

**VOSH PROGRAM DIRECTIVE: 12-422A****ISSUED: 01 September 2018**

<b><u>Subject</u></b>	<b>Methylenedianiline in Construction, §1926.60; Correction</b>
<b><u>Purpose</u></b>	<p><b>CHANGE II:</b> This Change transmits to field personnel a correction to the final rule for Methylenedianiline in Construction, §1926.60.</p> <p><b>CHANGE I:</b> This directive transmits to field personnel a correcting amendment to the Methylenedianiline Standard for the Construction Industry, §1926.60.</p> <p><i>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.</i></p>
<b><u>Scope</u></b>	This Directive applies VOSH-wide.
<b><u>Reference</u></b>	<p><b>CHANGE II:</b> 83 FR 15499 (01 August 2018)</p> <p><b>CHANGE I:</b> 69 FR 70373 (06 December 6 2004)</p>
<b><u>Cancellation</u></b>	VOSH Program Directive 12-422 (15 August 2005)
<b><u>Effective Date</u></b>	<p><b>CHANGE II:</b> 01 September 2018</p> <p><b>CHANGE I:</b> 15 August 2005</p>
<b><u>Expiration Date</u></b>	Not Applicable – remains in effect until cancelled or superseded.
<b><u>Action</u></b>	Directors and Managers shall ensure that field personnel understand and comply with the policies and procedures established in this Directive and that they are uniformly administered.

C. Ray Davenport  
Commissioner

Distribution: Commissioner of Labor and Industry  
Assistant Commissioner-Programs  
VOSH Directors and Managers  
VOSH DLS and OIS Staffs

Consultation Services Director  
VOSH Compliance & Cooperative Programs Staffs  
OSHA Region III & OSHA Norfolk Area Offices

## I. Background

**CHANGE II:** An employer, who ceases to do business and there is no successor employer to receive and retain the employee records, was required to notify the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Dept. of Health and Human Services, or their designee, at least 90 days prior to disposal of employee records, and upon request, transmit them to the Director of NIOSH. The *Federal Register* specified that §1926.60(o)(8)(ii) was to be deleted effective July 8, 2011, but that subparagraph still displayed in the Code of Federal Regulations (CFR). This amendment removes subparagraph (o)(8)(ii) of §1926.60 and, thereby, discontinues such requirement entirely.

The requirement to comply with the transfer of records, in accordance with § 1910.1020(h), as specified in subparagraph (o)(8) of §1926.60, remains.

On June 14, 2018, the Safety and Health Codes Board adopted federal OSHA's correcting amendment to the Methylenedianiline Standard for the Construction Industry, §1910.1017, with an effective date of September 15, 2018.

**CHANGE I:** On November 7, 2002, federal OSHA published a final rule entitled, "Exit Routes, Emergency Action Plans, and Fire Prevention Plans." (67 FR 67949) The purpose of this action was to clarify and make consistent provisions regarding emergency action plans and fire prevention plans in several general industry standards. In that final rule, federal OSHA separated the requirements for emergency action plans and fire protection plans into two separate sections, 1910.38 and 1910.39, respectively. (69 FR 70373)

OSHA had intended to revise all health standards to reflect the change. Although several general industry health standards were revised at that time to reflect this change, the same provision in the Methylenedianiline (MDA) Standard for Construction (§1926.60) was not similarly revised at that time.

On December 2, 2003, the Safety and Health Codes Board (the Board) adopted federal OSHA's final rule on Exit Routes, Emergency Action Plans and Fire Prevention Plans, with an effective date of March 1, 2003.

On May 24, 2005, the Board adopted the correction to the final rule for Methylenedianiline in Construction, §1926.60, with an effective date of August 15, 2005.

## II. Summary

**CHANGE II:** This action removes subparagraph (o)(8)(ii) of §1926.60 that specifies procedures for employee record retention in the event an employer ceases to do business and there is no successor employer.

**CHANGE I:** Federal OSHA revised the regulatory text of the Methylenedianiline (MDA) Standard for Construction to correct a cross reference to OSHA's standard on Emergency Action Plans and Fire Prevention Plans by inserting the reference for "Fire prevention plans," 29 CFR 1910.39" in

§1926.60 (e)(1)(iii). (69 FR 70373)

Section 1926.60 (e)(1)(iii) will now read as follows:

The plan shall specifically include provisions for alerting and evacuating affected employees as well as the applicable elements prescribed in 29 CFR 1910.38 and 29 CFR 1910.39, “Emergency action plans” and “Fire prevention plans,” respectively. (69 FR 70373)

Attachments: **CHANGE II:** 83 FR 15499 (01 August 2018) or refer to:

[https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-04-11\\_0.pdf](https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-04-11_0.pdf)

**CHANGE I:** None. Please refer to 69 FR 70373 (December 6, 2004):

[http://www.osha.gov/FedReg\\_osea\\_pdf/FED20041206.pdf](http://www.osha.gov/FedReg_osea_pdf/FED20041206.pdf)



**Amendment to the Methylenedianiline Standard  
for the Construction Industry, 1926.60—Correction**

As Adopted by the  
Safety and Health Codes Board

Date: June 14, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 September 2018

16VAC25-175-1926.60, Methylenedianiline, §1926.60

When the regulations, as set forth in the Amendment to the Methylenedianiline Standard for the Construction Industry, 29 CFR 1926.60, 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

11 April 2018

15 September 2018



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**DEPARTMENT OF LABOR**

**Occupational Safety and Health  
Administration**

**29 CFR Part 1926**

**Safety and Health Regulations for  
Construction**

*CFR Correction*

■ In Title 29 of the Code of Federal Regulations, Part 1926, revised as of July 1, 2017, on page 88, in § 1926.60, remove paragraph (o)(8)(ii).

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**BILLING CODE 1301-00-0**

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**CHANGE I**

**METHYLENEDIANILE IN CONSTRUCTION, §1926.60; FINAL RULE**

As adopted by the  
Safety and Health Codes Board

Date: May 24, 2005



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: August 15, 2005

16 VAC 25-175-1926.60, Methylenedianile in Construction, §1926.60

When the regulations, as set forth in the correction to the final rule for Methylenedianiline in Construction, §1926.60, 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

January 5, 2005

August 15, 2005