



Health & Safety

Vicki P. Sherwood
Environmental Technologist
DuPont Electronic Materials
14 T.W. Alexander Drive
Research Triangle Park, NC 27709
919/248-5027

OSHA's Regulatory Agenda

The Occupational Safety and Health Administration (OSHA) published its semi-annual regulatory agenda in the *Federal Register* on November 29, 1996. The information provided in the November agenda was prepared before the elections—with turnover in government appointments, therefore, schedules for some future actions are likely to be revised. What follows is a snapshot of the agenda, as well as what general industry might expect in the coming months.

Simplified Injury/Illness Recordkeeping

This rulemaking is part of the "Reinventing Government" endeavor. It is intended to "reduce burden or duplication, or streamline requirements." The original Notice of Proposed Rulemaking (NPRM) was issued in February 1996. A new reporting form (OSHA 200 Log) is specifically anticipated from the revision of this rule. The final rulemaking is targeted for June 1997.

Abatement Verification

The NPRM for Abatement Verification or Hazard Correction was issued in April 1994. This rule would require employers to provide proof of hazard correction following the issuance of a citation. The NPRM (29 *Fed. Reg.* 18508) listed kinds of abatement evidence required, certification forms for compliance, and what notice is to be given to employees. The November agenda targeted March 1997 as the final rule date.

Eliminating & Improving Regulations

This document proposes several changes to standards that OSHA considers unnecessary or ineffective in protecting the safety and health of employees. The proposal includes removal of confusing, outdated and redundant regulations in general, construction and longshoring industries. An administrative notice for this rulemaking was issued in March 1996. This type of rulemaking will be ongoing with the reformation of OSHA.

Walking & Working Surfaces

OSHA's original standards for walking and working surfaces were adopted in 1971. The update of this regulation will include provisions for

personal fall protection. This will be a performance-oriented rule and flexible in the means of compliance. Criteria for personal fall protection equipment will be added to 29 CFR 1910 Subpart I, Personal Protective Equipment. Final action is expected in September 1997.

Respiratory Protection (Proper Use of Modern Respirators)

As with many of the regulation updates, the Respiratory Protection rulemaking is also part of the Reinventing of Government. The update would eliminate redundancies and should modernize and streamline the requirements. It is also intended to modernize the requirements for respiratory protection. OSHA has been working closely with NIOSH and the Mine Safety and Health Administration (MSHA) to develop the new rule. November's agenda projected a final ruling in December 1996 for the update of 29 CFR 1910.134.

Comprehensive Safety & Health Programs

This rule is intended to assist employees in the establishment of safety and health programs. The original 1989 guidelines were based on the best safety and health programs observed by OSHA since the Agency's establishment in 1970. The exact scope of this planned rule has not been determined, but is expected to include:

- Management leadership of the program
- Employee participation
- Analysis of the workplace to identify serious hazards
- Requirements to abate hazards in an effective and timely way
- Safety and health training for employees, supervisors and managers

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- Regular evaluation of program effectiveness

OSHA also plans to include a program evaluation directive and program evaluation profile to be used by compliance officers. Companies with effective and comprehensive programs would receive penalty reduction for any cited violations found by compliance officers. The latest schedule for a NPRM was set for December 1996.

PELs for General Industry
OSHA's Permissible Exposure Limits (PELs) for air contaminants were originally adopted in 1971 from existing ANSI and American Conference of Governmental Industrial Hygienists (ACGIH) standards. The Agency's attempt to update the PELs in 1989 was vacated in 1992 by the Eleventh Circuit Court of Appeals because OSHA: "(1) failed to establish that the existing limits in the workplace presented significant risk of material health impairment or that

the new standards eliminated or substantially lessened the risk and (2) OSHA did not meet its burden of establishing that its 428 new PELs were either economically or technologically feasible."

OSHA continues to believe that updating the PELs should take high priority. According to the *Federal Register*, OSHA "will focus on a risk-based prioritization system to identify the air contaminants that present significant risk and for which technologically and economically feasible controls exist." The NPRM is now projected for June 1997.

The current candidates for the proposed air contaminants rulemaking remain: Carbon disulfide, carbon monoxide, chloroform, dimethyl sulfate, epichlorohydrin, ethylene dichloride, glutaraldehyde, n-hexane, 2-hexanone, hydrazine, hydrogen sulfide, manganese and compounds, mercury and compounds, nitrogen dioxide, perchloroethylene, sulfur dioxides, toluene, toluene diisocyanate, trimellitic anhydride, and vinyl bromide.

Other items of interest from the November 29, 1996 Agenda include:

- Confined Spaces for General Industry—final rule December 1996
- Confined Spaces for Construction—NPRM March 1998
- Glycol Ethers (2-methoxyethanol, 2-ethoxyethanol) and their Acetates—final rule September 1997
- Powered Industrial Truck Operator Training—final rule September 1997
- Flammable and Combustible Liquids—NPRM December 1996 (update of 29 CFR 1910.106)
- Hexavalent Chromium—NPRM September 1997
- Lockout/Tagout for Construction—NPRM March 1998
- Revision of Certain Standards under Section 6a of Williams-Steiger Occupational and Health Act of 1970—NPRM December 1996
- Occupational Exposure to Tuberculosis—NPRM December 1996 *P&SF*

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