

## DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

## 29 CFR Parts 1910, 1915, and 1926

RIN 1218-AB25

## Occupational Exposure to Asbestos

**AGENCY:** Occupational Safety and Health Administration, Department of Labor.

**ACTION:** Final rule; extension of start-up dates for compliance.

**SUMMARY:** OSHA is extending the start-up dates for some provisions of the asbestos standards until July 10, 1995 to give the public more time to understand the provisions and implement compliance.

**DATES:** These amendments take effect on February 21, 1995. For Part 1910—General Industry, for § 1910.1001, the start-up dates for compliance for paragraph (g)—methods of compliance, paragraph (h)—respiratory protection, paragraph (j)—hygiene facilities, paragraph (k)—communication of hazards, paragraph (l)—housekeeping, paragraph (m)—medical surveillance and paragraph (o)—competent persons are extended to July 10, 1995. For Part 1915—Shipyards, for § 1915.1001, the start-up dates for compliance for paragraph (d)(2)—initial monitoring, paragraph (e)—regulated area, paragraph (f)(i)—methods of compliance, paragraph (f)(2) compliance program, paragraph (g)—respiratory protection, paragraph (i)—hygiene facilities, paragraph (j)(7) employee information and training, and paragraph (l)—medical surveillance are extended to July 10, 1995. For Part 1926—Construction, for § 1926.1101, the start-up dates for compliance for paragraph (g)—methods of compliance, paragraph (h)—respiratory protection, paragraph (j)—hygiene facilities, paragraph (k)—communication of hazards, paragraph (l)—housekeeping, paragraph (m)—medical surveillance and paragraph (o)—competent person are extended to July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Liblong, Director of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219-8151.

**SUPPLEMENTARY INFORMATION:** OSHA issued improved asbestos standards for general industry, construction and shipyards on August 10, 1994 at 59 FR 40964 to better protect workers from lung cancer, asbestosis and other

diseases caused by asbestos exposure. The new standards took effect on October 11, 1994 and that date was the start-up date for some provisions such as the new lower exposure limit of .1 f/cc. However, various other provisions such as the new medical surveillance, respiratory protection and training provisions and the engineering control requirements had start-up dates from between January 9, 1995 and April 10, 1995.

Various members of the public have in meetings requested that OSHA grant more time for the public to study and comply with some provisions. In addition OSHA intends to publish in the near future a correction and clarification notice and various compliance and training materials to assist in the understanding of the new standard. The American Petroleum Institute by letter dated February 3, 1995 also requested a delay in the start-up of some provisions.

After considering all these reasons together, OSHA has concluded that it is appropriate to give the public additional time to study and implement some of the provisions of the new asbestos standards which may require more time to implement. Other provisions such as the new exposure limit had a start-up date of October 11, 1995 and OSHA is not extending the start-up date of those provisions. In the interim, the provisions of the preexisting asbestos standards remain in effect for those provisions of the new standards whose start-up dates have been extended.

The provisions extended are listed above in the **DATES** section of this preamble. OSHA has concluded that July 10, 1995 is a reasonable time for employers to fully study and come into compliance with the provisions for which the start-up dates have been extended.

For simplicity and to reduce possible confusion OSHA is setting a single start-up date for those provisions and eliminating the language that required compliance as soon as possible not later than the start-up date specified. However, some provisions such as exposure monitoring where exposures are over the new limit may need to be completed prior to the implementation of engineering controls. All the provisions whose start-up dates have been extended will be enforced on July 10, 1995.

OSHA is publishing this as an amendment to the new standards so that the new start-up dates will be codified in the Code of Federal Regulations. OSHA finds that there is good cause to issue this extension without notice and public procedure because such is

impractical, unnecessary or contrary to the public interest. It is necessary to issue the extension to permit employers sufficient time to come into full compliance and notice and comment would delay the issuance of the extension until past the new start-up dates. For the same reasons OSHA finds good cause for the extension of the start-up date to take immediate effect.

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6(b), 8(c), and 8(g) of the Occupational Safety and Health Act of 1979 (29 U.S.C. 653, 655, 657); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act, 40 U.S.C. 333); Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. Sec. 553; and 29 CFR Part 1911; 29 CFR Parts 1910, 1915 and 1926 are amended as set forth below.

**List of Subjects***29 CFR Part 1910*

Asbestos, Occupational safety and health.

*29 CFR Part 1915*

Asbestos, Longshore and harbor workers, Occupational safety and health, Vessels.

*29 CFR Part 1926*

Asbestos, Construction industry, Occupational safety and health.

Signed at Washington, DC this 14th day of February, 1995.

**Joseph A. Dear,**

*Assistant Secretary of Labor.*

OSHA hereby amends 29 CFR Parts 1910, 1915 and 1926 as follows:

**PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

1. The authority citation of subpart Z of 29 CFR part 1910 is revised to read as follows:

**Authority:** Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Order 12-71 (36 FR 8754), 9-76 (41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances which have exposure limits listed in Tables Z-1, Z-2 and Z-3 of 29 CAR 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, Table Z-1, Z-1 and Z-3 not