

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AB26

Air Contaminants; Corrections

AGENCY: Occupational Safety and Health Administration; Labor.

ACTION: Correcting amendments.

SUMMARY: This document makes corrections to the OSHA standard on Air Contaminants. Specifically, this document corrects typographical errors in the table containing limits for air contaminants and the table on mineral dusts.

EFFECTIVE DATE: September 3, 1997.

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SUPPLEMENTARY INFORMATION:

Background

OSHA published revisions to its rule on Air Contaminants on June 30, 1993 (58 FR35338) in response to the Court of Appeals decision in *AFL-CIO v. OSHA*, 965 F.2d 962 (11th Circuit, 1992). Those revisions are currently printed in the Code of Federal Regulations, Air Contaminants Standard, 29 CFR 1910.1000, Tables Z-1, Z-2, and Z-3.

Need for Corrections

As published, the standard contains typographical errors which may prove to be misleading, and incorrect entries which are in need of clarification and correction. This document corrects these errors.

For one group of substances, Cyanides, OSHA inadvertently omitted the "x" notation in the "skin designation" column to indicate that the substance is absorbed through the skin.

For two substances, Endosulfan and Perlite (respirable and total dust), the entries and their corresponding PELs should be deleted. The entries,

including their respective PELs, are a carryover from the 1989 Air Contaminants Standard which was vacated by the U.S. Court of Appeals, Eleventh Circuit. The substance Endosulfan was not listed in the air contaminant tables when OSHA adopted the consensus standards on May 29, 1971 (36 FR 10466) and consequently is not currently regulated. OSHA formerly regulated Perlite under the generic nuisance dust limits of 15 mg/m³ total dust and 5 mg/m³ respirable fraction. Consequently, Perlite is currently is currently regulated under the entry "particulates not otherwise regulated" which is the current nomenclature for what was formerly referred to as "nuisance dust."

The exposure limit for Uranium insoluble compounds is incorrectly listed as 0.05 mg/m³. It should be listed as 0.25 mg/m³.

The formula for the PEL for coal dust with less than 5% quartz (respirable fraction) is incorrectly listed as:

$$\frac{2.4 \text{ mg} / \text{m}^3}{\% \text{ SiO}_2 + 2}$$

It should be 2.4 mg/m³.

List of Subjects in 29 CFR Part 1910

Air contaminants, Chemicals, Hazardous substances, Occupational safety and health, Permissible exposure limits.

Accordingly, 29 CFR Part 1910 is corrected by making the following correcting amendments:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation for Subpart Z of Part 1910 continues to read as follows:

Authority Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), of 1-90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of Subpart Z issued under sec. 6(b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, or Z-3 of 29 CFR 1910.1000. The latter were issued under sec. 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, Tables Z-1, Z-2, and Z-3 not issued under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, and cotton dust listings.

Section 1910.1001 also issued under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and 5 U.S.C. 553.

Section 1910.1002 not issued under U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

Section 1910.1200 also issued under 5 U.S.C. 553.

§ 1910.1000 [Corrected]

Table Z-1 [Corrected]

2. In § 1910.1000, table Z-1 is amended as follows:

a. In the entry for "Cyanides (as CN)", add an "x" in the "Skin designation" column.

b. In the entry for "1,2-Dibromo-3-chloropropane (CBCP); see 1910.1044", the parenthetical "(CBCP)" in the "Substance" column is revised to read "(DBCP)".

c. The entry for "Endosulfan" is removed.

d. The entries for "Perlite" are removed.

e. In the entry for "2,4,6-Trinitrophenyl; see Picric acid", the word "Trinitrophenyl" is revised to read "Trinitrophenol".

f. In the entry for "Uranium (as U), Insoluble compounds", the number "0.05" in the "mg/m³" column is revised to read "0.25".

Table Z-3 [Corrected]

2. § 1910.1000, table Z-3 is amended in the entry for "Coal Dust: Respirable fraction less than 5% SiO₂", by revising

$$\frac{2.4 \text{ mg} / \text{m}^3 \text{e}}{\% \text{ SiO}_2 + 2}$$

in the "mg/m³" column to read "2.4 mg/m³e".

Signed at Washington, DC this 25th day of July, 1997.

Greg Watchman,

Acting Assistant Secretary.

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