

Corrections to OSHA 29 CFR 1910.134

[Federal Register: April 23, 1998 (Volume 63, Number 78)]

[Rules and **Regulations**]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket No. H-049]

RIN 1218-AA05

Respiratory Protection; Correction

AGENCY: Occupational Safety and Health Administration (OSHA),
Department of Labor.

ACTION: Final rule; correction.

SUMMARY: OSHA is correcting errors in the regulatory text of the **Respiratory Protection** final rule that appeared in the Federal Register on January 8, 1998 (63 FR 1152).

DATES: These corrections become effective on April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, OSHA Office of Public Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: (202) 219-8148.

SUPPLEMENTARY INFORMATION: On January 8, 1998 (63 FR 1152), OSHA promulgated revised **regulations** for **respiratory protection** in general industry (part 1910), shipyards (part 1915), marine terminals (part 1917), longshoring (part 1918), and construction (part 1926).

Subsequently, technical and typographic errors were discovered in the regulatory text. This notice is being published to correct these errors. With the exception of the explanations discussed below, these corrections are self-explanatory.

In paragraph (i)(1)(ii), Breathing air quality and use, the reference to ``Type 1--Grade D breathing air'' has been corrected to read ``Grade D breathing air'' to conform to the ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989.

Paragraph (n)(3) is corrected to state that the **respiratory protection** provisions of the previous standard, 29 CFR 1910.134 as contained in the 29 CFR parts 1900 to 1910.999 edition of the Code of Federal **Regulations** published July 1, 1997, will continue in effect until October 5, 1998, the date for full compliance with the revised standard, rather than April 8, 1998, the effective date of the revised

standard.

In Appendix A, in the protocol for the Bitrex qualitative fit test, the part numbers for the fit test hood assembly now match the part numbers given in the saccharin qualitative fit test protocol. Also, in the generated aerosol quantitative fit testing protocol, a reference for using P100 filters as one of the methods to filter exhaust air flow from the fit test chamber is incorrect and is deleted. In the condensation nuclei counter quantitative fit test protocol, the requirement in paragraph (a)(1) that a high-efficiency filter be fitted has been revised to allow for the fit testing of additional types of filters as appropriate. For the controlled negative fit test protocol, the pressure setting for the default test pressure has been changed from -1.5 mm to the correct value of -15 mm.

In Appendix C a typographic error in Part A, Section 2, question 11(e) has been corrected to read ``d. Any other eye or vision problem: Yes/No''.

Appendix D has been entitled ``mandatory'' since the employer is required by paragraph (k)(6) of the standard to provide the basic advisory information on respirators presented in Appendix D to any employees who voluntarily use respirators.

Since some of the 13 carcinogens are vapors, language has been added to paragraph (c)(4)(iv) of Sec. 1910.1013 permitting the use of air-purifying canisters or cartridges, in addition to particulate filters. This provision requires appropriate respirator filters for these carcinogens.

This correction removes the provision in the revised Lead standard (Sec. 1910.1025(f)(1)(i)) that limits respirator use to a maximum of 4.4 hours per day. The 4.4 hour requirement had been removed earlier by OSHA (see 60 FR 52859).

Typographic errors in provisions in the Benzene standard (Sec. 1910.1028 (g)(2)(i)), Acrylonitrile standard (Sec. 1910.1045 (h)(2)(i)), and the Formaldehyde standard (Sec. 1910.1048 (g)(2)(i)) that referenced Sec. 1910.134 (d)(3)(iii)(b)(1) have been corrected to read (d)(3)(iii)(B)(1).

Appendix E of the Methylenedianiline standard (Sec. 1910.1050), which specifies fit testing protocols, has been removed to match changes made to other substance specific standards. These changes require the use of the fit testing protocols in Appendix A of the revised **respiratory protection** standard.

The Methylene chloride standard limits **respiratory protection** to supplied-air respirators except for emergency escape. Paragraphs (d)(3)(iii)(B)(1) and (2) of the revised **respiratory protection** standard address the use of end-of-service-life indicators or change schedules for cartridges and canisters, and do not apply to supplied-air or emergency escape respirators. Accordingly, these paragraphs have been removed from the **respiratory protection** program required by the Methylene chloride standard to be in compliance with the revised Sec. 1910.134 **respiratory protection** standard.

The correction to paragraph (h)(2)(iv) of the Asbestos standard for the construction industry reinstates an earlier revision made by OSHA to this standard. This revision permitted the use of PAPRs with HEPA filters or supplied-air respirators with HEPA egress cartridges under the conditions specified in this paragraph (see 60 FR 33985).

All these corrections to the standard are deemed to be ``minor'' amendments within the meaning of 29 CFR 1911.5. OSHA finds good cause, pursuant to 29 CFR 1911.5 and the Administrative Procedure Act, for promulgating the corrections without notice and opportunity for public comment.

Correction of Publication

The following corrections are made in the final rule for **Respiratory Protection** published in the Federal Register on January 8, 1998 (63 FR 1152).

Respiratory Protection [Correction]

Sec. 1910.134 [Correction]

1. On page 1275, first column, paragraph (i)(1)(ii), lines 2 and 3, are corrected to read ``meet at least the requirements for Grade D breathing air described in''.

2. On page 1275, first column, paragraph (i)(4)(ii), line 4, is corrected to read ``requirements for Grade D''.

3. On page 1276, second column, paragraph (n)(3), line 2, the date ``April 8, 1998'' is corrected to read ``October 5, 1998''.

4. On page 1278, third column, paragraph (a)(1), line 10, the reference ``parts #14 and #15'' is corrected to read ``parts # FT 14 and # FT 15''.

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5. On page 1280, first column, paragraph (11), lines 3 and 4, are corrected to read ``filter (i.e., high efficiency particulate filter) before release.''

6. On page 1280, third column, following the equation, paragraph (a)(1) is revised to read: ``(1) Check the respirator to make sure the sampling probe and line are properly attached to the facepiece and that the respirator is fitted with a particulate filter capable of preventing significant penetration by the ambient particles used for the fit test (e.g., NIOSH 42 CFR 84 series 100, series 99, or series 95 particulate filter) per manufacturer's instruction.''

7. On page 1281, second column, paragraph (a)(2), line 2, the reference ``-1.5 mm'' is corrected to read ``-15 mm''.

8. On page 1283, second column, question 11, lines 6 and 7, are corrected to read ``d. Any other eye or vision problem: Yes/No''.

9. On page 1284, second column, line 17, is corrected to read ``Appendix D to Sec. 1910.134 (Mandatory)''.

Sec. 1910.1003 13 Carcinogens [Correction]

10. On page 1286, first column after Table 1, paragraph (c)(4)(iv), lines 5 and 6 are corrected to read: ``use a half-face filter-type respirator with filters for dusts, mists, and fumes, or air-purifying canisters or cartridges. A respirator''.

Sec. 1910.1025 Lead [Correction]

11. On page 1287, second column following Table II, paragraph (f)(1)(i) is revised to read: ``(i) Periods necessary to install or implement engineering or work-practice controls.''

Sec. 1910.1028 Benzene [Correction]

12. On page 1289, third column following Table 2, paragraph (g)(2)(i), line 2, the reference `` (d)(3)(iii)(b)(1) '' is corrected to read `` (d)(3)(iii)(B)(1) ''.

Sec. 1910.1045 Acrylonitrile [Correction]

13. On page 1291, second column following Table 1, paragraph (h)(2)(i), line 5, the reference `` (d)(3)(iii)(b)(1) '' is corrected to read `` (d)(3)(iii)(B)(1) ''.

Sec. 1910.1048 Formaldehyde [Correction]

14. On page 1293, second column, paragraph (g)(2)(i), line 5, the reference `` (d)(3)(iii)(b)(1) '' is corrected to read `` (d)(3)(iii)(B)(1) ''.

Sec. 1910.1050 Methylenedianiline [Correction]

15. On page 1293, first column following Table 1, paragraph 28, is revised to read ``28. Section 1910.1050 is amended by removing Appendix E, and revising paragraph (h) and the first paragraph of Section III to Appendix A to read as follows: ''.

Sec. 1910.1052 Methylene chloride [Correction]

16. On page 1295, second column following Table 1, paragraph (g)(1)(i), is revised to read `` (i) Periods when an employee's exposure to MC exceeds the 8-hour TWA PEL, or STEL (for example, when an employee is using MC in a regulated area). ''

17. On page 1295, third column following Table 1, paragraph (g)(2)(i), line 5, the reference `` (d)(1)(iii) '' is corrected to read `` (d)(1)(iii) and (d)(3)(iii)(B)(1) and (2) ''.

Sec. 1926.1101 Asbestos [Correction]

18. On page 1298, first and second columns following Table 1, paragraph (h)(3)(iv) is revised to read:

`` (iv) In addition to the above selection criteria, when employees are in a regulated area where Class I work is being performed, a negative exposure assessment of the area has not been produced, and the exposure assessment of the area indicates the exposure level will not exceed 1 f/cc as an 8-hour time weighted average, employers must provide the employees with one of the following respirators:

(A) A tight-fitting powered air-purifying respirator equipped with high efficiency filters;

(B) A full facepiece supplied-air respirator operated in the pressure-demand mode equipped with HEPA egress cartridges; or

(C) A full facepiece supplied-air respirator operated in the pressure-demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus. A full facepiece supplied-air respirator operated in the pressure-demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus must be provided under such conditions when the exposure assessment indicates exposure levels above 1 f/cc as an 8-hour time weighted average. ''

Dated: April 15, 1998.
Charles N. Jeffress,
Assistant Secretary of Labor for Occupational Safety and Health.
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