



Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 12-125

ISSUED: April 1, 1995

SUBJECT: Retention of Department of Transportation (DOT) Markings, Placards, and Labels: §§1910.1201, 1915.100, 1917.29, 1918.100, and 1926.61

A. Purpose.

This directive transmits to field personnel the above-referenced separate but identical standards for general industry (§1910.1201), shipyards (§1915.100), marine terminals (§1917.29), longshoring (§1918.100), and construction (§1926.60).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel, and specifically to Occupational Health Enforcement and Consultation Services personnel.

C. Action.

The Deputy Commissioner, directors and supervisors shall assure that field personnel and employers understand and comply with the provisions of these standards.

D. Effective Date.

June 1, 1995

E. Expiration Date.

Not Applicable.

F. Background.

In November 1988, six Kansas City, Missouri firemen were killed when the arson-caused fire which they were fighting caused the violent explosion of an unmarked truck-trailer parked at a highway construction site. Because the trailer's hazardous materials placards had been removed, the firefighters were unaware of the danger it posed. On November 17, 1990, as a direct result of this accident, Congress enacted the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), Public Law 101-615.

HMTUSA mandated that the Secretaries of Labor, Transportation and the Treasury cooperate with each other to ensure that placards and labels required on hazardous materials and explosives, both in transportation and at stationary facilities, be retained until such materials have been removed to the extent that they no longer pose a safety risk.

In response to the congressional mandate, OSHA issued a proposed rule to address HMTUSA requirements on September 10, 1993.

G. Summary.

In accordance with regulations issued under the federal Hazardous Materials Transportation Act of 1990 (HMTUSA), the new and revised standards require employers who receive hazardous materials to retain Department of Transportation (DOT) labeling on packages, freight containers, motor vehicles, rail freight cars, or transport vehicles which contain hazardous materials. Such markings, placards and labels generally must be retained on packages until the packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazards. Additionally, the markings, placards and labels must be retained on transport vehicles, freight containers, motor vehicles or rail freight cars until hazardous material which requires the marking or placarding is removed from the vehicles.

Theron J. Bell
Commissioner

E-Attachment: 59 Fed. Reg. 36695 (July 19,1994)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13396&p_text_version=FALSE

Distribution: Commissioner of Labor and Industry
Deputy Commissioner
Directors and Supervisors
Consultation Services Staff
Training Staff
OSHA Regional Administrator, Region III

RETENTION OF DOT MARKINGS, PLACARDS, AND LABELS, FINAL RULE:

General Industry Standard, 1910.1201;
Shipyard Employment Standard, 1915.100;
Marine Terminals Standard, 1917.29;
Longshoring Standard, 1918.100; and
Construction Industry Standard, 1926.61

As adopted by the
SAFETY AND HEALTH CODES BOARD

Date: December 19, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Effective Date: June 1, 1995

Retention of Department of Transportation (DOT) Markings,
Placards, and Labels:

General Industry Standard, 1910.1201 (425-02-179)
Shipyard Employment Standard, 1915.100 (425-02-180)
Marine Terminals Standard, 1917.29 (425-02-03)
Longshoring Standard, 1918.100 (425-02-181); and
Construction Industry Standard, 1926.61 (425-02-182)

When the regulations, as set forth in the Occupational Safety and Health Standard for Retention of DOT Markings, Placards, and Labels, Final Rule, for General Industry Standard, §1910.1201; Shipyard Employment Standard, §1915.100; Marine Terminals, §1917.29; Longshoring Standard, §1918.100; and Construction Industry Standard, §1926.61, 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 17, 1994

June 1, 1995