



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-90-1910.6, Incorporation by reference 16 VAC 25-90-1910.94, Ventilation 16 VAC 25-90-1910.133, Eye and Face protection 16 VAC 25-90-1910.135, Head protection 16 VAC 25-90-1910.136, Foot protection 16 VAC 25-90-1910.252, General requirements 16 VAC 25-100-1915.5, Incorporation by reference 16 VAC 25-100-1915.153, Eye and face protection 16 VAC 25-100-1915.155, Head protection 16 VAC 25-100-1915.156, Foot protection 16 VAC 25-120-1917.3, Public Sector Only, Incorporation by reference 16 VAC 25-120-1917.91, Public Sector Only, Eye and face protection 16 VAC 25-120-1917.93, Public Sector Only, Head protection 16 VAC 25-120-1917.94, Public Sector Only, Foot protection 16 VAC 25-130-1918.3, Incorporation by reference 16 VAC 25-130-1918.101, Eye and face protection 16 VAC 25-130-1918.103, Head protection 16 VAC 25-130-1918.104, Foot protection
Regulation title	Personal Protective Equipment
Action title	Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment; Revised Final Rule [Parts 1910, 1915, 1917, 1918]
Final agency action date	April 15, 2010
Document preparation date	January 14, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Federal OSHA issued this final rule to revise the personal protective equipment (PPE) sections of its general industry (1910), shipyard employment (1915), longshoring (1917), and marine terminals (1918) standards regarding requirements for eye and face protective devices, head protection, and foot protection. Federal OSHA updated the references in its regulations to recognize more recent editions of the applicable national consensus standards, and deleted editions of the national consensus standards that PPE must meet if purchased before a specified date. Additionally, federal OSHA amended paragraph (a)(5)(v)[a] in 29 CFR 1910.94 that requires safety shoes to comply with a specific American National Standards Institute (ANSI) standard. It also amended paragraph (b)(2)(ii)(I) in 29 CFR 1910.252 that requires filter lenses and plates in eye-protective equipment to meet a test for transmission or radiant energy specified by another ANSI standard. In amending these paragraphs, federal OSHA will require this safety equipment to comply with the applicable PPE design provisions in 29 CFR 1910, subpart I.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On January 14, 2010, the Safety and Health Codes Board adopted federal OSHA's revised final rule on Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment, as published in 74 FR 46350 on September 9, 2009, with an effective date of April 15, 2010.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These revisions will have no impact on the institution of the family and family stability.

To access the revised final rule on Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment, please see attachment or go to:

http://www.osha.gov/FedReg_oshapdf/FED20090909.pdf

**Updating OSHA Standards Based on National Consensus Standards;
Personal Protective Equipment; Revised Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: January 14, 2010



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: April 15, 2010

- 16 VAC 25-90-1910.6, Incorporation by reference
- 16 VAC 25-90-1910.94, Ventilation
- 16 VAC 25-90-1910.133, Eye and Face protection
- 16 VAC 25-90-1910.135, Head protection
- 16 VAC 25-90-1910.136, Foot protection
- 16 VAC 25-90-1910.252, General requirements
- 16 VAC 25-100-1915.5, Incorporation by reference
- 16 VAC 25-100-1915.153, Eye and face protection
- 16 VAC 25-100-1915.155, Head protection
- 16 VAC 25-100-1915.156, Foot protection
- 16 VAC 25-120-1917.3, Public Sector Only, Incorporation by reference
- 16 VAC 25-120-1917.91, Public Sector Only, Eye and face protection
- 16 VAC 25-120-1917.93, Public Sector Only, Head protection
- 16 VAC 25-120-1917.94, Public Sector Only, Foot protection
- 16 VAC 25-130-1918.3, Incorporation by reference
- 16 VAC 25-130-1918.101, Eye and face protection
- 16 VAC 25-130-1918.103, Head protection
- 16 VAC 25-130-1918.104, Foot protection

When the regulations, as set forth in the revised final rule for Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

October 9, 2009

April 15, 2010

Amendments to Standards

■ For the reasons stated above in the preamble, the Occupational Safety and Health Administration is amending 29 CFR parts 1910, 1915, 1917, and 1918 as follows:

PART 1910—[AMENDED]

Subpart A—[Amended]

■ 1. Revise the authority citation for subpart A of part 1910 to read as follows:

Authority: Sections 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), and 5-2007 (72 FR 31160), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR Part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Public Law 106-113 (113 Stat. 1501A-222); and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

- 2. Amend § 1910.6 as follows:
■ a. Revise paragraphs (a)(2) and (a)(4)
■ b. Revise paragraph (e) introductory text
■ c. Revise paragraphs (e)(60), (e)(61), and (e)(67) through (e)(72)
■ d. Add new paragraphs (e)(73), (74), (75), (76), and (77)
■ e. Revise paragraph (h) introductory text
■ f. Add new paragraphs (h)(20) and (h)(21)

The additions and revisions read as follows:

§ 1910.6 Incorporation by reference.

(a) * * *
(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).

(4) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In

addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).

(e) Except as noted, copies of the standards listed below in this paragraph are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4900; fax: 212-398-0023; Web site: http://www.ansi.org.

(60) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1910.136(b)(1)(ii). Copies of ANSI Z41-1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: http://www.nsc.org.

(61) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1910.136(b)(1)(iii). Copies of ANSI Z41-1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: http://www.nsc.org.

(67) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for §§ 1910.133(b)(1)(i) and 1910.252(b)(2)(ii)(I)(J). Copies of ANSI Z87.1-2003 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929; or from the International Safety Equipment Association (ISEA), 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: http://www.safetyequipment.org.

(68) ANSI Z87.1-1989 (R-1998), American National Standard Practice for

Occupational and Educational Eye and Face Protection; IBR approved for § 1910.133(b)(1)(ii). Copies of ANSI Z87.1-1989 (R-1998) are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(69) ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1910.133(b)(1)(iii). Copies of ANSI Z87.1-1989 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(70) ANSI Z88.2-1969, Practices for Respiratory Protection; IBR approved for §§ 1910.94(c)(6)(iii)(a), 1910.134(c); and 1910.261(a)(3)(xxvi), (b)(2), (f)(5), (g)(15)(v), (h)(2)(iii), (h)(2)(iv), and (i)(4).

(71) ANSI Z89.1-2003, American National Standard for Industrial Head Protection; IBR approved for § 1910.135(b)(1)(i). Copies of ANSI Z89.1-2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: http://www.safetysiteequipment.org.

(72) ANSI Z89.1-1997, American National Standard for Industrial Head Protection; IBR approved for § 1910.135(b)(1)(ii). Copies of ANSI Z89.1-1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: http://www.safetysiteequipment.org.

(73) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1910.135(b)(1)(iii).

(74) ANSI Z41.1-1967 Men's Safety Toe Footwear; IBR approved for § 1910.261(i)(4).

(75) ANSI Z87.1-1968 Practice of Occupational and Educational Eye and Face Protection; IBR approved for § 1910.261(a)(3)(xxv), (d)(1)(ii), (f)(5), (g)(1), (g)(15)(v), (g)(18)(ii), and (i)(4).

(76) ANSI Z89.1-1969 Safety Requirements for Industrial Head Protection; IBR approved for § 1910.261(a)(3)(xxvii), (b)(2), (g)(15)(v), and (i)(4).

(77) ANSI Z89.2-1971 Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B; IBR approved for § 1910.268(i)(1).

* * * * *

(h) Copies of the standards listed below in this paragraph are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: 610-832-9585; fax: 610-832-9555; e-mail: service@astm.org; Web site: <http://www.astm.org>.

(20) ASTM F-2412-2005, Standard Test Methods for Foot Protection; IBR approved for § 1910.136(b)(1)(i).

(21) ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear; IBR approved for § 1910.136(b)(1)(i).

* * * * *

Subpart G—[Amended]

■ 3. The authority citation for subpart G 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, 657); Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

■ 4. Revise paragraph (a)(5)(v)(a) of § 1910.94 to read as follows:

§ 1910.94 Ventilation.

- (a) * * *
- (5) * * *
- (v) * * *

(a) Protective footwear must comply with the requirements specified by 29 CFR 1910.136(b)(1).

* * * * *

Subpart I—[Amended]

■ 5. Revise the authority citation for subpart I of part 1910 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, 657); Secretary of Labor's Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable.

Sections 1910.132, 1910.134, and 1910.138 of 29 CFR also issued under 29 CFR part 1911.

Sections 1910.133, 1910.135, and 1910.136 of 29 CFR also issued under 29 CFR part 1911 and 5 U.S.C. 553.

■ 6. Revise paragraph (b) of § 1910.133 to read as follows:

§ 1910.133 Eye and face protection.

* * * * *

(b) *Criteria for protective eye and face protection.* (1) Protective eye and face protection devices must comply with

any of the following consensus standards:

(i) ANSI Z87.1-2003, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1910.6;

(ii) ANSI Z87.1-1989 (R-1998), "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1910.6;

(iii) ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1910.6.

(2) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

* * * * *

■ 7. Revise paragraph (b) of § 1910.135 to read as follows:

§ 1910.135 Head protection.

* * * * *

(b) *Criteria for head protection.* (1) Head protection must comply with any of the following consensus standards:

(i) ANSI Z89.1-2003, "American National Standard for Industrial Head Protection," which is incorporated by reference in § 1910.6;

(ii) ANSI Z89.1-1997, "American National Standard for Industrial Head Protection," which is incorporated by reference in § 1910.6; or

(iii) ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference in § 1910.6.

(2) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 8. Revise paragraph (b) of § 1910.136 to read as follows:

§ 1910.136 Foot protection.

* * * * *

(b) *Criteria for protective footwear.* (1) Protective footwear must comply with any of the following consensus standards:

(i) ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance

Requirements for Protective Footwear,” which are incorporated by reference in § 1910.6;

(ii) ANSI Z41-1999, “American National Standard for Personal Protection—Protective Footwear,” which is incorporated by reference in § 1910.6; or

(iii) ANSI Z41-1991, “American National Standard for Personal Protection—Protective Footwear,” which is incorporated by reference in § 1910.6.

(2) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 9. Add a paragraph at the end of paragraph 9 in Appendix B to subpart I that reads as follows:

Appendix B to Subpart I to Part 1910—Non-Mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection

* * * * *

9. *Selection guidelines for head protection.*

* * *

Beginning with the ANSI Z89.1-1997 standard, ANSI updated the classification system for protective helmets. Prior revisions used type classifications to distinguish between caps and full brimmed hats. Beginning in 1997, Type I designated helmets designed to reduce the force of impact resulting from a blow only to the top of the head, while Type II designated helmets designed to reduce the force of impact resulting from a blow to the top or sides of the head. Accordingly, if a hazard assessment indicates that lateral impact to the head is foreseeable, employers must select Type II helmets for their employees. To improve comprehension and usefulness, the 1997 revision also redesignated the electrical-protective classifications for helmets as follows: “Class G—General”; helmets designed to reduce the danger of contact with low-voltage conductors; “Class E—Electrical”; helmets designed to reduce the danger of contact with conductors at higher voltage levels; and “Class C—Conductive”; helmets that provide no protection against contact with electrical hazards.

* * * * *

Subpart Q—[Amended]

■ 10. The authority citation for subpart Q 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, 657); Secretary of Labor’s Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

■ 11. Revise paragraph (b)(2)(ii)(I) of § 1910.252 to read as follows:

§ 1910.252 General requirements.

* * * * *

(b) * * * *

(2) * * * *

(ii) * * * *

(I) Filter lenses must meet the test for transmission of radiant energy prescribed by any of the consensus standards listed in 29 CFR 1910.133(b)(1).

* * * * *

PART 1915—[AMENDED]

■ 12. The authority citation for part 1915 continues to read as follows:

Authority: Section 41, Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 941); Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor’s Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

Subpart A—[Amended]

■ 13. Amend § 1915.5 as follows:

- a. Revise paragraphs (b) and (c).
- b. Revise paragraph (d)(1) introductory text.
- c. Revise paragraphs (d)(1)(iv) through (d)(1)(ix).
- c. Add new paragraphs (d)(1)(x), and (d)(1)(xi).
- d. Add new paragraph (d)(5).

The revision and additions read as follows:

§ 1915.5 Incorporation by reference.

* * * * *

(b)(1) The standards listed in paragraph (d) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the **Federal Register**. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).

(c) Copies of standards listed in this section and issued by private standards

organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).

(d)(1) Except as noted, copies of the standards listed below in this paragraph are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4900; fax: 212-398-0023; Web site: <http://www.ansi.org>.

* * * * *

(iv) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1915.156(b)(1)(ii). Copies of ANSI Z41-1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(v) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1915.156(b)(1)(iii). Copies of ANSI Z41-1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(vi) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1915.153(b)(1)(i). Copies of ANSI Z87.1-2003 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929; or from the International Safety Equipment Association (ISEA), 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetysitequipment.org>.

(vii) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1915.153(b)(1)(ii). Copies of ANSI Z87.1-1989 (R-1998) are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(viii) ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1915.153(b)(1)(iii).

(ix) ANSI Z89.1-2003, American National Standard for Industrial Head Protection; IBR approved for § 1915.155(b)(1)(i). Copies of ANSI Z89.1-2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetysafetyequipment.org>.

(x) ANSI Z89.1-1997, American National Standard for Industrial Head Protection; IBR approved for § 1915.155(b)(1)(ii). Copies of ANSI Z89.1-1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetysafetyequipment.org>.

(xi) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1915.155(b)(1)(iii).

(5) Copies of the standards listed below in this paragraph are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: 610-832-9585; fax: 610-832-9555; e-mail: serviceastm.org; Web site: <http://www.astm.org>.

(i) ASTM F-2412-2005, Standard Test Methods for Foot Protection; IBR approved for § 1915.156(b)(1)(i).

(ii) ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear; IBR approved for § 1915.156(b)(1)(i).

Subpart I—[Amended]

■ 14. Revise paragraph (b) of § 1915.153 to read as follows:

§ 1915.153 Eye and face protection.

(b) *Criteria for protective eye and face devices.* (1) Protective eye and face protection devices must comply with

any of the following consensus standards:

(i) ANSI Z87.1-2003, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1915.5;

(ii) ANSI Z87.1-1989 (R-1998), “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1915.5;

(iii) ANSI Z87.1-1989, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1915.5.

(2) Eye and face protection devices that the employer demonstrates are at least as effective as protective as eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 15. Revise paragraph (b) of § 1915.155 to read as follows:

§ 1915.155 Head protection.

(b) *Criteria for protective helmets.* (1) Head protection must comply with any of the following consensus standards:

(i) ANSI Z89.1-2003, “American National Standard for Industrial Head Protection,” which is incorporated by reference in § 1915.5;

(ii) ANSI Z89.1-1997, “American National Standard for Industrial Head Protection,” which is incorporated by reference in § 1915.5; or

(iii) ANSI Z89.1-1986, “American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements,” which is incorporated by reference in § 1915.5.

(2) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 16. Revise paragraph (b) of § 1915.156 to read as follows:

§ 1915.156 Foot protection.

(b) *Criteria for protective footwear.* (1) Protective footwear must comply with any of the following consensus standards:

(i) ASTM F-2412-2005, “Standard Test Methods for Foot Protection,” and ASTM F-2413-2005, “Standard Specification for Performance Requirements for Protective Footwear,”

which are incorporated by reference in § 1915.5;

(ii) ANSI Z41-1999, “American National Standard for Personal Protection—Protective Footwear,” which is incorporated by reference in § 1915.5; or

(iii) ANSI Z41-1991, “American National Standard for Personal Protection—Protective Footwear,” which is incorporated by reference in § 1915.5.

(2) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

PART 1917—[AMENDED]

■ 17. Revise the authority citation for part 1917 to read as follows:

Authority: Section 41, Longshore and Harbor Worker’s Compensation Act (33 U.S.C. 941); Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor’s Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

Subpart A—[Amended]

■ 18. Amend 1917.3 as follows:

■ a. Revise paragraphs (a)(2), (a)(3), and (a)(4).

■ b. Revise paragraph (b) introductory text.

■ c. Revise paragraphs (b)(4) through (b)(7).

■ d. Add new paragraphs (b)(8) through (b)(12).

■ e. Add new paragraph (c).

The revisions and additions read as follows:

§ 1917.3 Incorporation by reference.

(a) * * *

(2) The standards listed in paragraph (b) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any change in these standards will be published in the **Federal Register**. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health

Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).

(4) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the material is available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).

(b) Except as noted, copies of the standards listed below in this paragraph are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4900; fax: 212-398-0023; Web site: <http://www.ansi.org>.

(4) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1917.94(b)(1)(ii). Copies of ANSI Z41-1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(5) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1917.94(b)(1)(iii). Copies of ANSI Z41-1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(6) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1917.91(a)(1)(i)(A). Copies of ANSI Z87.1-2003 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929; or from the International Safety Equipment

Association (ISEA), 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(7) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1917.91(a)(1)(i)(B). Copies of ANSI Z87.1-1989 (R-1998) are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(8) ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1917.91(a)(1)(i)(C). Copies of ANSI Z87.1-1989 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(9) ANSI Z89.1-2003, American National Standard for Industrial Head Protection; IBR approved for § 1917.93(b)(1)(i). Copies of ANSI Z89.1-2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(10) ANSI Z89.1-1997, American National Standard for Industrial Head Protection; IBR approved for § 1917.93(b)(1)(ii). Copies of ANSI Z89.1-1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(11) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1917.93(b)(1)(iii).

(12) ASME B56.1, 1959, Safety Code for Powered Industrial Trucks, pages 8 and 13; IBR approved for § 1917.50(j)(1). (c) Copies of the following standards are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: 610-832-9585; fax: 610-832-9555; e-mail: serviceastm.org; Web site: <http://www.astm.org>.

(1) ASTM F-2412-2005, Standard Test Methods for Foot Protection; IBR approved for § 1917.94(b)(1)(i).

(2) ASTM F-2413-2005, Standard Specification for Performance

Requirements for Protective Footwear; IBR approved for § 1917.94(b)(1)(i).

Subpart E—[Amended]

■ 19. Revise paragraph (a)(1) of § 1917.91 to read as follows:

§ 1917.91 Eye and face protection.

(a)(1)(i) The employer shall ensure that each affected employee uses protective eye and face protection devices that comply with any of the following consensus standards:

(A) ANSI Z87.1-2003, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1917.3;

(B) ANSI Z87.1-1989 (R-1998), “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1917.3; or

(C) ANSI Z87.1-1989, “American National Standard Practice for Occupational and Educational Eye and Face Protection,” which is incorporated by reference in § 1917.3.

(ii) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 20. Revise paragraph (b) of § 1917.93 to read as follows:

§ 1917.93 Head protection.

(b)(1) The employer must ensure that head protection complies with any of the following consensus standards:

(i) ANSI Z89.1-2003, “American National Standard for Industrial Head Protection,” which is incorporated by reference in § 1917.3;

(ii) ANSI Z89.1-1997, “American National Standard for Industrial Head Protection,” which is incorporated by reference in § 1917.3; or

(iii) ANSI Z89.1-1986, “American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements,” which is incorporated by reference in § 1917.3.

(2) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

■ 21. Revise paragraph (b) of § 1917.94 to read as follows:

§ 1917.94 Foot protection.

* * * * *

(b)(1) The employer must ensure that protective footwear complies with any of the following consensus standards:

(i) ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," which are incorporated by reference in § 1917.3;

(ii) ANSI Z41-1999, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1917.3; or

(iii) ANSI Z41-1991, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1917.3.

(2) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

PART 1918—[AMENDED]

■ 22. Revise the authority citation for part 1918 to read as follows:

Authority: Section 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor Orders 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

Subpart A—[Amended]

- 23. Amend 1918.3 as follows:
 - a. Revise paragraphs (a)(2), (a)(3), and (a)(4).
 - b. Revise paragraph (b) introductory text.
 - c. Revise paragraphs (b)(4) through (b)(6).
 - d. Add new paragraphs (b)(7) through (b)(11).
 - e. Add new paragraph (c).
- The revisions and additions read as follows:

§ 1918.3 Incorporation by reference.

(a) * * *

(2) The standards listed in paragraph (b) of this section are incorporated by reference in the corresponding sections noted as the sections exist on the date of the approval, and a notice of any

change in these standards will be published in the **Federal Register**. The Director of the Federal Register approved these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).

(4) Copies of standards listed in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, telephone: 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, the standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627). (b) Except as noted, copies of the standards listed below in this paragraph are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4900; fax: 212-398-0023; Web site:

* * * * *

(4) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1918.104(b)(1)(ii). Copies of ANSI Z41-1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(5) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear; IBR approved for § 1918.104(b)(1)(iii). Copies of ANSI Z41-1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: <http://www.nsc.org>.

(6) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1918.101(a)(1)(i)(A). Copies of ANSI Z87.1-2003 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929; or from the International Safety Equipment Association (ISEA), 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(7) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1918.101(a)(1)(i)(B). Copies of ANSI Z87.1-1989 (R1998) are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(8) ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection; IBR approved for § 1918.101(a)(1)(i)(C). Copies of ANSI Z87.1-1989 are available for purchase only from the American Society of Safety Engineers, 1800 East Oakton Street, Des Plaines, IL 60018-2187; telephone: 847-699-2929.

(9) ANSI Z89.1-2003, American National Standard for Industrial Head Protection; IBR approved for § 1918.103(b)(1)(i). Copies of ANSI Z89.1-2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(10) ANSI Z89.1-1997, American National Standard for Industrial Head Protection; IBR approved for § 1918.103(b)(1)(ii). Copies of ANSI Z89.1-1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: <http://www.safetyequipment.org>.

(11) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1918.103(b)(1)(iii).

(c) Copies of the following standards are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone: 610-832-9585; fax: 610-832-9555; e-mail:

seviceastm.org; Web site: <http://www.astm.org>.

(1) ASTM F-2412-2005, Standard Test Methods for Foot Protection; IBR approved for § 1917.94(b)(1)(i).

(2) ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear; IBR approved for § 1917.94(b)(1)(i).

Subpart J—[Amended]

■ 24. Revise paragraph (a)(1) of § 1918.101 to read as follows:

§ 1918.101 Eye and face protection.

(a) * * *
(1)(i) Employers must ensure that each employee uses appropriate eye and/or face protection when the employee is exposed to an eye or face hazard, and that protective eye and face devices comply with any of the following consensus standards:

(A) ANSI Z87.1-2003, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1918.3;

(B) ANSI Z87.1-1989 (R1998), "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1918.3; or

(C) ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," which is incorporated by reference in § 1918.3.

(ii) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

* * * * *

■ 25. Revise paragraph (b) of § 1918.103 to read as follows:

§ 1918.103 Head protection.

(b)(1) The employer must ensure that head protection complies with any of the following consensus standards:

(i) ANSI Z89.1-2003, "American National Standard for Industrial Head Protection," which is incorporated by reference in § 1918.3;

(ii) ANSI Z89.1-1997, "American National Standard for Industrial Head Protection," which is incorporated by reference in § 1918.3; or

(iii) ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference in § 1918.3.

(2) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

* * * * *

■ 26. Revise paragraph (b) of § 1918.104 to read as follows:

§ 1918.104 Foot protection.

* * * * *

(b)(1) The employer must ensure that protective footwear complies with any of the following consensus standards:

(i) ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," which are incorporated by reference in § 1918.3;

(ii) ANSI Z41-1999, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1918.3; or

(iii) ANSI Z41-1991, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1918.3.

(2) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

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