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OSHA's Regulatory Agenda

On May 13, 1996, OSHA published its most recent regulatory agenda in the *Federal Register*. What follows is a discussion of the agenda and what industry might expect in the coming months.

Abatement Verification

A Notice of Proposed Rulemaking (NPRM) for Abatement Verification was issued in April 1994. This rule would require employers to provide proof of hazard correction following the issuance of a citation. The final rule is expected to contain a tiered approach to abatement verification, and will attempt to be more performance-oriented than the original proposal. Final action was expected in April, so it could be final soon.

Eliminating & Improving Regulations

OSHA issued a final rule on March 7 eliminating 275 pages from the Code of Federal Regulations associated with job safety. In this rule, OSHA made corrections, deleted redundant provisions, clarified and reorganized provisions throughout its standards. This rule, however, does not change the substantive requirements of the standards. A way to reduce and correct certain problem regulations is scheduled for proposal later this year.

PELs for General Industry

In February, OSHA made a major step toward revising the air contaminants standard by holding a public meeting in Washington, DC, to discuss procedures for adopting and updating the Permissible Exposure Limits (PELs). OSHA is considering revised PELs for 20 substances that are chosen based on factors such as inherent toxicity of the substance, the number of workers exposed, the quality of data on the substances, and the severity of associated health effects. Current candidates for the proposed air contaminants rulemaking are:

- Carbon disulfide
- Carbon monoxide
- Chloroform
- Dimethyl sulfate
- Epichlorohydrin

- Ethylene dichloride
- Gutaraldehyde
- N-hexane
- 2-hexane
- Hydrazine
- Hydrogen sulfide
- Manganese and compounds
- Mercury and compounds
- Nitrogen dioxide
- Perchloroethylene
- Sulfur dioxides
- Toluene
- Toluene diisocyanate
- Trimellitic anhydride
- Vinyl bromide

A notice for Proposed Rulemaking is projected for December.

Recordkeeping

In early February, OSHA published a NPRM, which would revise the forms used to record workplace injuries and illnesses. This NPRM also revised the requirements for recording those cases. Originally, the comment period was to close May 2, but OSHA extended it until May 31. Public hearings have been held, and OSHA projects a final rule in October.

Ergonomics & Indoor Air Quality

At this time, there is no projected action on prevention of work-related musculoskeletal disorders or indoor air quality.

Walking & Working Surfaces

OSHA's agenda indicates that standards for walking and working surfaces and personal fall protection will be combined in a final rule. This will be a performance-oriented rule and flexible in the means of compliance. Existing standards do not contain criteria for selection of personal fall protection systems. Consequently, criteria for such equipment will be added to 29 CFR 1910 Subpart 1, Personal Protective Equipment, to enhance employee protection from injury and death caused by falls. Final action is expected in September.

Respiratory Protection

New certification guidelines from NIOSH and concern over OSHA's

proposed respirators standard have generated many questions. Most of these have centered around OSHA requirements for fit-testing and fit-checking, and reuse of the new respirators certified by NIOSH. On March 6, OSHA issued a memo to its regional administrators to provide guidance on current OSHA respirator requirements. The May agenda projected a final ruling in September for the update of 29 CFR 1910.134.

Comprehensive Programs

One of OSHA's highest priorities is a rulemaking to require employers to develop comprehensive safety and health programs. A new draft version of the proposed elements was recently released, and written comments were due on May 24. A NPRM was projected for September.

In a related matter, an ANSI workshop was held in May to help prepare a U.S. position on the development of an international safety and health management systems standard similar in concept to the ISO 9000 and ISO 14000 series. Industry presented a united position opposing the creation of such a standard. ANSI will formulate its overall position in preparation for participation later this year in Geneva.

Other items of interest from OSHA's May 3 agenda:

- 1,3-Butadiene—final action June 1996.
- Confined Spaces for General Industry—NPRM July 1996.
- Glycol Ethers (2-Methoxyethanol, 2-Ethoxyethanol)—final rule June 1997.
- Hexavalent chromium—NPRM June 1997.
- Lockout/Tagout for Construction—NPRM June 1997.
- Methylene Chloride—Final action July 1996.

Author's note: While this article does not cover every agenda item, it does indicate OSHA's aggressive schedule. Because 1996 is an election year, it will be interesting to see what progress is made. *P&SF*