



## 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>	16 VAC25-175-1926.251
<b>Regulation title</b>	Rigging Equipment for Material Handling Construction Standard, 1926.251.
<b>Action title</b>	Correction and Technical Amendment to Rigging Equipment for Material Handling Construction Standard
<b>Final agency action date</b>	September 12, 2012
<b>Document preparation date</b>	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.*

In the final rule for OSHA's Standards Improvement Project—Phase III (June 8, 2011), federal OSHA stated that it was amending its standards regulating slings for general industry, shipyard employment, and construction by removing outdated tables that specify safe working loads, and revising other provisions that referenced the outdated tables. In replacing these tables, federal OSHA added requirements that prohibit employers from loading slings in excess of the recommended safe working load prescribed on identification markings located on, or attached to, each sling; these requirements also prohibit the use of slings that do not have such markings.

Although federal OSHA removed the load-capacity tables for slings from several standards, it failed to include in the regulatory text provisions to remove the tables in §1926.251 (Construction; tables H-1,

and H-3 through H-19), and redesignate Table H-2 to H-1 and Table H-20 to H-2.

In this action, federal OSHA amended §1926.251 by removing most of the existing rated capacity tables (H-1, and H-3 through H-19), redesignating Table H-2 as Table H-1 and Table H-20 as Table H-2, and revising paragraphs (b)(5) and (c)(5) to indicate the new table number.

**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 September 12, 2012, the Safety and Health Codes Board adopted the Correction and Technical Amendment to OSHA’s Final Rule for Rigging Equipment for Material Handling Construction Standard, §1926.251, as published in 77 FR 23117 on April 18, 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.*

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

To access the Correction and Technical Amendment to Rigging Equipment for Material Handling Construction Standard, §1926.251, please refer to:

[www.osha.gov/FedReg\\_osha\\_pdf/FED20120418.pdf](http://www.osha.gov/FedReg_osha_pdf/FED20120418.pdf)

**Rigging Equipment for Material Handling Construction Standard, §1926.251;  
Correction and Technical Amendment**

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

16VAC25-175-1926.251, Rigging Equipment for Material Handling

When the regulations, as set forth in the correction and technical amendment to the Final Rule for Rigging Equipment for Material Handling Construction Standard, §1926.251, 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

April 18, 2012

January 1, 2013

- c. Remove Tables H-1 and H-3 through H-19; and
  - d. Redesignate Table H-2 as Table H-1 and Table H-20 as Table H-2.
- The revisions read as follows:

**§ 1926.251 Rigging equipment for material handling.**

\* \* \* \* \*

(b) \* \* \*

(5) Whenever wear at any point of any chain link exceeds that shown in Table H-1, the assembly shall be removed from service.

\* \* \* \* \*

(c) \* \* \*

(5) When U-bolt wire rope clips are used to form eyes, Table H-2 shall be used to determine the number and spacing of clips.

\* \* \* \* \*

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Accordingly, OSHA is amending 29 CFR part 1926 by making the following corrections and technical amendments:

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

**Subpart H—Materials Handling, Storage, Use, and Disposal**

- 2. Amend § 1926.251 as follows:
  - a. Revise paragraph (b)(5) and (c)(5) introductory text;
  - b. Add a reserved paragraph (c)(5)(ii);