



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	16VAC25-1910.134, Respiratory Protection, 1910.134; 16VAC25-1910.217, Mechanical Power Presses, 1910.217; and 16VAC25-175-1926 (Non-Mandatory) Appendix A to Subpart L of Part 1926 –Scaffold Specifications
Regulation title	Respiratory Protection; Mechanical Power Presses; and (Non-Mandatory) Appendix A to Subpart L of Part 1926 –Scaffold Specifications
Action title	Corrections and Technical Amendments to Multiple Standards: 16VAC25-90-1910.134, Respiratory Protection, 1910.134; 16VAC25-1910.217, Mechanical Power Presses, 1910.217; and 16VAC25-175-1926 (Non-Mandatory) Appendix A to Subpart L of Part 1926 –Scaffold Specifications
Final agency action date	September 12, 2012
Document preparation date	September 17, 2012

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 corrected the medical evaluation questionnaire in Appendix C of its Respiratory Protection Standard, §1910.134, by removing the term “fits” in a question. Also, it has corrected its

Mechanical Power Presses Standard for General Industry, §1910.217, by restoring requirements that were removed inadvertently from the regulatory text. The third revision is to Subpart L of its Scaffold Standards for Construction, Part 1926 to correct a cross reference made in two paragraphs in Appendix A.

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 September 12, 2012, the Safety and Health Codes Board adopted federal OSHA's Corrections and Technical Amendments to Multiple Standards, as published in 77 FR 46948 on August 7, 2012, with an effective date of January 1, 2013.

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 of the family and family stability.

To access the Corrections and Technical Amendments to Multiple Standards, please refer to:

http://www.osha.gov/FedReg_osha_pdf/FED20120807.pdf

**Corrections and Technical Amendments
to Multiple Standards**

As Adopted by the
Safety and Health Codes Board

Date: September 12, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: January 1, 2013

16VAC25-90-1910.134, Respiratory Protection, §1910.134;
16VAC25-90-1910.217, Mechanical Power Presses, §1910.217; and
16VAC25-175-1926 (Non-Mandatory) Appendix A to Subpart L of Part 1926—Scaffold Specifications

When the regulations, as set forth in the Corrections and Technical Amendments to the final rules for: Respiratory Protection, §1910.134; Mechanical Power Presses, §1910.217; and (Non-Mandatory) Appendix A to Subpart L of Part 1926—Scaffold Specifications, 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

August 7, 2012

January 1, 2013

d. Seizures: Yes/No
* * * * *

Subpart O—[AMENDED]

■ 4. Amend § 1910.217 by revising paragraph (g) to read as follows:

§ 1910.217 Mechanical power presses.

* * * * *

(g) *Reports of injuries to employees operating mechanical power presses.* (1) The employer shall report, within 30 days of the occurrence, all point-of-operation injuries to operators or other employees to either the Director of the Directorate of Standards and Guidance at OSHA, U.S. Department of Labor, Washington, DC 20210 or electronically at <http://www.osha.gov/pls/oshaweb/mechanical.html>; or to the State Agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health.

(2) The report shall include the following information:
(i) Employer's name, address and location of the workplace (establishment).
(ii) Employee's name, injury sustained, and the task being performed (operation, set-up, maintenance, or other).

(iii) Type of clutch used on the press (full revolution, part revolution, or direct drive).

(iv) Type of safeguard(s) being used (two hand control, two hand trip, pullouts, sweeps, or other). If the safeguard is not described in this section, give a complete description.

(v) Cause of the accident (repeat of press, safeguard failure, removing stuck part or scrap, no safeguard provided, no safeguard in use, or other).

(vi) Type of feeding (manual with hands in dies or with hands out of dies, semiautomatic, automatic, or other).

(vii) Means used to actuate press stroke (foot trip, foot control, hand trip, hand control, or other).

(viii) Number of operators required for the operation and the number of operators provided with controls and safeguards.

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PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart I—[Amended]

- 2. In § 1910.134:
- a. In the introductory text of Appendix C to § 1910.134, remove "Can you read (circle one): Yes/No".
- b. Revise question 7.d. in Part A, Section 2 (Mandatory) of Appendix C, to read as follows:

§ 1910.134 Respiratory protection.

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Appendix C to § 1910.134: * * *

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Part A. Section 2. * * *

7. * * *

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**PART 1926—SAFETY AND HEALTH
REGULATIONS FOR CONSTRUCTION**

Subpart L—[AMENDED]

■ 6. Revise paragraphs (z)(3) and (z)(5) of Appendix A to subpart L to read as follows:

* * * * *

**(Non-Mandatory) Appendix A to
Subpart L of Part 1926—Scaffold
Specifications.**

* * * * *

(z) * * *

(3) A taut wire or synthetic rope supported on the scaffold brackets shall be installed at the scaffold plank level between the innermost edge of the scaffold platform and the curved plate structure of the tank shell to serve as a safety line in lieu of an inner guardrail assembly where the space between the scaffold platform and the tank exceeds 12 inches (30.48 cm). In the event the open space on either side of the rope exceeds 12 inches (30.48 cm), a second wire or synthetic rope appropriately placed, or guardrails in accordance with § 1926.451(g)(4), shall be installed in order to reduce that open space to less than 12 inches (30.48 cm).

* * * * *

(5) Guardrails shall be constructed of a taut wire or synthetic rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall comply with § 1926.451(g)(4). Guardrail supports shall be located at no greater than 10 feet 6 inch intervals.

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