

The Revenge of OSHA: The New Asbestos Regulations

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After suits by the AFL-CIO and the Service Employees International Union demanding more worker protection, OSHA published new proposed asbestos regulations in 1990. Hearings were held in 1991. Everyone was very interested. Nothing happened for about three years. Then, just when everyone thought they had their "asbestos problems" figured out, along came the new October 11, 1994, asbestos rules. Look out building owners, property management companies, abatement contractors, and asbestos consultants—it's your turn to cry.

THE NEW RULES: OVERVIEW¹

The Federal Occupational Safety and Health Administration (OSHA) has issued new nationwide asbestos regulations² which contain some nasty surprises for employers, and nastier ones for building owners and property managers (even those who are not "employers" of persons who work in owned buildings).

The new rules are extremely complex, taking up over 200 pages in the *Federal Register*. They are full of inconsistencies. Hopefully, OSHA will quickly correct and clarify the new requirements. However, until that happens, the regulated community should take the most conservative course of action to assure compliance. Many states will have to revise their regulatory provisions following OSHA's lead, and, in some jurisdictions, state regulations will likely be even more detailed and stringent.³

OSHA states, in the preamble to the regulations, "OSHA has developed an information transfer scheme concerning the presence of asbestos in buildings and structures. . . . The approach places the primary compliance burden on the building and/or facility owner, even though the employees at risk may not be the owner's direct employees."⁴

Further, the new regulations greatly increase the level of employee protection and training required for work that is usually performed as part of tenant improvements, thereby impacting building trades such as plumbing, electrical, and air conditioning contractors. The new "Class III" construction work (building repair and maintenance which is "likely to disturb asbestos") is particularly important for tenant improvement contractors, building owners, and property managers.

The regulations appear to require that all employees who work in buildings with regulated asbestos-containing materials (ACM), or material which must be presumed to be asbestos-containing materials (PACM), must have at least two hours of asbestos awareness training. The scope of the

training requirement is still highly uncertain and hopefully will be clarified to apply only to workers whose roles may involve direct contact with ACM or PACM. Further, notification requirements may be pervasive. In a recent discussion with the Technical Assistance Office of OSHA, however, OSHA took the position that building and facility owners have a general duty to inform all employees in buildings about the presence and location of ACM and PACM, based on one section of the general industry regulations.

The new regulations also contain significant changes for asbestos abatement contractors, asbestos consultants, and employers of workers who perform maintenance, repairs, and other work involving potential exposures to asbestos. There are substantial new responsibilities for nonabatement general contractors who work on sites where asbestos work is being performed by other contractors.

Two of the three new rules are particularly important to building owners: the "general industry" standards and the construction standards. (The third standard, which applies to shipyards, is not discussed here.) The general industry standard applies to all industries except shipbuilding and construction.^{5,6} The standard applies to owners of all *buildings* containing ACM or PACM, *all employees in buildings containing ACM or PACM*, and all employees who work with or may be exposed to ACM or PACM in the course of their work. The construction standards are also directly pertinent not only to the construction industry, but also to building owners, and maintenance and management companies, as well as abatement and general or specialty contractors, and asbestos consultants.

This article summarizes the more important aspects of the new general industry and construction standards as they relate to building owners, employers of employees who work in buildings containing ACM or PACM, and abatement contractors and consultants.

WHAT WORK IS COVERED?

It is extremely important to know when the different rules apply, since the construction standards are more stringent in many ways than the general industry standards. To understand the differences in coverage, it is essential to fully appreciate the meaning of "construction," as used in OSHA regulations. "Construction" covers much, much more than the average person would consider to be "construction," including asbestos abatement, renovation, repair, maintenance, and housekeeping activities.

"Construction" includes, for example, "alteration, repair, maintenance or renovation of structures, and housekeeping and custodial activities."⁷ Class III "construction" work, for example, includes such tasks as cutting away less than one standard glove bag of insulation to access a facility component, such as to repair a leaking pipe or when the jobs involve a disturbance of thermal system insulation (TSI) or surfacing ACM or PACM. Many, if not most, general building management and maintenance activities are Class IV "construction" within the meaning of the construction regulations. Installing ceiling fans, repairing ceiling leaks, and installing floor tiles over old tile are "construction," for example; so are installing carpet over old tiles, testing, cleaning or replacing smoke or heat detectors,

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and repairing or replacing such items as lighting fixtures, ceiling fans, and ceiling tiles.

Building owners and management companies, and building maintenance and other companies who perform housekeeping work, maintenance, repair, and craft labor, and some contractors who are not even required to obtain asbestos certifications under state licensing laws are all likely subject to some, if not all, of the new construction rules.

CHANGES IN WHAT IS REGULATED

In addition to ACM, which is "any material containing more than one percent asbestos,"⁸ *certain materials must be presumed to be and treated as ACM until tested (PACM).*

Under the general industry regulations, thermal system insulation and surfacing material that is sprayed or troweled on is PACM until tested in accordance with the regulations. Asphalt and vinyl flooring installed no later than 1980 must also be *treated as asbestos*, until otherwise identified by qualified persons. Materials that must be "presumed to be asbestos" are subject to certain specific work practice and identification requirements, while the presence of PACM (as well as ACM) triggers certain notification requirements, in addition to specific work practices.

The general industry regulations do not contain a definition of "surfacing material," which is used in the construction regulation to partially define PACM. The construction regulation defines "surfacing material" as "material that is sprayed/troweled on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing and other purposes.)" Use of the phrase "and other purposes" appears to widen the universe of materials considered to be "surfacing material" under the construction rule and to include virtually *any* type of surfacing material.

The new presumptions alone will likely require additional surveys and testing, at least in buildings built in 1980 or before. However, the new testing standards will also make *additional* testing and surveys essential, even in buildings where surveys have been performed and suspect PACM has been identified (or even *not* identified!).

As of April 10, 1995, building owners who wish to establish that PACM is not ACM must have an inspection conducted by an individual meeting certain EPA training requirements and perform tests of PACM to demonstrate that no asbestos is present. Such tests must include analysis of *three* bulk samples of *each homogeneous area of PACM* collected in a randomly distributed manner and conducted by an accredited inspector or a Certified Industrial Hygienist. Employers and/or building owners may demonstrate that flooring material, including associated mastic and backing which must be treated as ACM, is not ACM only by a determination of an "industrial hygienist" or a person with equivalent skill and experience, based on recognized analytical techniques showing that the material is asbestos-free. "Industrial hygienist" does not mean "Certified Industrial Hygienist," but rather a "professional qualified by education, training, and experience

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to anticipate, recognize, evaluate, and develop controls for occupational health hazards.”

Floor tile and flooring maintenance are addressed in detail in the new regulations, since, according to OSHA, 42 percent of public and commercial buildings within the United States contain asbestos-containing floor tile. Removal of floor tiles even with heating methods require the use of “regulated areas.” (See discussion below for a description of “regulated areas.”)

Additionally, under the construction regulations building owners must also treat all materials which they know, or, through the exercise of due diligence, should have known, were ACM, as asbestos-containing material.

CHANGES IN WHO IS REGULATED

The revised focus of the new OSHA regulations forces building owners and employers who employ persons who work with or around PACM or ACM or near ACM- or PACM-related “construction” to become much more involved in and aware of asbestos abatement and management than they presently are—or will ever wish to be.

Both the general industry and construction regulations affect “owners” of buildings which contain ACM or PACM, and all those who employ persons who work in such buildings, or whose work exposes them to ACM or PACM.

Both sets of regulations define “building/facility owner” as “the legal entity, including a lessee, which exercises control over management and recordkeeping functions relating to a building and/or a facility in which activities covered by this standard take place.”⁹

The focus on “owners” is a substantial departure from the well-understood jurisdiction of OSHA, which regulates workplace safety. “Building/facility owners” have significant and entirely new responsibilities under the new rules and are subject to OSHA inspections, enforcement, and record keeping, even though they are not “employers.” Further, due to the new notification requirements, building owners run a much higher risk of claims of exposure than before the new notification requirements were promulgated.

NEW NOTIFICATION REQUIREMENTS

The general industry regulations state, “Employers and building and facility owners shall exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM,”¹⁰ and “[b]uilding and facility owners shall inform employers of employees, and employers shall inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and PACM in such areas.”

OSHA has advised informally that the “due diligence” language means all employees who work in buildings where ACM or PACM are present must be notified of the presence or location of the materials. However, strict reading of the general industry standards would require only that all building owners inform all “employers” of “housekeeping employees” of the presence of ACM or PACM, and such “employers” to notify house-

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keeping employees. "Housekeeping" is not defined, but the "housekeeping" general industry rules discuss requirements for dusting, spills, and releases of material containing asbestos, vacuuming, sweeping of asbestos, and care of asbestos-containing flooring material. Further, the housekeeping rules for both the general industry and construction state that dust and debris in areas containing either thermal system insulation or surfacing ACM or PACM, or visibly deteriorated ACM may not be dusted or swept dry, or vacuumed without using a HEPA filter. Apartment owners and building maintenance companies will be shocked to find that they must now use HEPA vacuum cleaners to clean up dust and debris in certain areas.

The general industry regulations also state, "[E]mployers must also provide, at no cost to employees who perform housekeeping operations in a facility which contains ACM or PACM, an asbestos awareness training course. . . to all employees who work in areas where ACM and/or PACM is present."¹¹ This course must cover health effects of asbestos, locations of ACM and PACM, recognition of damage and deterioration, requirements relating to housekeeping, and proper responses to fiber release episodes. The training must be repeated at least once a year. This language appears to require training for all employees, and training "at no cost" to housekeeping employees, though that may not have been OSHA's intent, based on the clumsy sentence construction of the regulations. The preamble to the regulations also states that "The general industry standard requires that all employees who work in areas where ACM or PACM is present be given a prescribed level of awareness training. The construction...standard requires training of all workers..."¹² Other portions of the preamble are inconsistent with the above regulatory text, and with the portions of the preamble that are consistent with the regulatory text.

The notification requirements in the construction standards are explicit and more extensive. Before any "construction work" subject to the new rules is performed, building owners must notify the following persons of the presence of ACM or PACM:

- Their own employees and/or employers who are bidding on such work;
- Their own employees who work on or adjacent to such jobs;
- All employers of employees who will be performing work within or adjacent to areas containing ACM or PACM; and
- Tenants who will occupy areas containing such material of the presence, location, and quantity of ACM or PACM at the work site.

Employers of persons who actually perform construction work where ACM or PACM is present must inform owners of the building, employees who will perform the work, and employers of employees who work and/or will be working in adjacent areas, of the location and quantity of ACM and PACM present and the precautions to be taken to ensure that airborne asbestos is confined to the area.

Within ten days of completion of work subject to the construction regulation, the employer performing the work must inform the owner and

employers of persons who will be working in the area of the location and quantity of ACM or PACM remaining and the final monitoring results, if any.

All employers of persons engaged in "construction" who discover ACM or PACM on a work site are required to convey information concerning the presence, location, and quantity of such materials to the owner and to other employers of employees working at the work site within 24 hours of discovery.

In determining the scope of any notification requirement, the regulated community should note that the preamble to the regulations states that OSHA intends "a comprehensive notification scheme for affected parties—building owners, contract employers, and employees, which will assure that information concerning the presence, location, and quantity of ACM or PACM in buildings is communicated in a timely manner to protect employees who work with or in the vicinity of such materials."¹³ The preamble also states, "Basically, the general industry regulation has been upgraded to the more extensive notification requirements of the construction regulation. . . ." and "OSHA reaffirms its finding...that an employee's presence in the workplace places him at increased risk from asbestos exposure regardless of whether he/she is actually working with asbestos or is just in the vicinity of such material."

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In light of OSHA's clear intention of implementing an effective employer, employee, and building occupant communication program, *the prudent course of action would appear to be to notify all those arguably within the regulations' requirements.* While at least some of the requirements arguably may not apply to some persons, since other individuals will be clearly within the group of persons required to receive the notices, failure to include some persons in the communication program could lead to claims of, for example, "knowing" exposures or discrimination.

NEW RECORD-KEEPING REQUIREMENTS

Building and facility owners are required under both standards to maintain records of all information received and required to be provided under the regulations and/or all information otherwise known concerning the presence, location, and quantity of ACM or PACM in the building or facility. Such records are required to be maintained for the duration of "ownership," and transferred to successive "owners," which would include transfers to successive tenants.

NEW REGULATORY STANDARDS AND RESTRICTIONS

Among the most dramatic changes in both the general industry and the construction regulations is the reduction of the permissible exposure limit (PEL) Time Weighted Average to 0.1 fibers per cubic centimeter, one half of the prior permissible limit. The more short-term "excursion limit" remains the same as under the previous regulations.

OSHA states in the preamble to the rules that it believes there is a significant residual health risk even at the new PEL, a statement which should not provide comfort to litigation-wary employers and building owners. Significantly, and very unfortunately, the new regulations do not

set a presumptively "safe" level at which occupancy is considered acceptable, leaving both owners and consultants open to second guessing, claims of exposure, and possibly vexatious litigation.

CHANGES IN THE WAY ASBESTOS RISKS ARE CONTROLLED

OSHA has changed the operation of the construction regulations by establishing four "classes" of work with mandatory work practices. The stringency of work practice requirements decreases as the work class number (I through IV) goes up. Requirements are extremely detailed.

All classes of work are subject to "basic controls," including use of vacuum cleaners equipped with HEPA filters to collect all debris and dust containing ACM and PACM, use of wet methods except where infeasible, and prompt and appropriate cleanup and disposal of wastes and debris. Where exposures may exceed permissible limits, *additional* controls are required, *regardless of the class of work*. Certain work practices are specifically prohibited, including use of certain types of saws; certain uses of compressed air without special ventilation devices; dry sweeping, shoveling, or other dry cleanup of dust or debris containing ACM or PACM; and employee rotation as a means of reducing exposures. Each class of work is also subject to class specific controls. All classes of work except Class IV require the use of "regulated areas." Regulated areas are discussed below.

Class I work is the most stringently regulated. The "Class I" work practice requirements in the construction regulation apply to those who remove ACM and PACM thermal system insulation and surfacing. Some of the Class I work practice requirements do not apply to removals of less than 10 square feet or 25 linear feet of material.

Class II regulations apply to those who remove ACM or PACM which is *not* thermal system insulation or surfacing. Class II work includes, for example, removal of ACM or PACM floor tiles and siding materials, and roofing operations. Contractors should note that OSHA clearly seems to have raised its perception of the level of risk inherent in roofing removal operations, by specifically including such work in the second most "risky" category.

Class III work is that performed during "repair and maintenance operations that are likely to 'disturb' ACM or PACM." In the preamble to the regulations, OSHA states that employees who do Class III work must be given 16 hours of training equivalent in content and length to the 16-hour operations and maintenance course developed by EPA. Trade contractors, such as plumbing, electrical, or air conditioning contractors, are specifically mentioned as falling within this classification.

The word "disturbance" used in the Class III definition is defined as contact that releases fibers from ACM or PACM, including cutting away of small amounts of ACM and PACM no greater than the amount which can be contained in one standard-size glove bag, in order to access a building component. In no event may the amount of ACM or PACM disturbed exceed that which can be contained in one glove bag or waste bag exceeding 60 inches in length and width. Class III work includes such activities as installing carpet or new floor tile over old ACM floor tiles; testing; cleaning or replacing smoke or heat detectors or repairing or

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replacing such items as lighting fixtures and ceiling fans attached to ACM; replacing ACM ceiling tiles on which ACM materials have dropped; and cutting away small amounts of ACM and PACM to access portions of a structure. Class III work includes, for example, cutting away less than one standard glove bag of insulation to repair a leaking pipe, install wiring, or similar tasks.

Existing asbestos operations and maintenance plans, as well as all asbestos abatement contractor and consultant procedures, manuals, and checklists, will likely require revisions to incorporate the requirements of the new rule.

NEW RULES FOR ABATEMENT CONTRACTORS, CONSULTANTS

Asbestos abatement contractors are specifically required to follow new procedures. While some of these were already in use by some contractors, they are now mandatory. For example, negative pressure enclosures must be inspected for breaches, smoke tested for leaks, and leaks sealed before each shift. Glove bags must be smoke tested for leaks, and any leaks sealed prior to use. Glove bags may be used only once and may not be moved. At least two persons must perform glove-bag operations.

EXPOSURE ASSESSMENT AND MONITORING GREATLY EXPANDED

The construction standards exposure requirements are dramatically revised, requiring an "initial exposure assessment" (as opposed to just initial monitoring) immediately before or at the initiation of the work to ascertain expected exposures and provide information to assure that all control systems are appropriate and will work properly. It is important to keep the broad definition of "construction" in mind when considering whether to perform initial assessments. It undoubtedly includes tenant improvement activities and building maintenance and repairs.

The initial exposure assessment must be based on monitoring of employees if feasible, as well as all other information which indicates employee exposures to asbestos, including previous monitoring. Performing initial monitoring only, however, is not sufficient.

For Class I work, the employer must presume that employees are exposed in excess of permissible limits until exposure monitoring is performed or the employer otherwise makes a "negative exposure assessment." Additionally, unless a negative exposure assessment has been produced, employers must provide employees with full face piece, supplied air respirators operated in the pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus.

A negative exposure assessment must be based on objective data demonstrating that: (1) the asbestos-containing material cannot release airborne fibers in concentrations exceeding permissible limits under the work conditions having the greatest potential for such a release or (2) monitoring and analysis were performed in compliance with the asbestos regulation in effect on prior asbestos jobs performed within 12 months of the current or projected job, during work operations conducted under

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conditions closely resembling the work to be performed by employees whose training and experience were no more extensive than those of the employees performing the current job. Such data must show that there is a "high degree of certainty" that employee exposures will not exceed permissible limits or the results of initial exposure monitoring of the current job. Though the regulatory text itself is somewhat vague, the preamble clearly anticipates that both initial and negative exposure assessments will be performed by "competent persons," with a specific, and very high degree of training.

With respect to Class I and Class II operations, employers must conduct daily monitoring unless the employer has made a negative exposure assessment for the entire operation. All other classes of work are subject to periodic monitoring of work where exposures are expected to exceed a permissible exposure limit, except where employees are equipped with supplied air respirators. Monitoring may be discontinued upon a showing that employee exposures are below the permissible exposure limits, unless there is a change which creates any reason to suspect that changes may have resulted in new or additional exposures above the permissible exposure limits.

Employers subject to the rule should develop checklists to assure adequate documentation of initial assessments and negative exposure assessments.

NEW REQUIREMENTS FOR HOUSEKEEPING ACTIVITIES

Both the general and construction industry regulations contain very detailed requirements with respect to housekeeping. All surfaces must be maintained as free as practicable of accumulations of dust and waste containing asbestos; HEPA filtered vacuuming equipment must be used in a manner which minimizes reentry of asbestos in the workplace; ACM- or PACM-containing flooring material may be sanded or stripped only using low-abrasion pads at speeds lower than 300 rpm and wet methods or burnished or dry buffed in a manner where the burnishing or buffing pad cannot contact asbestos-containing material. Dust and debris in areas containing thermal system insulation or surfacing ACM, PACM, or visibly deteriorated ACM or PACM may not be dusted, swept dry, or vacuumed without use of a HEPA filter.

MULTIEMPLOYER WORK SITES

Multiemployer work sites involve significant new responsibilities for employers, even employers whose scope of services does not involve asbestos-related work.

As under the prior regulations, an employer performing work requiring a regulated area must inform other employers on the site of the nature of the work and the existence of and requirements pertaining to "regulated areas." However, under the new regulations, employers must also inform other employers who are present at the work site of measures taken to ensure that the employees of the other employers are not exposed to asbestos.

The regulations specifically state that while asbestos hazards at a multiemployer work site are to be abated by the contractor who created or controls the source of asbestos, all employers of employees exposed to asbestos hazards must comply with applicable protective provisions to protect their own employees.

Most significantly, the regulations require that all employers of employees working adjacent to "regulated areas" established by another employer on a multiemployer work site take steps on a daily basis to ascertain the integrity of all regulated enclosures and/or the effectiveness of the control method relied on by the primary asbestos contractor to assure that asbestos fibers do not migrate. "Regulated area" means, under the construction standards, an area where Class I, II, and III asbestos work is conducted, and any adjoining area where debris and waste from such asbestos work accumulate. Under both the general industry and construction regulations, the term includes work areas within which airborne concentrations of asbestos exceed, or there is a reasonable possibility that they may exceed, the permissible exposure limit.

The construction regulations require that all Class I, II, and III work be conducted in regulated areas which minimize the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos, regardless of exposures. This means that, for example, companies with employees performing Class I, II, or III work, as well as employers with employees working adjacent to Class I, II, or III projects, but who have nothing to do with the asbestos work, have substantial new responsibilities. This new aspect of asbestos regulations has significant implications for all employers and contractors working on or near projects where others are performing abatement. Again, it is important to remember that Class II work includes, for example, removing of ACM or PACM floor tile, even by methods such as use of heat to loosen mastic.

IMPACT ON GENERAL CONTRACTORS

General contractors are significantly affected by the new rules. All general contractors on a construction project are deemed by the regulations to exercise general supervisory authority over the work covered by the asbestos regulation, even though another employer is performing the work and even though the general contractor is not qualified to supervise the work as a competent person defined by the regulations.

As the supervisor of the entire project, the general contractor must ascertain whether the asbestos contractor is in compliance with the regulations and require the contractor to correct its activities where necessary. Obviously, this imposes a significant burden on the contractor who is not otherwise trained in asbestos abatement activities.

The new requirements imposed on general contractors are significant, and will, at a minimum, necessitate a revision to procedures and additional training for on-site supervisors.

ASBESTOS MANAGEMENT PLANS

General contractors are significantly affected by the new rules.

The new regulations do not require asbestos management plans. However, those who read the preamble to the regulations, wherein OSHA explains and elaborates on its new rules, will find that there is little or no difference between complying with the new regulations and implementing an asbestos management plan. Indeed, compliance is likely difficult, if not impossible, without a systematic approach. In the preamble, OSHA states, "OSHA has not adopted an explicit O&M (Operations and Maintenance) program requirement in these standards. Rather, the Agency has adopted enforceable provisions which cover the major elements of the previous non-mandatory program in the appendix [Appendix G to the former regulations] and of various programs suggested by participants in this rulemaking." As OSHA points out, the new regulations are "operation-based," requiring, for example, treating each operation as a separate occurrence for the purpose of preparing exposure assessments (though operations can be "grouped" and not evaluated every day). From a practical standpoint, it is difficult to see how any employer or property owner can manage asbestos under the new rules and existing law without a user-friendly management system.

SUMMARY

The new OSHA regulations are enough of a threat to the regulated community due to their complexity and micro-regulatory aspects. However, they are an even higher risk to those unaccustomed to having to comply with such extensive, pervasive, and stringent regulatory programs. They pose a high potential for legal and financial toxicity due to penalties, potential lawsuits, and workers' compensation claims.

Further, OSHA's repeated statements about enforcement actions seem to clearly put the public on notice that OSHA and EPA intend to work together to enhance enforcement and assure compliance. For example, OSHA states, "Information which may be useful to OSHA in targeting inspections can be retrieved by information sharing with the EPA..." and "the now-existing EPA and state reporting requirements and OSHA's use of that data for targeting inspections will achieve those benefits..." OSHA states that it "made various changes to the final standard which will also achieve some of these benefits. These include the expanded provisions on hazard communication, which will alert employees in all asbestos renovation, removal and maintenance work that [even] presumed asbestos containing material is present." Not to mention that the notification requirements will repeatedly alert virtually everyone present at a property about the possibility of asbestos exposures.

In asbestos compliance in 1995, the watchword has to be not just caution, but planning and vigilance. ■

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NOTES

1. After this article was written, OSHA issued a notice extending the "start-up" (effective) date of some (but not all) portions of the new regulations until July 10, 1995. The extended start-up date applies to Section (g), (h), (j), (k), (l), (m), and (o) of both the General Industry and Construction Regulations. Those sections cover Respiratory Protection, Protective Work Clothing and Equipment, Communications of Hazards, Housekeeping, Medical

Surveillance, and Record Keeping. Other portions of the regulations are currently effective. OSHA is holding additional public meetings and accepting additional comments on the regulations. As mentioned in this article, the regulations are ambiguous and vague in parts, internally inconsistent, inconsistent with each other, and inconsistent with the preamble in many respects. OSHA is aware of the public's concern regarding the need for clarifying certain sections and correcting others and is also aware of the degree of concern regarding the impact of these regulations on property owners and employers. It is likely that some sections of these regulations will be revised before their startup date. Snell & Wilmer will be issuing advisories to keep clients informed as to changes in the standards and clarifications as to implementation.

2. 59 Fed. Reg. 40964-41162 (August 10, 1994); 29 CFR Parts 1910, 1915, and 1926.
3. California is a likely candidate for more stringent regulations.
4. 59 Fed. Reg. 40972, August 10, 1994 (Preamble).
5. A new rule covering shipbuilding was published the same day as the General Industry Standards and Construction Standards.
6. General Industry Standards are found at 59 Fed. Reg. 41057 (August 10, 1994); 29 CFR §§1910, et seq.; Construction Standards are found at 59 Fed. Reg. 41131 (August 10, 1994); 29 CFR §§1926-1101, et seq.; Shipyard Standards are found at 59 Fed. Reg. 41080 (August 10, 1994); 29 CFR §§1915, et seq.
7. 59 Fed. Reg. 41132; 29 CFR §1926.11101(a).
8. 59 Fed. Reg. 41057; 29 CFR §1910.1001(b) and 59 Fed. Reg. 41132; 29 CFR §1926.1101(b).
9. 59 Fed. Reg. 41057; 29 CFR §1910.1001(b) and 59 Fed. Reg. 41132; 29 CFR §1926.1101(b).
10. 59 Fed. Reg. 41061; 29 CFR 1910.1001(j)(2)(i), (iii).
11. 59 Fed. Reg. 41062; 29 CFR §1910.1001(j)(7)(iv).
12. 59 Fed. Reg. 40975, August 10, 1994 (Preamble).
13. 59 Fed. Reg. 41014, August 10, 1994 (Preamble).