2009 Life Safety Code or the International Code Council 2009 International Fire Code;
- Remove requirements from several general industry substance-specific standards for employers to prepare and maintain training-certification records because other effective means exist to verify employee training (e.g., employer observation of employees, employee interviews by OSHA compliance officers);
- Make seven revisions related to respiratory protection standard at §1910.134, including:
 - Updating and clarifying a provision in the Respiratory Protection standard that after-market breathing-gas containers not meeting NIOSH approval are not acceptable for use (1910.134(i)(9));
 - Revising the medical evaluation questionnaire, Appendix C, Part A, Section 2, in the Respiratory Protection standard by replacing the word “fits” with the less offensive word “seizures”;
 - Clarifying that compliance with Appendix D of the Respiratory Protection standard, which contains information for employees using respirators when not required to do so under the standard, is then mandatory if the employee chooses to use a respirator;
 - Aligning air cylinder testing requirements for self-contained breathing apparatuses (1910.134(i)(4)(i)) with federal Department of Transportation regulations;
 - Revising the Asbestos standard for shipyards (1915.1001) and construction (1926.1101) to correct omissions and require the implementation of respiratory protection programs;
 - Reinstating the original respirator-use requirements in paragraph (c)(4)(iv) of 1910.1003 (full facepiece, supplied-air respirators) for workers exposed to four of the 13 carcinogen standards that had been inadvertently omitted; and
 - Removing the requirement for employers to keep fit-test records from the 1,3 -- Butadiene standard for employees because this requirement is redundant with provisions of 1910.1051(m)(3).

- Make two revisions under Subpart J, General Environmental Controls:
 - Revising and updating the definition of the term “potable water” in the Sanitation standard for general industry (1910.141(a)(2)); and
 - Revising the Bloodborne Pathogens standard by removing the word “hot” from the definition of “handwashing facilities” at §1910.1030(b) in the phrase “hot air drying machines,” which permits employers to use new technologies (e.g., high-velocity air blowers) that do not involve “hot” or “warm” air in the workplace. This revision applies to sanitation standards for general industry (1910.141(d)(2)(iv)) and marine terminals (1917.127(a)(1)(iii)).
- Update OSHA’s standards regulating slings for general industry (1910.184); shipyard employment (§§1915.112, 1915.113, and 1915.118) and construction (1926.251) by removing outdated tables that specify safe working loads and require, instead, that employers use the safe working-load information imprinted on a permanently affixed identification marking or tag. This revision is consistent with current ANSI standards.
- Remove two obsolete recordkeeping requirements in 1910.440 (b)(3)(i) and (b)(5) in Subpart T, Commercial Diving Operations, because the standard no longer requires medical examinations, and corrected a typographical error in 1910.440 (b)(4));
- Remove several standards in Subpart Z, Toxic and Hazardous Substances, that required employers to transfer medical records to the National Institute for Occupational Safety and Health (NIOSH) because NIOSH found that the records were not useful for research purposes and were expensive to store and maintain;
- Revise the monitoring requirements under the lead standards for general industry (1910.25) and construction (1926.62) to require employers to provide follow-up blood sampling tests when an employee’s blood lead level is at or above the numerical criterion for medical removal.
- Remove an outdated medical recommendation in its standard on occupational exposure to hazardous chemicals in laboratories (1910.1450);
- Revise a sentence to better clarify the original purpose of the shipyard confine-space standard, i.e., that OSHA does not consider abrasive blasting of the external surface of the vessel (the hull) to be hot work (1915.11(b));
- Add a definition to the longshoring standards of the term “ship’s stores” (1917.2) to eliminate confusion regarding the meaning of this term; and
- Update the requirement for inspecting a vessel’s cargo-handling gear consistent with ILO Convention 152 (1919.6, 1919.11, 1919.12, and 1919.15). This revision requires gear to be thoroughly examined before initial use, as well as every 12 months, and re-tested

every five years, instead of every four years.

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 October 13, 2011, the Safety and Health Codes Board adopted Phase III of federal OSHA's final rule for the Standards Improvement Project, with an effective date of January 15, 2012.

Family impact

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

This final rule will have no impact on the institution of the family or family stability.

To access the final rule for Standards Improvement Project – Phase III, please see attachment or go to:

www.osha.gov/FedReg_osha_pdf/FED20110608.pdf

Standards Improvement Project - Phase III; Final Rule

As Adopted by the
Safety and Health Codes Board

Date: October 13, 2011



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 15, 2012

16 VAC25-90-1910.33	16 VAC 25-90-1910.34	16 VAC25-90-1910.35
16 VAC25-90-1910.36	16 VAC25-90-1910.132	16 VAC25-90-1910.134
16 VAC25-90-1910.141	16 VAC25-90-1910.184	16 VAC25-90-1910.440
16 VAC25-90-1910.1001	16 VAC25-90-1910.1003	16 VAC25-90-1910.1017
16 VAC25-90-1910.1018	16 VAC25-90-1910.1020	16 VAC25-90-1910.1025
16 VAC25-90-1910.1027	16 VAC25-90-1910.1028	16 VAC25-90-1910.1029
16 VAC25-90-1910.1030	16 VAC25-90-1910.1043	16 VAC25-90-1910.1044
16 VAC25-90-1910.1045	16 VAC25-90-1910.1047	16 VAC25-90-1910.1050
16 VAC25-90-1910.1051	16 VAC25-90-1910.1450	16 VAC25-100-1915.112
16 VAC25-100-1915.113	16 VAC25-100-1915.118	16 VAC25-100-1915.152
16 VAC25-100-1915.1001	16 VAC25-120-1917.2	16 VAC25-120-1917.127
16 VAC25-130-1918.2	16 VAC25-130-1918.95	16 VAC25-137-1919.6
16 VAC25-137-1919.11	16 VAC25-137-1919.12	16 VAC25-137-1919.15
16 VAC25-137-1919.18	16 VAC25-175-1926.60	16 VAC25-175-1926.62
16 VAC25-175-1926.251	16 VAC25-175-1926.1101	16 VAC25-175-1926.1127

When the regulations, as set forth in the Final Rule for Standards Improvement Project – Phase III, 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

July 8, 2011

January 15, 2012

X. The Final Standard

For the reasons discussed in the preamble, the Occupational Safety and Health Administration is amending 29 CFR parts 1910, 1915, 1917, 1918, 1919, 1926, and 1928 as set forth below:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart A—[Amended]

- 1. The authority citation for subpart A continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 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 65008), 5-2007 (72 FR 31159), or 4-2010 (75 FR 55355), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

Subpart E—Exit Routes and Emergency Planning

- 3. Revise the authority citation for subpart E 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

- 4. Revise the heading of subpart E to read as set forth above.
5. In § 1910.33, revise the entry listed for § 1910.35 to read as follows:

§ 1910.33 Table of contents.
* * * * *

§ 1910.35 Compliance with Alternate Exit Route Codes.
* * * * *

- 6. Revise the definition of the term "Occupant load" in paragraph (c) of § 1910.34 to read as follows:

§ 1910.34 Coverage and definitions.
* * * * *

(c) * * *
Occupant load means the total number of persons that may occupy a workplace or portion of a workplace at any one time. The occupant load of a workplace is calculated by dividing the gross floor area of the workplace or portion of the workplace by the occupant load factor for that particular type of workplace occupancy. Information regarding the "Occupant load" is located in NFPA 101-2009, Life Safety Code, and in IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

- 7. Revise § 1910.35 to read as follows:

§ 1910.35 Compliance with alternate exit-route codes.

OSHA will deem an employer demonstrating compliance with the exit-route provisions of NFPA 101, Life

Safety Code, 2009 edition, or the exit-route provisions of the International Fire Code, 2009 edition, to be in compliance with the corresponding requirements in §§ 1910.34, 1910.36, and 1910.37 (incorporated by reference, see section § 1910.6).

- 8. In § 1910.36, revise the notes to paragraphs (b) and (f) to read as follows:

§ 1910.36 Design and construction requirements for exit routes.

* * * * *

(b) * * *
(3) * * *

Note to paragraph (b) of this section: For assistance in determining the number of exit routes necessary for your workplace, consult NFPA 101-2009, Life Safety Code, or IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

* * * * *

(f) * * *
(2) * * *

Note to paragraph (f) of this section: Information regarding the "Occupant load" is located in NFPA 101-2009, Life Safety Code, and in IFC-2009, International Fire Code (incorporated by reference, see § 1910.6).

* * * * *

Subpart I—[Amended]

- 9. Revise the authority citation for subpart I 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Sections 1910.132, 1910.134, and 1910.138 of 29 CFR also issued under 29 CFR 1911.

Sections 1910.133, 1910.135, and 1910.136 of 29 CFR also issued under 29 CFR 1911 and 5 U.S.C. 553.

§ 1910.132 [Amended]

- 10. Remove paragraph (f)(4) from § 1910.132.

- 11. In § 1910.134, revise paragraphs (i)(4)(i), (i)(9), and (o), and question 2a in Part A, Section 2 (Mandatory) of Appendix C, to read as follows:

§ 1910.134 Respiratory protection.

* * * * *

(i) * * *
(4) * * *

(i) Cylinders are tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 180);

* * * * *

- (9) The employer shall use only the respirator manufacturer's NIOSH-approved breathing-gas containers,

marked and maintained in accordance with the Quality Assurance provisions of the NIOSH approval for the SCBA as issued in accordance with the NIOSH respirator-certification standard at 42 CFR part 84.

(o) Appendices. Compliance with Appendix A, Appendix B-1, Appendix B-2, Appendix C, and Appendix D to this section are mandatory.

Appendix C to § 1910.134: * * *

Part A. Section 2. * * *

- 2. * * *
a. Seizures: Yes/No

Subpart J—[Amended]

■ 12. Revise the authority citation for subpart J 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable; and 29 CFR 1911.

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

■ 13. Revise the definition of "Potable water" in paragraph (a)(2), and revise paragraph (d)(2)(iv) of § 1910.141 to read as follows:

§ 1910.141 Sanitation.

- (a) * * *
(2) * * *

Potable water means water that meets the standards for drinking purposes of the State or local authority having jurisdiction, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR 141).

- (d) * * *
(2) * * *

(iv) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

Subpart N—[Amended]

■ 14. Revise the authority citation for subpart N 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable; and 29 CFR 1911.

Sections 1910.176, 1910.177, 1910.178, 1910.179, 1910.180, 1910.181, and 1910.184 also issued under 29 CFR part 1911.

■ 15. Amend § 1910.184 as follows:
■ a. Add new paragraphs (c)(13) and (c)(14).

■ b. Revise paragraphs (e)(6), (e)(8), (f)(1), and (h)(1).

■ c. Remove and reserve paragraphs (e)(5), (g)(6), and (i)(5).

■ d. Remove Tables N-184-1 and N-184-3 through N-184-22.

■ e. Redesignate Table N-184-2 as N-184-1.

The addition and revisions read as follows:

§ 1910.184 Slings.

(c) * * *
(13) Employers must not load a sling in excess of its recommended safe working load as prescribed by the sling manufacturer on the identification markings permanently affixed to the sling.

(14) Employers must not use slings without affixed and legible identification markings.

(e) * * *

(5) [Reserved]

(6) Safe operating temperatures.

Employers must permanently remove an alloy steel-chain slings from service if it is heated above 1000 degrees F. When exposed to service temperatures in excess of 600 degrees F, employers must reduce the maximum working load limits permitted by the chain manufacturer in accordance with the chain or sling manufacturer's recommendations.

(8) Effect of wear. If the chain size at any point of the link is less than that stated in Table N-184-1, the employer must remove the chain from service.

(f) Wire-rope slings—(1) Sling use.

Employers must use only wire-rope slings that have permanently affixed and legible identification markings as prescribed by the manufacturer, and that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one.

(g) * * *

(6) [Reserved]

(h) Natural and synthetic fiber-rope slings—(1) Sling use. Employers must use natural and synthetic fiber-rope slings that have permanently affixed and legible

identification markings stating the rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, type of fiber material, and the number of legs if more than one.

- * * * * *
(i) * * *
(5) [Reserved]

Subpart T—[Amended]

■ 16. Revise the authority citation for subpart T to read as follows:

Authority: 29 U.S.C. 653, 655, 657; 40 U.S.C. 333; 33 U.S.C. 941; Secretary of Labor's Order No. 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355) as applicable, and 29 CFR 1911.

■ 17. Remove and reserve paragraphs (b)(3)(i) and (b)(5), and revise paragraph (b)(4), of § 1910.440 to read as follows:

§ 1910.440 Recordkeeping requirements.

- (b) * * *
(3) * * *
(i) [Reserved]

(4) After the expiration of the retention period of any record required to be kept for five (5) years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer also shall comply with any additional requirements set forth in 29 CFR 1910.1020(h).

(5) [Reserved]

Subpart Z—[Amended]

■ 18. Revise the authority citation for subpart Z to read as follows:

Authority: 29 U.S.C. 653, 655, and 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable, and 29 CFR 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, Tables Z-1, Z-2, and Z-3 also issued under 5 U.S.C. 553, Section 1910.1000 Tables Z-1, Z-2, and Z-3, but not under 29 CFR 1911, except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653. Section 1910.1030 also issued under Pub. L. 106-430, 114 Stat. 1901. Section 1910.1201 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 533.

- 19. Amend § 1910.1001 by removing paragraph (m)(6)(ii), and redesignating paragraph (m)(6)(i) as paragraph (m)(6).
- 20. Amend § 1910.1003 by revising paragraphs (c)(4)(iv) and (g)(2)(i) to read as follows:

§ 1910.1003 13 Carcinogens (4-nitrobiphenyl, etc.).

* * * * *
(c) * * *
(4) * * *

(iv) Employers must provide each employee engaged in handling operations involving the carcinogens 4-Nitrobiphenyl, alpha-Naphthylamine, 3,3'-Dichlorobenzidine (and its salts), beta-Naphthylamine, Benzidine, 4-Aminodiphenyl, 2-Acetylaminofluorene, 4-Dimethylaminoazo-benzene, and N-Nitrosodimethylamine, addressed by this section, with, and ensure that each of these employees wears and uses, a NIOSH-certified air-purifying, half-mask respirator with particulate filters. Employers also must provide each employee engaged in handling operations involving the carcinogens methyl chloromethyl ether, bis-Chloromethyl ether, Ethyleneimine, and beta-Propiolactone, addressed by this section, with, and ensure that each of these employees wears and uses any self-contained breathing apparatus that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode, or any supplied-air respirator that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode in combination with an auxiliary self-contained positive-pressure breathing apparatus. Employers may substitute a respirator affording employees higher levels of protection than these respirators.

* * * * *
(g) * * *
(2) * * *

(i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment.

§ 1910.1017 [Amended]

- 21. Remove paragraph (m)(3) from § 1910.1017.

§ 1910.1018 [Amended]

- 22. Amend § 1910.1018 by removing paragraphs (q)(4)(ii) and (q)(4)(iii), and redesignating paragraph (q)(4)(iv) as paragraph (q)(4)(ii).

§ 1910.1020 [Amended]

- 23. Remove paragraphs (h)(3) and (h)(4) from § 1910.1020.
- 24. Amend § 1910.1025 as follows:
 - a. Revise paragraphs (j)(1)(i), (j)(2)(ii), (j)(2)(iv), (k)(1)(i)(B), and (k)(1)(iii)(A)(1).
 - b. Remove paragraphs (n)(5)(ii) and (n)(5)(iii), and redesignate paragraph (n)(5)(iv) as paragraph (n)(5)(ii).

The revisions read as follows:

§ 1910.1025 Lead.

* * * * *
(j) * * *
(1) * * *

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level for more than 30 days per year.

* * * * *
(2) * * *

(ii) *Follow-up blood sampling tests.* Whenever the results of a blood lead level test indicate that an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i)(A) of this section, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iv) *Employee notification.* Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level is at or above 40 µg/100 g:

- (A) Of that employee's blood lead level; and
- (B) That the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under paragraph (k)(1)(i) of this section.

* * * * *
(k) * * *
(1) * * *
(i) * * *

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six (6) months, whichever is longer) indicates

that the employee's blood lead level is at or above 50 µg/100 g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level below 40 µg/100 g of whole blood.

(iii) * * *
(A) * * *

(1) For an employee removed due to a blood lead level at or above 60 µg/100 g, or due to an average blood lead level at or above 50 µg/100 g, when two consecutive blood sampling tests indicate that the employee's blood lead level is below 40 µg/100 g of whole blood;

* * * * *

- 25. Amend § 1910.1027 by removing paragraph (n)(4), redesignating paragraphs (n)(5) and (n)(6) as paragraphs (n)(4) and (n)(5), and revising newly designated paragraph (n)(4)(i) to read as follows:

§ 1910.1027 Cadmium.

* * * * *
(n) * * *
(4) * * *

(i) Except as otherwise provided for in this section, access to all records required to be maintained by paragraphs (n)(1) through (3) of this section shall be in accordance with the provisions of 29 CFR 1910.1020.

* * * * *

- 26. Amend § 1910.1028 revising paragraph (k)(4) as follows:

§ 1910.1028 Benzene.

* * * * *
(k) * * *

(4) *Transfer of records.* The employer shall comply with the requirements involving transfer of records as set forth in 29 CFR 1910.1020(h).

* * * * *

§ 1910.1029 [Amended]

- 27. Amend § 1910.1029 by removing paragraphs (m)(4)(ii) and (m)(4)(iii), and redesignating paragraph (m)(4)(iv) as paragraph (m)(4)(ii).

- 28. Amend § 1910.1030 as follows:
 - a. Revise the definition of "Handwashing facilities" in paragraph (b).

- b. Remove paragraph (h)(4)(ii) and redesignate paragraph (h)(4)(i) as paragraph (h)(4).

The revision reads as follows:

§ 1910.1030 Bloodborne pathogens.

* * * * *
(b) * * *

Handwashing facilities means a facility providing an adequate supply of

running potable water, soap, and single-use towels or air-drying machines.

§ 1910.1043 [Amended]

■ 29. Amend § 1910.1043 by removing paragraphs (k)(4)(ii) and (k)(4)(iii), and redesignating paragraph (k)(4)(iv) as paragraph (k)(4)(ii).

§ 1910.1044 [Amended]

■ 30. Amend § 1910.1044 by removing paragraphs (p)(4)(ii) and (p)(4)(iii), and redesignating paragraph (p)(4)(iv) as paragraph (p)(4)(ii).

§ 1910.1045 [Amended]

■ 31. Amend § 1910.1045 by removing paragraphs (q)(5)(ii) and (q)(5)(iii), and redesignating paragraph (q)(5)(iv) as paragraph (q)(5)(ii).

§ 1910.1047 [Amended]

■ 32. Amend § 1910.1047 by removing paragraph (k)(5)(ii), and redesignating paragraph (k)(5)(i) as paragraph (k)(5).

§ 1910.1050 [Amended]

■ 33. Amend § 1910.1050 by removing paragraph (n)(7)(ii), and redesignating paragraph (n)(7)(i) as paragraph (n)(7).

■ 34. Amend § 1910.1051 as follows:
a. Remove and reserve paragraph (m)(3).

■ Revise paragraph (m)(6) as follows:

§ 1910.1051 1,3-Butadiene.

(m) * * *
(3) [Reserved]

(6) Transfer of records. The employer shall transfer medical and exposure records as set forth in 29 CFR 1910.1020(h).

■ 35. In Appendix A to § 1910.1450, revise the "ingestion" paragraph under item (a) under Section E, subsection 1, to read as follows:

§ 1910.1450 Occupational exposure to hazardous chemicals in laboratories.

Appendix A to § 1910.1450—National Research Council Recommendations Concerning Chemical Hygiene in Laboratories (Non-Mandatory)

E. * * *
1. * * *
(a) Accidents and spills—* * *
Ingestion: This is one route of entry for which treatment depends on the type and

amount of chemical involved. Seek medical attention immediately.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

■ 36. Revise the authority citation for part 1915 to read as follows:

Authority: 33 U.S.C. 941; 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable.

Section 1915.100 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553. Sections 1915.120 and 1915.152 of 29 CFR also issued under 29 CFR 1911.

■ 37. In Appendix A to subpart B, revise item number 1 under the heading "Section 1915.11(b) Definition of 'Hot work'," to read as follows:

Appendix A to Subpart B of Part 1915—Compliance Assistance Guidelines for Confined and Enclosed Spaces and Other Dangerous Atmospheres

Section 1915.11(b) Definition of "Hot work."

1. Abrasive blasting of the external surface of the vessel (the hull) for paint preparation does not necessitate pumping and cleaning the tanks of the vessel.

■ 38. Revise paragraphs (a), (b)(1), (b)(3), (c)(1), and (c)(3) of § 1915.112 to read as follows:

§ 1915.112 Ropes, chains, and slings.

(a) Manila rope and manila-rope slings. Employers must ensure that manila rope and manila-rope slings:

(1) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;

(2) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and
(3) Not be used without affixed and legible identification markings as required by paragraph (a)(1) of this section.

(b) Wire rope and wire-rope slings. (1) Employers must ensure that wire rope and wire-rope slings:
(i) Have permanently affixed and legible identification markings as

prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed and legible identification markings as required by paragraph (b)(1)(i) of this section.

(3) When U-bolt wire rope clips are used to form eyes, employers must use Table G-1 in § 1915.118 to determine the number and spacing of clips. Employers must apply the U-bolt so that the "U" section is in contact with the dead end of the rope.

(c) Chain and chain slings. (1) Employers must ensure that chain and chain slings:

(i) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for the type(s) of hitch(es) used, the angle upon which it is based, and the number of legs if more than one;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed and legible identification markings as required by paragraph (c)(1)(i) of this section.

(3) Employers must note interlink wear, not accompanied by stretch in excess of 5 percent, and remove the chain from service when maximum allowable wear at any point of link, as indicated in Table G-2 in § 1915.118, has been reached.

■ 39. In § 1915.113, revise paragraph (a) to read as follows:

§ 1915.113 Shackles and hooks.

(a) Shackles. Employers must ensure that shackles:

(1) Have permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load;

(2) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(3) Not be used without affixed and legible identification markings as

required by paragraph (a)(1)(i) of this section.

* * * * *

- 40. In § 1915.118, remove Tables G-1, G-2, G-3, G-4, G-5, G-7, G-8, and G-10, and redesignate Table G-6 as Table G-1, and Table G-9 as Table G-2.

§ 1915.152 [Amended]

- 41. Remove paragraph (e)(4) from § 1915.152.
- 42. Amend § 1915.1001 as follows:
 - a. Revise paragraph (h)(3)(i).
 - b. Remove paragraphs (h)(3)(ii), (h)(3)(iii), (h)(4), and (n)(8)(ii).
 - c. Redesignate paragraph (h)(3)(iv) as paragraph (h)(3)(ii), and paragraph (n)(8)(i) as paragraph (n)(8).
 - d. Revise Appendix C.

The revisions read as follows:

§ 1915.1001 Asbestos.

* * * * *

- (h) * * *
- (3) * * *

(i) When respiratory protection is used, the employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except paragraph (d)(1)(iii)), and (f) through (m) which covers each employee required by this section to use a respirator.

* * * * *

Appendix C to § 1915.1001—Qualitative and Quantitative Fit Testing Procedures. Mandatory

Employers must perform fit testing in accordance with the fit-testing requirements of 29 CFR 1910.134(f) and the qualitative and quantitative fit-testing protocols and procedures specified in Appendix A of 29 CFR 1910.134.

* * * * *

PART 1917—MARINE TERMINALS

- 43. Revise the authority citation for part 1917 to read as follows:

Authority: 33 U.S.C. 941; 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1917.28 also issued under 5 U.S.C. 553.

Section 1917.29 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

- 44. In § 1917.2, add a definition for the term "Ship's stores" in alphabetical order to read as follows:

§ 1917.2 Definitions.

* * * * *

Ship's stores means materials that are aboard a vessel for the upkeep,

maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

- 45. Revise paragraph (a)(1)(iii) of § 1917.127 to read as follows:

§ 1917.127 Sanitation.

- (a) * * *
- (1) * * *
- (iii) Individual hand towels, clean individual sections of continuous toweling, or air blowers; and

* * * * *

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

- 46. Revise the authority citation for part 1918 to read as follows:

Authority: 33 U.S.C. 941; 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1918.90 also issued under 5 U.S.C. 553.

Section 1918.100 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

- 47. In § 1918.2, add a definition for the term "Ship's stores" in alphabetical order to read as follows:

§ 1918.2 Definitions.

* * * * *

Ship's stores means materials that are aboard a vessel for the upkeep, maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

* * * * *

- 48. Revise paragraph (a)(1)(iii) of § 1918.95 to read as follows:

§ 1918.95 Sanitation.

- (a) * * *
- (1) * * *
- (iii) Individual hand towels, clean individual sections of continuous toweling, or air blowers; and

* * * * *

PART 1919—GEAR CERTIFICATION

- 49. Revise the authority citation for part 1919 to read as follows:

Authority: 33 U.S.C. 941; 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

- 50. Revise the introductory text of paragraph (a)(1) of § 1919.6 to read as follows:

§ 1919.6 Criteria governing accreditation to certificate vessels' cargo gear.

(a) * * * (1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quinquennial surveys, shall not be accredited unless that person is engaged in one or more of the following activities:

* * * * *

- 51. Revise paragraph (d) of § 1919.11 to read as follows:

§ 1919.11 Recordkeeping and related procedures concerning records in custody of accredited persons.

(d) When annual or quinquennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

* * * * *

- 52. Revise paragraph (f) of § 1919.12 to read as follows:

§ 1919.12 Recordkeeping and related procedures concerning records in custody of the vessel.

(f) An accredited person shall instruct the vessel's officers, or the vessel's operator if the vessel is unmanned, that the vessel's register and certificates shall be preserved for at least 5 years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

* * * * *

- 53. Revise paragraph (a) of § 1919.15 to read as follows:

§ 1919.15 Periodic tests, examinations and inspections.

(a) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every 5 years in the manner set forth in subpart E of this part.

* * * * *

■ 54. Revise paragraph (b) of § 1919.18 to read as follows:

§ 1919.18 Grace periods.

* * * * *

(b) Quinquennial requirements—within six months after the date when due;

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Subpart D—[Amended]

■ 55. Revise the authority citation for subpart D to read as follows:

Authority: 40 U.S.C. 3701 et seq.; 29 U.S.C. 653, 655, 657; and 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Sections 1926.58, 1926.59, 1926.60, and 1926.65 also issued under 5 U.S.C. 553 and 29 CFR 1911.

Section 1926.61 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

Section 1926.62 of 29 CFR also issued under 42 U.S.C. 4853.

Section 1926.65 of 29 CFR also issued under 29 U.S.C. 655 note, and 5 U.S.C.

■ a. Revise paragraphs (j)(2)(ii), (j)(2)(iv)(B), and (k)(1)(iii)(A)(1).

■ b. Remove paragraphs (n)(6)(ii), and (n)(6)(iii).

■ c. Redesignate paragraph (n)(6)(iv) as paragraph (n)(6)(ii), and revise newly designated paragraph (n)(6)(ii).

The revisions read as follows:

§ 1926.62 Lead.

* * * * *

- (j) * * *
(2) * * *

(ii) Follow-up blood sampling tests.

Whenever the results of a blood lead level test indicate that an employee's blood lead level is at or above the numerical criterion for medical removal under paragraph (k)(1)(i) of this section, the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

* * * * *

- (iv) * * *

(B) The employer shall notify each employee whose blood lead level is at or above 40 µg/dl that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under paragraph (k)(1)(i) of this section.

* * * * *

- (k) * * *

- (l) * * *

- (iii) * * *

- (A) * * *

(1) For an employee removed due to a blood lead level at or above 50 µg/dl when two consecutive blood sampling tests indicate that the employee's blood lead level is below 40 µg/dl;

* * * * *

- (n) * * *

- (6) * * *

(ii) The employer shall also comply with any additional requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).

* * * * *

Subpart H [Amended]

■ 57. Amend § 1926.60 by revising paragraph (o)(8) to read as follows:

§ 1926.60 Methyleneedianiline.

* * * * *

- (o) * * *

(8) Transfer of records. The employer shall comply with the requirements concerning transfer of records set forth in 29 CFR 1910.1020(h).

* * * * *

■ 58. Amend § 1926.62 as follows:

■ 59. Revise the authority citation for subpart H to read as follows:

Authority: 40 U.S.C. 3701; 29 U.S.C. 653, 655, 657; and 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), or 4-2010 (75 FR 55355), as applicable. Section 1926.250 also issued under 29 CFR 1911.

■ 60. Amend § 1926.251 as follows:

■ a. Revise paragraphs (a)(2), (b)(4), (c)(1), (d)(1) and (f)(1).

■ b. Add new paragraphs (c)(16) and (d)(7).

The revisions and additions read as follows:

§ 1926.251 Rigging equipment for material handling.

- (a) * * *

(2) Employers must ensure that rigging equipment:

(i) Has permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load;

(ii) Not be loaded in excess of its recommended safe working load as prescribed on the identification markings by the manufacturer; and

(iii) Not be used without affixed, legible identification markings, required by paragraph (a)(2)(i) of this section.

* * * * *

- (b) * * *

(4) Employers must not use alloy steel-chain slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

* * * * *

- (c) * * *

(1) Employers must not use improved plow-steel wire rope and wire-rope slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

* * * * *

(16) Wire rope slings shall have permanently affixed, legible identification markings stating size, rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, and the number of legs if more than one.

* * * * *

- (d) * * *

(1) Employers must not use natural- and synthetic-fiber rope slings with loads in excess of the rated capacities (i.e., working load limits) indicated on the sling by permanently affixed and legible identification markings prescribed by the manufacturer.

* * * * *

(7) Employers must use natural- and synthetic-fiber rope slings that have permanently affixed and legible identification markings that state the rated capacity for the type(s) of hitch(es) used and the angle upon which it is based, type of fiber material, and the number of legs if more than one.

* * * * *

- (f) * * *

(1) Employers must not use shackles with loads in excess of the rated

capacities (i.e., working load limits) indicated on the shackle by permanently affixed and legible identification markings prescribed by the manufacturer.

Subpart Z—[Amended]

■ 61. Revise the authority citation for subpart Z to read as follows:

Authority: 40 U.S.C. 3701 et seq.; 29 U.S.C. 653, 655, 657; and 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 65008), 5-2007 (72 FR 31160), or 4-2010 (75 FR 55355), as applicable; and 29 CFR 1911.

Section 1926.1102 of 29 CFR not issued under 29 U.S.C. 655 or 29 CFR 1911; also issued under 5 U.S.C. 553.

■ 62. Amend § 1926.1101 as follows:

■ a. Remove paragraph (n)(7)(iii).

■ b. Revise paragraphs (n)(7)(ii) and (n)(8) to read as follows:

§ 1926.1101 Asbestos

(n) * * *

(7) * * *

(ii) The employer must comply with the requirements concerning availability

of records set forth in 29 CFR 1910.1020.

(8) Transfer of records. The employer must comply with the requirements concerning transfer of records set forth in 29 CFR 1910.1020(h).

■ 63. Amend § 1926.1127 by removing paragraph (n)(4), redesignating paragraphs (n)(5) and (n)(6) as paragraphs (n)(4) and (n)(5), and revising newly designated paragraph (n)(4)(i) to read as follows:

§ 1926.1127 Cadmium.

(n) * * *

(4) * * *

(i) Except as otherwise provided for in this section, access to all records required to be maintained by paragraphs (n)(1) through (3) of this section shall be in accordance with the provisions of 29 CFR 1910.1020.

* * * * *

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