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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(s)	16VAC25-90-1910.1043
Regulation title(s)	Cotton Dust Standard for General Industry
Action title	Amendment to the Cotton Dust Standard for General Industry, CFR Correction
Final agency action date	November 8, 2018
Date this document prepared	November 14, 2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations published in the Federal Register by the executive departments and agencies of the federal government of the United States. CFR Title 29 contains the principal set of rules and regulations issued by federal agencies regarding labor. Virginia Occupational Safety and Health standard, §1910.1043, is equivalent to 29 CFR 1910.1043.

Paragraph (i)(1) of §1910.1043 requires the employer to train each employee exposed to cotton dust, in accordance with the requirements of the section, and to institute a training program and ensure employee participation in the program. This amendment removes subparagraph (i)(1)(i)(A) through (F) of §1910.1043, which detailed the components for the employer’s education and training program for employees exposed to cotton dust, including the following:

- (A) Acute and long term health hazards associated with cotton dust;
- (B) Names and descriptions of jobs and processes which could result in exposure to cotton dust at or above the PEL;
- (C) Measures, including work practices necessary to protect the employee from exposures in excess of the permissible exposure limit;
- (D) Purpose, proper use and limitations of respirators as required by §1910.1043(f);
- (E) Purpose for and a description of the medical surveillance program, required by §1910.1043(h), and
- (F) Other information in the standard and its appendices to aid exposed employees in understanding the hazards of cotton dust exposure.

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 November 8, 2018, the Safety and Health Codes Board adopted federal OSHA’s Code of Federal Regulations (CFR) Correction to the Amendment to the Cotton Dust Standard, §1910.1043, with an effective date of February 15, 2019.

To access the Code of Federal Regulations (CFR) Correction to the Cotton Dust Standard for General Industry, please click on the link below:

<https://www.osha.gov/sites/default/files/laws-regs/federalregister/2018-06-27.pdf>

Amendment to the Cotton Dust Standard for General Industry, §1910.1043 – CFR Correction

As Adopted by the
Safety and Health Codes Board

Date: November 8, 2018



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: February 15, 2019

16VAC25-90-1910.1043, Cotton Dust Standard for General Industry, §1910.1043

When the regulations, as set forth in the Amendment to the Cotton Dust standard for General Industry, §1910.1043, 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

June 27, 2018

February 15, 2019



DEPARTMENT OF LABOR

**Occupational Safety and Health
Administration**

29 CFR Part 1910

**Occupational Safety and Health
Standards**

CFR Correction

§ 1910.1043 [Amended]

■ In Title 29 of the Code of Federal Regulations, Part 1910 (§ 1910.1000 to end of part 1910), revised as of July 1, 2017, on page 297, paragraphs § 1910.1043(i)(1)(i)(A) through (F) are removed.

[FR Doc. 2018-13909 Filed 6-26-18; 8:45 am]

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