§ 1910.1028 Benzene.
§ 1910.1029 Coke oven emissions.
§ 1910.1030 Bloodborne pathogens.
§ 1910.1043 Cotton dust.
§ 1910.1044 1,2-dibromo-3-chloropropane.
§ 1910.1045 Acrylonitrile.
§ 1910.1047 Ethylene oxide.
§ 1910.1048 Formaldehyde.
§ 1910.1050 Methylenedianiline.
§ 1910.1051 1,3-Butadiene.
§ 1910.1052 Methylene chloride.
§ 1910.1053 Respirable crystalline silica.
§ 1910.1096 Ionizing radiation.
§ 1910.1200 Hazard communication.
§ 1910.1201 Retention of DOT markings, placards and labels.
§ 1910.1450 Occupational exposure to hazardous chemicals in laboratories.
§§ 1910.1451-1910.1499 [Reserved]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Editorial Note: Nomenclature changes to part 1910 appear at 84 FR 21597, May 14, 2019.

Authority: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 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), 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), 1-2012 (77 FR 3912), 08-2020 (85 FR 58393), or 07-2025 (90 FR 27878); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

Source: 39 FR 23502, June 27, 1974, unless otherwise noted.

Source: 39 FR 23502, June 27, 1974, unless otherwise noted. Redesignated at 40 FR 23072, May 28, 1975.

Subpart A—General

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 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), 5-2007 (72 FR 31159), 4-2010 (75 FR 55355), or 1-2012 (77 FR 3912), as applicable.
Sections 1910.6, 1910.7, 1910.8 and 1910.9 also issued under 29 CFR 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); Public Law 11-8 and 111-317; and OMB Circular A-25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

§ 1910.1 Purpose and scope.

(a) Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) provides that "without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national concensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees." The legislative purpose of this provision is to establish, as rapidly as possible and without regard to the rule-making provisions of the Administrative Procedure Act, standards with which industries are generally familiar, and on whose adoption interested and affected persons have already had an opportunity to express their views. Such standards are either

(1) national concensus standards on whose adoption affected persons have reached substantial agreement, or

(2) Federal standards already established by Federal statutes or regulations.

(b) This part carries out the directive to the Secretary of Labor under section 6(a) of the Act. It contains occupational safety and health standards which have been found to be national consensus standards or established Federal standards.

§ 1910.2 Definitions.

As used in this part, unless the context clearly requires otherwise:

(a) ***Act*** means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) ***Assistant Secretary of Labor*** means the Assistant Secretary of Labor for Occupational Safety and Health;

(c) ***Employer*** means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State;

(d) ***Employee*** means an employee of an employer who is employed in a business of his employer which affects commerce;

(e) ***Commerce*** means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof;

(f) ***Standard*** means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment;

(g) ***National consensus standard*** means any standard or modification thereof which

(1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary of Labor or by the Assistant Secretary of Labor that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption,

(2) was formulated in a manner which afforded an opportunity for diverse views to be considered, and

(3) has been designated as such a standard by the Secretary or the Assistant Secretary, after consultation with other appropriate Federal agencies; and

(h) *Established Federal standard* means any operative standard established by any agency of the United States and in effect on April 28, 1971, or contained in any Act of Congress in force on the date of enactment of the Williams-Steiger Occupational Safety and Health Act.

§ 1910.3 Petitions for the issuance, amendment, or repeal of a standard.

(a) Any interested person may petition in writing the Assistant Secretary of Labor to promulgate, modify, or revoke a standard. The petition should set forth the terms or the substance of the rule desired, the effects thereof if promulgated, and the reasons therefor.

(b)

(1) The relevant legislative history of the Act indicates congressional recognition of the American National Standards Institute and the National Fire Protection Association as the major sources of national consensus standards. National consensus standards adopted on May 29, 1971, pursuant to section 6(a) of the Act are from those two sources. However, any organization which deems itself a producer of national consensus standards, within the meaning of section 3(9) of the Act, is invited to submit in writing to the Assistant Secretary of Labor at any time prior to February 1, 1973, all relevant information which may enable the Assistant Secretary to determine whether any of its standards satisfy the requirements of the definition of "national consensus standard" in section 3(9) of the Act.

(2) Within a reasonable time after the receipt of a submission pursuant to paragraph (b)(1) of this section, the Assistant Secretary of Labor shall publish or cause to be published in the FEDERAL REGISTER a notice of such submission, and shall afford interested persons a reasonable opportunity to present written data, views, or arguments with regard to the question whether any standards of the organization making the submission are national consensus standards.

§ 1910.4 Amendments to this part.

(a) The Assistant Secretary of Labor shall have all of the authority of the Secretary of Labor under sections 3(9) and 6(a) of the Act.

(b) The Assistant Secretary of Labor may at any time before April 28, 1973, on his own motion or upon the written petition of any person, by rule promulgate as a standard any national consensus standard and any established Federal standard, pursuant to and in accordance with section 6(a) of the Act, and, in addition, may modify or revoke any standard in this part 1910. In the event of conflict among any such standards, the Assistant Secretary of Labor shall take the action necessary to eliminate the conflict, including the revocation or modification of a standard in this part, so as to assure the greatest protection of the safety or health of the affected employees.

§ 1910.5 Applicability of standards.

(a) Except as provided in paragraph (b) of this section, the standards contained in this Part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, and Johnston Island.

(b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c)

(1) If a particular standard is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise be applicable to the same condition, practice, means, method, operation, or process. For example, § 1915.23(c)(3) of this title prescribes personal protective equipment for certain ship repairmen working in specified areas. Such a standard shall apply, and shall not be deemed modified nor superseded by any different general standard whose provisions might otherwise be applicable, to the ship repairmen working in the areas specified in § 1915.23(c)(3).

(2) On the other hand, any standard shall apply according to its terms to any employment and place of employment in any industry, even though particular standards are also prescribed for the industry, as in subpart B or subpart R of this part, to the extent that none of such particular standards applies. To illustrate, the general standard regarding noise exposure in § 1910.95 applies to employments and places of employment in pulp, paper, and paperboard mills covered by § 1910.261.

(d) In the event a standard protects on its face a class of persons larger than employees, the standard shall be applicable under this part only to employees and their employment and places of employment.

(e) [Reserved]

(f) An employer who is in compliance with any standard in this part shall be deemed to be in compliance with the requirement of section 5(a)(1) of the Act, but only to the extent of the condition, practice, means, method, operation, or process covered by the standard.

[39 FR 23502, June 27, 1974, as amended at 58 FR 35308, June 30, 1993; 85 FR 8732, Feb. 18, 2020]

§ 1910.6 Incorporation by reference.

(a)

(1) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Occupational Safety and Health Administration (OSHA) must publish a document in the FEDERAL REGISTER and the material must be available to the public.

(i) The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (*i.e.,* provisions containing the word “shall” or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act.

(ii) 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 OSHA, U.S. Department of Labor, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).

(2) All approved incorporation by reference (IBR) material is available for inspection at OSHA and at the National Archives and Records Administration (NARA).

(i) Contact OSHA 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-3508, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627).

(ii) For information on the availability of these standards at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov*.

(3) The IBR material may be obtained from the sources in the following paragraphs of this section or from one or more private resellers listed in this paragraph (a)(3). For material that is no longer commercially available, contact OSHA (see paragraph (a)(2)(i) of this section).

(i) Accuris Standards Store, 321 Inverness Drive, South Englewood, CO 80112; phone: (800) 332-6077; website: *https://store.accuristech.com*.

(ii) American National Standards Institute (see paragraph (e) for contact information).

(iii) GlobalSpec, 257 Fuller Road, Suite NFE 1100, Albany, NY 12203-3621; phone: (800) 261-2052; website: *https://standards.globalspec.com*.

(iv) Nimonik Document Center, 401 Roland Way, Suite 224, Oakland, CA 94624; phone (650)591-7600; email: info@document-center.com; website: *www.document-center.com*.

(v) Techstreet, phone: (855) 999-9870; email: *store@techstreet.com*; website: *www.techstreet.com*.

(b) The following material is available for purchase from the American Conference of Governmental Industrial Hygienists (ACGIH), 1014 Broadway, Cincinnati OH 45202:

(1) "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995), incorporation by reference (IBR) approved for § 1910.124(b)(4)(iii).

(2) Threshold Limit Values and Biological Exposure Indices for 1986-87 (1986), IBR approved for § 1910.120, PEL definition.

(c) The following material is available for purchase from the American Society of Agricultural Engineers (ASAE), 2950 Niles Road, Post Office Box 229, St. Joseph, MI 49085:

(1) ASAE Emblem for Identifying Slow Moving Vehicles, ASAE S276.2 (1968), IBR approved for § 1910.145(d)(10).

(2) [Reserved]

(d) The following material is available for purchase from the Agriculture Ammonia Institute-Rubber Manufacturers (AAI-RMA) Association, 1400 K St. NW, Washington DC 20005:

(1) AAI-RMA Specifications for Anhydrous Ammonia Hose, IBR approved for § 1910.111(b)(8)(i).

(2) [Reserved]

(e) American National Standards Institute (ANSI), 25 West 43rd Street, Fourth Floor, New York, NY 10036-7417; phone: (212) 642-4980; email: *info@ansi.org*; website: *www.ansi.org*.

(1)-(2) [Reserved]

(3) ANSI A11.1-65 (R 70) Practice for Industrial Lighting, IBR approved for §§ 1910.219(c)(5)(iii); 1910.261 (a)(3)(i), (c)(10), and (k)(21); and 1910.265(c)(2).

(4) ANSI A11.1-65 Practice for Industrial Lighting, IBR approved for §§ 1910.262(c)(6) and 1910.265(d)(2)(i)(a).

(5) [Reserved]

(6) ANSI A13.1-56 Scheme for the Identification of Piping Systems, IBR approved for §§ 1910.253(d)(4)(ii); 1910.261(a)(3)(iii); 1910.262(c)(7).

(7) ANSI A14.1-68 Safety Code for Portable Wood Ladders, Supplemented by ANSI A14.1a-77, IBR approved for § 1910.261 (a)(3)(iv) and (c)(3)(i).

(8) ANSI A14.2-56 Safety Code for Portable Metal Ladders, Supplemented by ANSI A14.2a-77, IBR approved for § 1910.261 (a)(3)(v) and (c)(3)(i).

(9) ANSI A14.3-56 Safety Code for Fixed Ladders, IBR approved for §§ 1910.68(b)(4); and 1910.261 (a)(3)(vi) and (c)(3)(i).

(10) ANSI A17.1-65 Safety Code for Elevators, Dumbwaiters and Moving Walks, Including Supplements, A17.1a (1967); A17.1b (1968); A17.1c (1969); A17.1d (1970), IBR approved for § 1910.261 (a)(3)(vii), (g)(11)(i), and (l)(4).

(11) ANSI A17.2-60 Practice for the Inspection of Elevators, Including Supplements, A17.2a (1965), A17.2b (1967), IBR approved for § 1910.261(a)(3)(viii).

(12) ANSI A90.1-69 Safety Standard for Manlifts, IBR approved for § 1910.68(b)(3).

(13) ANSI A92.2-69 Standard for Vehicle Mounted Elevating and Rotating Work Platforms, IBR approved for § 1910.67 (b)(1), (2), (c)(3), and (4) and 1910.268(s)(1)(v).

(14) ANSI A120.1-70 Safety Code for Powered Platforms for Exterior Building Maintenance, IBR approved for § 1910.66 app. D (b) through (d).

(15) ANSI B7.1-70 Safety Code for the Use, Care and Protection of Abrasive Wheels, IBR approved for §§ 1910.215(b)(12) and 1910.218(j).

(16) ANSI B15.1-53 (R 58) Safety Code for Mechanical Power Transmission Apparatus, IBR approved for §§ 1910.68(b)(4) and 1910.261 (a)(3)(ix), (b)(1), (e)(3), (e)(9), (f)(4), (j)(5)(iv), (k)(12), and (l)(3).

(17) ANSI B20.1-57 Safety Code for Conveyors, Cableways, and Related Equipment, IBR approved for §§ 1910.218(j)(3); 1910.261 (a)(3)(x), (b)(1), (c)(15)(iv), (f)(4), and (j)(2); 1910.265(c)(18)(i).

(18) ANSI B30.2-43 (R 52) Safety Code for Cranes, Derricks, and Hoists, IBR approved for § 1910.261 (a)(3)(xi), (c)(2)(vi), and (c)(8) (i) and (iv).

(19) ANSI B30.2.0-67 Safety Code for Overhead and Gantry Cranes, IBR approved for §§ 1910.179(b)(2); 1910.261 (a)(3)(xii), (c)(2)(v), and (c)(8) (i) and (iv).

(20) ANSI B30.5-68 Safety Code for Crawler, Locomotive, and Truck Cranes, IBR approved for §§ 1910.180(b)(2) and 1910.261(a)(3)(xiii).

(21) ANSI B30.6-69 Safety Code for Derricks, IBR approved for §§ 1910.181(b)(2) and 1910.268(j)(4)(iv)(E) and (H).

(22) ANSI B31.1-55 Code for Pressure Piping, IBR approved for § 1910.261(g)(18)(iii).

(23) ANSI B31.1-67, IBR approved for § 1910.253(d)(1)(i)(A)

(24) ANSI B31.1a-63 Addenda to ANSI B31.1 (1955), IBR approved for § 1910.261(g)(18)(iii).

(25) ANSI B31.1-67 and Addenda B31.1 (1969) Code for Pressure Piping, IBR approved for §§ 1910.103(b)(1)(iii)(b); 1910.104(b)(5)(ii); 1910.218 (d)(4) and (e)(1)(iv); and 1910.261 (a)(3)(xiv) and (g)(18)(iii).

(26) ANSI B31.2-68 Fuel Gas Piping, IBR approved for § 1910.261(g)(18)(iii).

(27) ANSI B31.3-66 Petroleum Refinery Piping, IBR approved for § 1910.103(b)(3)(v)(b).

(28) ANSI B31.5-66 Addenda B31.5a (1968) Refrigeration Piping, IB approved for §§ 1910.103(b)(3)(v)(b) and 1910.111(b)(7)(iii).

(29) ANSI B56.1-69 Safety Standard for Powered Industrial Trucks, IBR approved for §§ 1910.178(a) (2) and (3) and 1910.261 (a)(3)(xv), (b)(6), (m)(2), and (m)(5)(iii).

(30) ANSI B57.1-65 Compressed Gas Cylinder Valve Outlet and Inlet Connections, IBR approved for § 1910.253(b)(1)(iii).

(31) [Reserved]

(32) ANSI B175.1-1991, Safety Requirements for Gasoline-Powered Chain Saws 1910.266(e)(2)(i).

(33) [Reserved]

(34) ANSI C33.2-56 Safety Standard for Transformer-Type Arc Welding Machines, IBR approved for § 1910.254(b)(1).

(35) [Reserved]

(36) ANSI H23.1-70 Seamless Copper Water Tube Specification, IBR approved for § 1910.110(b) (8)(ii) and (13)(ii)(b)(1).

(37) ANSI H38.7-69 Specification for Aluminum Alloy Seamless Pipe and Seamless Extruded Tube, IBR approved for § 1910.110(b)(8)(i).

(38) ANSI J6.4-71 Standard Specification for Rubber Insulating Blankets, IBR approved for § 1910.268 (f)(1) and (n)(11)(v).

(39) ANSI J6.6-71 Standard Specification for Rubber Insulating Gloves, IBR approved for § 1910.268 (f)(1) and (n)(11)(iv).

(40) ANSI K13.1-67 Identification of Gas Mask Canisters, IBR approved for § 1910.261 (a)(3)(xvi) and (h)(2)(iii).

(41) ANSI K61.1-60 Safety Requirements for the Storage and Handling of Anhydrous Ammonia, IBR approved for § 1910.111(b)(11)(i).

(42) ANSI K61.1-66 Safety Requirements for the Storage and Handling of Anhydrous Ammonia, IBR approved for § 1910.111(b)(11)(i).

(43) ANSI O1.1-54 (R 61) Safety Code for Woodworking Machinery, IBR approved for § 1910.261 (a)(3)(xvii), (e)(7), and (i)(2).

(44) ANSI S1.4-71 (R 76) Specification for Sound Level Meters, IBR approved for § 1910.95 appendixes D and I.

(45) ANSI S1.11-71 (R 76) Specification for Octave, Half-Octave and Third-Octave Band Filter Sets, IBR approved for § 1910.95 appendix D.

(46) ANSI S3.6-69 Specifications for Audiometers, IBR approved for § 1910.95(h)(2) and (5)(ii) and appendix D.

(47) ANSI Z4.1-68 Requirements for Sanitation in Places of Employment, IBR approved for § 1910.261 (a)(3)(xviii) and (g)(15)(vi).

(48) [Reserved]

(49) ANSI Z9.1-51 Safety Code for Ventilation and Operation of Open Surface Tanks, IBR approved for 1910.261(a)(3)(xix), (g)(18)(v), and (h)(2)(i).

(50) ANSI Z9.1-71 Practices for Ventilation and Operation of Open-Surface Tanks, IBR approved for § 1910.124(b)(4)(iv).

(51) ANSI Z9.2-60 Fundamentals Governing the Design and Operation of Local Exhaust Systems, IBR approved for §§ 1910.94(a)(4)(i) introductory text, (a)(6) introductory text, (b)(3)(ix), (b)(4)(i) and (ii), (c)(3)(i) introductory text, (c)(5)(iii)(b), and (c)(7)(iv)(a); 1910.261(a)(3)(xx), (g)(1)(i) and (iii), and (h)(2)(ii).

(52) ANSI Z9.2-79 Fundamentals Governing the Design and Operation of Local Exhaust Systems, IBR approved for § 1910.124(b)(4)(i).

(53) ANSI Z12.12-68 Standard for the Prevention of Sulfur Fires and Explosions, IBR approved for § 1910.261 (a)(3)(xxi), (d)(1)(i), (f)(2)(iv), and (g)(1)(i).

(54) ANSI Z12.20-62 (R 69) Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, IBR approved for § 1910.265(c)(20)(i).

(55) ANSI Z21.30-64 Requirements for Gas Appliances and Gas Piping Installations, IBR approved for § 1910.265(c)(15).

(56) ANSI Z24.22-57 Method of Measurement of Real-Ear Attenuation of Ear Protectors at Threshold, IBR approved for § 1910.261(a)(3)(xxii).

(57) ANSI Z33.1-61 Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, IBR approved for §§ 1910.94(a)(4)(i); 1910.261 (a)(3)(xxiii) and (f)(5); and 1910.265(c)(20)(i).

(58) ANSI Z33.1-66 Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, IBR approved for § 1910.94(a)(2)(ii).

(59) ANSI Z35.1-1968, Specifications for Accident Prevention Signs; IBR approved for § 1910.261(c). Copies available for purchase from the IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 1-877-413-5184; Web site: *www.global.ihs.com*.

(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*.

(62)-(63) [Reserved]

(64) ANSI Z49.1-67 Safety in Welding and Cutting, IBR approved for § 1910.252(c)(1)(iv) (A) and (B).

(65) USAS Z53.1-1967 (also referred to as ANSI Z53.1-1967), Safety Color Code for Marking Physical Hazards, ANSI approved October 9, 1967; IBR approved for § 1910.97(a) and 1910.145(d). Copies available for purchase from the IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 1-877-413-5184; Web site: *www.global.ihs.com*.

(66) ANSI Z535.1-2006 (R2011), Safety Colors, reaffirmed July 19, 2011; IBR approved for §§ 1910.97(a) and 1910.145(d). Copies available for purchase from the:

(i) American National Standards Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4980; Web site: *http://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 877-413-5184; Web site: *www.global.ihs.com;* or

(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: 877-699-9277; Web site: *www.techstreet.com*.

(67) ANSI Z535.2-2011, Environmental and Facility Safety Signs, published September 15, 2011; IBR approved for § 1910.261(c). Copies available for purchase from the:

(i) American National Standards Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4980; Web site: *http://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 877-413-5184; Web site: *www.global.ihs.com;* or

(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: 877-699-9277; Web site: *www.techstreet.com*.

(68) ANSI Z54.1-63 Safety Standard for Non-Medical X-Ray and Sealed Gamma Ray Sources, IBR approved for § 1910.252(d) (1)(vii) and (2)(ii).

(69) ANSI/ISEA Z87.1-2010, Occupational and Educational Personal Eye and Face Protection Devices, Approved April 13, 2010; IBR approved for § 1910.133(b). Copies are available for purchase from:

(i) American National Standards Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or

(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com*.

(70) ANSI Z87.1-2003, Occupational and Educational Eye and Face Personal Protection Devices Approved June 19, 2003; IBR approved for §§ 1910.133(b). Copies available for purchase from the:

(i) American National Standards Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/;*

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or

(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com*.

(71) ANSI Z87.1-1989 (R-1998), Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for § 1910.133(b). Copies are available for purchase from:

(i) American National Standards Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/*;

(ii) IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or

(iii) TechStreet Store, 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com*.

(72) 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).

(73) American National Standards Institute (ANSI) Z89.1-2009, American National Standard for Industrial Head Protection, approved January 26, 2009; IBR approved for § 1910.135(b)(1)(i). Copies of ANSI Z89.1-2009 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: *www.safetyequipment.org*.

(74) American National Standards Institute (ANSI) Z89.1-2003, American National Standard for Industrial Head Protection; IBR approved for § 1910.135(b)(1)(ii). 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: *www.safetyequipment.org*.

(75) American National Standards Institute (ANSI) Z89.1-1997, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements; IBR approved for § 1910.135(b)(1)(iii). 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: *www.safetyequipment.org*.

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

(77) 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).

(78) 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).

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

(f) The following material is available for purchase from the American Petroleum Institute (API), 1220 L Street NW, Washington DC 20005:

(1) [Reserved]

(2) API 12B (May 1958) Specification for Bolted Production Tanks, 11th Ed., With Supplement No. 1, Mar. 1962, IBR approved for § 1910.106(b)(1)(i)(*a*)(*3*).

(3) API 12D (Aug. 1957) Specification for Large Welded Production Tanks, 7th Ed., IBR approved for § 1910.106(b)(1)(i)(*a*)(*3*).

(4) API 12F (Mar. 1961) Specification for Small Welded Production Tanks, 5th Ed., IBR approved for § 1910.106(b)(1)(i)(*a*)(*3*).

(5) API 620, Fourth Ed. (1970) Including appendix R, Recommended Rules for Design and Construction of Large Welded Low Pressure Storage Tanks, IBR approved for §§ 1910.103(c)(1)(i)(*a*); 1910.106(b)(1)(iv)(b)(1); and 1910.111(*d*)(*1*) (ii) and (iii).

(6) API 650 (1966) Welded Steel Tanks for Oil Storage, 3rd Ed., IBR approved for § 1910.106(b)(1)(iii)(*a*)(*2*).

(7) API 1104 (1968) Standard for Welding Pipelines and Related Facilities, IBR approved for § 1910.252(d)(1)(v).

(8) API 2000 (1968) Venting Atmospheric and Low Pressure Storage Tanks, IBR approved for § 1910.106(b)(2)(iv)(*b*)(*1*).

(9) API 2201 (1963) Welding or Hot Tapping on Equipment Containing Flammables, IBR approved for § 1910.252(d)(1)(vi).

(g) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017:

(1) ASME Boiler and Pressure Vessel Code, Sec. VIII, 1949, 1950, 1952, 1956, 1959, and 1962 Ed., IBR approved for §§ 1910.110 (b)(10)(iii) (Table H-26), (d)(2) (Table H-31); (e)(3)(i) (Table H-32), (h)(2) (Table H-34); and 1910.111(b)(2)(vi);

(2) ASME Code for Pressure Vessels, 1968 Ed., IBR approved for §§ 1910.106(i)(3)(i); 1910.110(g)(2)(iii)(*b*)(*2*); and 1910.217(b)(12);

(3) ASME Boiler and Pressure Vessel Code, Sec. VIII, 1968, IBR approved for §§ 1910.103; 1910.104(b)(4)(ii); 1910.106 (b)(1)(iv)(*b*)(*2*) and (*i*)(3)(ii); 1910.107; 1910.110(b)(11) (i)(*b*) and (iii)(*a*)(*1*); 1910.111(b)(2) (i), (ii), and (iv); and 1910.169(a)(2) (i) and (ii);

(4) ASME Boiler and Pressure Vessel Code, Sec. VIII, Paragraph UG-84, 1968, IBR approved for § 1910.104 (b)(4)(ii) and (b)(5)(iii);

(5) ASME Boiler and Pressure Vessel Code, Sec. VIII, Unfired Pressure Vessels, Including Addenda (1969), IBR approved for §§ 1910.261; 1910.262; 1910.263(i)(24)(ii);

(6) Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the API and the ASME, 1951 Ed., IBR approved for § 1910.110(b)(3)(iii); and

(7) ASME B56.6-1992 (with addenda), Safety Standard for Rough Terrain Forklift Trucks, IBR approved for § 1910.266(f)(4).

(h) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; phone: (610) 832-9585; email: *service@astm.org;* website: *www.astm.org*.

(1) ASTM A 47-68, Malleable Iron Castings, IBR approved for § 1910.111.

(2) ASTM A 53-69, Welded and Seamless Steel Pipe, IBR approved for §§ 1910.110 and 1910.111.

(3) ASTM A 126-66, Gray Iron Casting for Valves, Flanges and Pipe Fitting, IBR approved for § 1910.111.

(4) ASTM A 391-65 (ANSI G61.1-1968), Alloy Steel Chain, IBR approved for § 1910.184.

(5) ASTM A 395-68, Ductile Iron for Use at Elevated Temperatures, IBR approved for § 1910.111.

(6) ASTM B 88-66A, Seamless Copper Water Tube, IBR approved for § 1910.252.

(7) ASTM B 88-69, Seamless Copper Water Tube, IBR approved for § 1910.110.

(8) [Reserved]

(9) ASTM B 210-68, Aluminum-Alloy Drawn Seamless Tubes, IBR approved for § 1910.110.

(10) ASTM B 241-69, Standard Specifications for Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube, IBR approved for § 1910.110.

(11) ASTM D 5-65, Test for Penetration by Bituminous Materials, IBR approved for § 1910.106.

(12) ASTM D 56-70, Test for Flash Point by Tag Closed Tester, IBR approved for § 1910.106.

(13) ASTM D 56-05, Standard Test Method for Flash Point by Tag Closed Cup Tester, Approved May 1, 2005, IBR approved for Appendix B to § 1910.1200.

(14) ASTM D 86-62, Test for Distillation of Petroleum Products, IBR approved for §§ 1910.106 and 1910.119.

(15) ASTM D 86-07a, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, Approved April 1, 2007, IBR approved for Appendix B to § 1910.1200.

(16) ASTM D 88-56, Test for Saybolt Viscosity, IBR approved for § 1910.106.

(17) ASTM D 93-71, Test for Flash Point by Pensky Martens, IBR approved for § 1910.106.

(18) ASTM D 93-08, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, Approved Oct. 15, 2008, IBR approved for Appendix B to § 1910.1200.

(19) ASTM D 240-02 (Reapproved 2007), Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, Approved May 1, 2007, IBR approved for Appendix B to § 1910.1200.

(20) ASTM D 323-68, Standard Test Method of Test for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for § 1910.106.

(21) ASTM D 445-65, Test for Viscosity of Transparent and Opaque Liquids, IBR approved for § 1910.106.

(22) ASTM D 1078-05, Standard Test Method for Distillation Range of Volatile Organic Liquids, Approved May 15, 2005, IBR approved for Appendix B to § 1910.1200.

(23) ASTM D 1692-68, Test for Flammability of Plastic Sheeting and Cellular Plastics, IBR approved for § 1910.103.

(24) ASTM D 2161-66, Conversion Tables for SUS, IBR approved for § 1910.106.

(25) ASTM D 3278-96 (Reapproved 2004) E1, Standard Test Methods for Flash Point of Liquids by Small Scale Closed-Cup Apparatus, Approved November 1, 2004, IBR approved for Appendix B to § 1910.1200.

(26) ASTM D 3828-07a, Standard Test Methods for Flash Point by Small Scale Closed Cup Tester, Approved July 15, 2007, IBR approved for Appendix B to § 1910.1200.

(27) ASTM D4359-90 (Reapproved 2019), Standard Test Method for Determining Whether a Material is a Liquid or a Solid, approved July 1, 2019, IBR approved for § 1910.1200.

(28) ASTM F-2412-2005, Standard Test Methods for Foot Protection, IBR approved for § 1910.136.

(29) ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear, IBR approved for § 1910.136.

(i) The following material is available at the American Thoracic Society (ATS), 25 Broadway, 18th Floor New York, NY 10004; website: *www.atsjournals.org/*.

(1) Spirometric Reference Values from a Sample of the General U.S. Population. Hankinson JL, Odencrantz JR, Fedan KB. American Journal of Respiratory and Critical Care Medicine, 159:179-187, 1999, IBR approved for § 1910.1043(h).

(2) [Reserved]

(j) The following material is available for purchase from the American Welding Society (AWS), 550 NW, LeJeune Road, P.O. Box 351040, Miami FL 33135:

(1)-(2) [Reserved]

(3) AWS B3.0-41 Standard Qualification Procedure, IBR approved for § 1910.67(c)(5)(i).

(4) AWS D1.0-1966 Code for Welding in Building Construction, IBR approved for § 1910.27(b)(6).

(5) AWS D2.0-69 Specifications for Welding Highway and Railway Bridges, IBR approved for § 1910.67(c)(5)(iv).

(6) AWS D8.4-61 Recommended Practices for Automotive Welding Design, IBR approved for § 1910.67(c)(5)(ii).

(7) AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing, IBR approved for § 1910.67(c)(5)(iii).

(k) The following material is available for purchase from the Department of Commerce:

(1) [Reserved]

(2) Publication “Model Performance Criteria for Structural Fire Fighters' Helmets,” IBR approved for § 1910.156(e)(5)(i).

(l) The following material is available for purchase from the Compressed Gas Association (CGA), 1235 Jefferson Davis Highway, Arlington, VA 22202:

(1) CGA C-6 (1968) Standards for Visual Inspection of Compressed Gas Cylinders, IBR approved for § 1910.101(a).

(2) CGA C-8 (1962) Standard for Requalification of ICC-3HT Cylinders, IBR approved for § 1910.101(a).

(3) CGA G-1-2009 Acetylene, Twelfth Edition, IBR approved for § 1910.102(a). Copies of CGA Pamphlet G-1-2009 are available for purchase from the: Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, VA 20151; telephone: (703) 788-2700; fax: (703) 961-1831; email: *cga@cganet.com*.

(4) CGA G-7.1 (1966) Commodity Specification, IBR approved for § 1910.134(d)(1).

(5) CGA G-8.1 (1964) Standard for the Installation of Nitrous Oxide Systems at Consumer Sites, IBR approved for § 1910.105.

(6) CGA P-1 (1965) Safe Handling of Compressed Gases, IBR approved for § 1910.101(b).

(7) CGA P-3 (1963) Specifications, Properties, and Recommendations for Packaging, Transportation, Storage and Use of Ammonium Nitrate, IBR approved for § 1910.109(i)(1)(ii)(*b*).

(8) CGA S-1.1 (1963) and 1965 Addenda. Safety Release Device Standards—Cylinders for Compressed Gases, IBR approved for §§ 1910.101(c); 1910.103(c)(1)(iv)(*a*)(*2*).

(9) CGA S-1.2 (1963) Safety Release Device Standards, Cargo and Portable Tanks for Compressed Gases, IBR approved for §§ 1910.101(c); 1910.103(c)(1)(iv)(*a*)(*2*).

(10) CGA S-1.3 (1959) Safety Release Device Standards-Compressed Gas Storage Containers, IBR approved for §§ 1910.103(c)(1)(iv)(*a*)(*2*); 1910.104(b)(6)(iii); and 1910.111(d)(4)(ii)(*b*).

(11) CGA 1957 Standard Hose Connection Standard, IBR approved for § 1910.253(e) (4)(v) and (5)(iii).

(12) CGA and RMA (Rubber Manufacturer's Association) Specification for Rubber Welding Hose (1958), IBR approved for § 1910.253(e)(5)(i).

(13) CGA 1958 Regulator Connection Standard, IBR approved for § 1910.253(e) (4)(iv) and (6).

(m) The following material is available for purchase from the Crane Manufacturer's Association of America, Inc. (CMAA), 1 Thomas Circle NW, Washington DC 20005:

(1) CMAA Specification 1B61, Specifications for Electric Overhead Traveling Cranes, IBR approved for § 1910.179(b)(6)(i).

(2) [Reserved]

(n) German Institute for Standardization (DIN) (Beuth Verlag GmbH) Am DIN-Platz Burggrafenstraße 6 10787 Berlin, Germany; phone: +49 30 58885 70070; website: *https://din.de/en/about-standards/buy-standard*.

(1) DIN 51794:2003-05—Determining the ignition temperature of petroleum products, May 2003, IBR approved for appendix B to § 1910.1200.

(2) [Reserved]

(o) The following material is available for purchase from the Fertilizer Institute, 1015 18th Street NW, Washington, DC 20036:

(1) Standard M-1 (1953, 1955, 1957, 1960, 1961, 1963, 1965, 1966, 1967, 1968), Superseded by ANSI K61.1-1972, IBR approved for § 1910.111(b)(1) (i) and (iii).

(2) [Reserved]

(p) The following material is available for purchase from the General Services Administration:

(1) GSA Pub. GG-B-0067b, Air Compressed for Breathing Purposes, or Interim Federal Specifications, Apr. 1965, IBR approved for § 1910.134(d)(4).

(2) [Reserved]

(q) International Electrotechnical Commission (IEC), IEC Secretariat, 3 rue de Varembé, PO Box 131, CH-1211 Geneva 20, Switzerland; phone: +41 22 919 02 11; email: *sales@iec.ch*; website: *https://www.iec.ch*.

(1) IEC 60079-20-1, Explosive atmospheres—Part 20-1: Material characteristics for gas and vapor classification—Test methods and data, Edition 1.0, 2010-01; IBR approved for appendix B to § 1910.1200.

(2) [Reserved]

(r) The following material is available for purchase from the: International Code Council, Chicago District Office, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478; *telephone:* 708-799-2300, x3-3801; *facsimile:* 001-708-799-4981; *e-mail: order@iccsafe.org.*

(1) IFC-2009, International Fire Code, copyright 2009, IBR approved for §§ 1910.34, 1910.35, 1910.36, and 1910.37.

(2) [Reserved]

(s) The following material is available for purchase from the Department of Health and Human Services:

(1) Publication No. 76-120 (1975), List of Personal Hearing Protectors and Attenuation Data, IBR approved for § 1910.95 App. B.

(2) [Reserved]

(t) The following material is available for purchase from the Institute of Makers of Explosives (IME), 420 Lexington Avenue, New York, NY 10017:

(1) IME Pamphlet No. 17, 1960, Safety in the Handling and Use of Explosives, IBR approved for §§ 1910.261 (a)(4)(iii) and (c)(14)(ii).

(2) [Reserved]

(u) The following material is available from the International Labour Organization (ILO), 4 route des Morillons, CH-1211 Genève 22, Switzerland; telephone: +41 (0) 22 799 6111; fax: +41 (0) 22 798 8685; website: *www.ilo.org/.*

(1) Guidelines for the Use of the ILO International Classification of Radiographs of Pneumoconioses, Revised Edition 2011, Occupational safety and health series; 22 (Rev.2011), IBR approved for § 1910.1001.

(2) [Reserved]

(v) International Organization for Standardization (ISO), ISO Central Secretariat, Chemin de Blandonnet 8 CP 401—1214 Vernier, Geneva, Switzerland; phone: +41 22 749 01 11; email: *central@iso.org*; website: *www.iso.org/store.html*.

(1) ISO 817:2014(E), Refrigerants—Designation and safety classification, Third edition, 2014-04-15; IBR approved for appendix B to § 1910.1200.

(2) ISO 10156:1996 (E), Gases and Gas Mixtures—Determination of Fire Potential and Oxidizing Ability for the Selection of Cylinder Valve Outlets, Second Edition, Feb. 15, 1996; IBR approved for appendix B to § 1910.1200.

(3) ISO 10156:2017(E), Gas Cylinders—Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Fourth edition, 2017-07; IBR approved for appendix B to § 1910.1200.

(4) ISO 10156-2:2005 (E), Gas cylinders—Gases and Gas Mixtures—Part 2: Determination of Oxidizing Ability of Toxic and Corrosive Gases and Gas Mixtures, First Edition, Aug. 1, 2005; IBR approved for appendix B to subpart Z.

(5) ISO 13943:2000 (E/F); Fire Safety—Vocabulary, First Edition, April, 15, 2000, IBR approved for appendix B to § 1910.1200.

(w) The following material is available for purchase from the National Electrical Manufacturer's Association (NEMA):

(1) NEMA EW-1 (1962) Requirements for Electric Arc Welding Apparatus, IBR approved for §§ 1910.254(b)(1).

(2) [Reserved]

(x) The following material is available for purchase from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269; Telephone: 800-344-3555 or 617-770-3000; Fax: 1-800-593-6372 or 1-508-895-8301; Email: *custserv@nfpa.org;* Web site: *http://www.nfpa.org.*

(1) NFPA 30 (1969) Flammable and Combustible Liquids Code, IBR approved for § 1910.178(f)(1).

(2) NFPA 32-1970 Standard for Dry Cleaning Plants, IBR approved for § 1910.106(j)(6)(i).

(3) NFPA 33-1969 Standard for Spray Finishing Using Flammable and Combustible Material, IBR approved for § 1910.94(c)(2).

(4) NFPA 34-1966 Standard for Dip Tanks Containing Flammable or Combustible Liquids, IBR approved for § 1910.124(b)(4)(iv).

(5) NFPA 34-1995 Standard for Dip Tanks Containing Flammable or Combustible Liquids, IBR approved for § 1910.124(b)(4)(ii).

(6) NFPA 35-1970 Standard for the Manufacture of Organic Coatings, IBR approved for § 1910.106(j)(6)(ii).

(7) NFPA 36-1967 Standard for Solvent Extraction Plants, IBR approved for § 1910.106(j)(6)(iii).

(8) NFPA 37-1970 Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, IBR approved for §§ 1910.106(j)(6)(iv) and 1910.110 (b)(20)(iv)(c) and (e)(11).

(9) NFPA 51B-1962 Standard for Fire Protection in Use of Cutting and Welding Processes, IBR approved for § 1910.252(a)(1) introductory text.

(10) NFPA 54-1969 Standard for the Installation of Gas Appliances and Gas Piping, IBR approved for § 1910.110(b)(20)(iv)(a).

(11) NFPA 54A-1969 Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises, IBR approved for § 1910.110(b)(20)(iv)(b).

(12) NFPA 58-1969 Standard for the Storage and Handling of Liquefied Petroleum Gases (ANSI Z106.1-1970), IBR approved for §§ 1910.110 (b)(3)(iv) and (i)(3) (i) and (ii); and 1910.178(f)(2).

(13) NFPA 59-1968 Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, IBR approved for §§ 1910.110 (b)(3)(iv) and (i)(2)(iv).

(14) NFPA 62-1967 Standard for the Prevention of Dust Explosions in the Production, Packaging, and Handling of Pulverized Sugar and Cocoa, IBR approved for § 1910.263(k)(2)(i).

(15) NFPA 68-1954 Guide for Explosion Venting, IBR approved for § 1910.94(a)(2)(iii).

(16) [Reserved]

(17) NFPA 78-1968 Lightning Protection Code, IBR approved for § 1910.109(i)(6)(ii).

(18) NFPA 80-1968 Standard for Fire Doors and Windows, IBR approved for § 1910.106(d)(4)(i).

(19) NFPA 80-1970 Standard for the Installation of Fire Doors and Windows, IBR approved for § 1910.253(f)(6)(i)(l).

(20) NFPA 86A-1969 Standard for Oven and Furnaces Design, Location and Equipment, IBR approved for §§ 1910.107 (j)(1) and (l)(3) and 1910.108 (b)(2) and (d)(2).

(21) NFPA 91-1961 Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying (ANSI Z33.1-61), IBR approved for § 1910.107(d)(1).

(22) NFPA 91-1969 Standards for Blower and Exhaust Systems, IBR approved for § 1910.108(b)(1).

(23) NFPA 96-1970 Standard for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment, IBR approved for § 1910.110(b)(20)(iv)(d).

(24) NFPA 101-1970 Code for Life Safety From Fire in Buildings and Structures, IBR approved for § 1910.261(a)(4)(ii).

(25) NFPA 101-2009, Life Safety Code, 2009 edition, IBR approved for §§ 1910.34, 1910.35, 1910.36, and 1910.37.

(26) NFPA 203M-1970 Manual on Roof Coverings, IBR approved for § 1910.109(i)(1)(iii)(c).

(27) NFPA 251-1969 Standard Methods of Fire Tests of Building Construction and Materials, IBR approved for §§ 1910.106 (d)(3)(ii) introductory text and (d)(4)(i).

(28) NFPA 302-1968 Fire Protection Standard for Motor-Craft (Pleasure and Commercial), IBR approved for § 1910.265(d)(2)(iv) introductory text.

(29) NFPA 385-1966 Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids, IBR approved for § 1910.106(g)(1)(i)(e)(1).

(30) NFPA 496-1967 Standard for Purged Enclosures for Electrical Equipment in Hazardous Locations, IBR approved for § 1910.103(c)(1)(ix)(e)(1).

(31) NFPA 505-1969 Standard for Type Designations, Areas of Use, Maintenance, and Operation of Powered Industrial Trucks, IBR approved for § 1910.110(e)(2)(iv).

(32) NFPA 566-1965 Standard for the Installation of Bulk Oxygen Systems at Consumer Sites, IBR approved for §§ 1910.253 (b)(4)(iv) and (c)(2)(v).

(33) NFPA 656-1959 Code for the Prevention of Dust Ignition in Spice Grinding Plants, IBR approved for § 1910.263(k)(2)(i).

(34) NFPA 1971-1975 Protective Clothing for Structural Fire Fighting, IBR approved for § 1910.156(e)(3)(ii) introductory text.

(35) NFPA 51A (2001) Standard for Acetylene Cylinder Charging Plants, IBR approved for § 1910.102(b) and (c). Copies of NFPA 51A-2001 are available for purchase from the: National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471; telephone: 1-800-344-35557; e-mail: *custserv@nfpa.org.*

(36) NFPA 51A (2006) Standard for Acetylene Cylinder Charging Plants, IBR approved for § 1910.102(b) and (c). Copies of NFPA 51A-2006 are available for purchase from the: National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471; telephone: 1-800-344-35557; e-mail: *custserv@nfpa.org.*

(37) NFPA 30B, Code for the Manufacture and Storage of Aerosol Products, 2007 Edition, Approved August 17, 2006, IBR approved for Appendix B to § 1910.1200.

(y) The following material is available for purchase from the National Food Plant Institute, 1700 K St. NW., Washington, DC 20006:

(1) Definition and Test Procedures for Ammonium Nitrate Fertilizer (Nov. 1964), IBR approved for § 1910.109 Table H-22, ftn. 3.

(2) [Reserved]

(z) The following material is available for purchase from the National Institute for Occupational Safety and Health (NIOSH):

(1) Registry of Toxic Effects of Chemical Substances, 1978, IBR approved for § 1910.20(c)(13)(i) and appendix B.

(2) Development of Criteria for Fire Fighters Gloves; Vol. II, part II; Test Methods, 1976, IBR approved for § 1910.156(e)(4)(i) introductory text.

(3) NIOSH Recommendations for Occupational Safety and Health Standards (Sept. 1987), IBR approved for § 1910.120 PEL definition.

(aa) The following material is available for purchase from the Public Health Service:

(1) U.S. Pharmacopeia, IBR approved for § 1910.134(d)(1).

(2) Publication No. 934 (1962), Food Service Sanitation Ordinance and Code, part V of the Food Service Sanitation Manual, IBR approved for § 1910.142(i)(1).

(bb) The following material is available for purchase from the Society of Automotive Engineers (SAE), 485 Lexington Avenue, New York, NY 10017:

(1) SAE J185, June 1988, Recommended Practice for Access Systems for Off-Road Machines, IBR approved for § 1910.266(f)(5)(i).

(2) SAE J231, January 1981, Minimum Performance Criteria for Falling Object Protective Structure (FOPS), IBR approved for § 1910.266(f)(3)(ii).

(3) SAE J386, June 1985, Operator Restraint Systems for Off-Road Work Machines, IBR approved for § 1910.266(d)(3)(iv).

(4) SAE J397, April 1988, Deflection Limiting Volume-ROPS/FOPS Laboratory Evaluation, IBR approved for § 1910.266(f)(3)(iv).

(5) SAE 765 (1961) SAE Recommended Practice: Crane Loading Stability Test Code, IBR approved for § 1910.180 (c)(1)(iii) and (e)(2)(iii)(*a*).

(6) SAE J1040, April 1988, Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry and Mining Machines, IBR approved for § 1910.266(f)(3)(ii).

(cc) The following material is available for purchase from Underwriters Laboratories (UL), 207 East Ohio Street, Chicago, IL 60611:

(1) UL 58-61 Steel Underground Tanks for Flammable and Combustible Liquids, 5th Ed., IBR approved for § 1910.106(b)(1)(iii)(*a*)(*1*).

(2) UL 80-63 Steel Inside Tanks for Oil-Burner Fuel, IBR approved for § 1910.106(b)(1)(iii)(*a*)(*1*).

(3) UL 142-68 Steel Above Ground Tanks for Flammable and Combustible Liquids, IBR approved for § 1910.106(b)(1)(iii)(*a*)(*1*).

(dd) United Nations (UN), United Nations Publications, P.O. Box 960 Herndon, VA 20172; phone: (703) 661-1571;; email: *order@un.org*; website: *https://shop.un.org/*.

(1) ADR 2019, European Agreement Concerning the International Carriage of Dangerous Goods by Road; Annex A: General provisions and provisions concerning dangerous substances and articles; (Volumes I and II) including December 2018 corrigendum to Volume II, applicable January 1, 2019; IBR approved for § 1910.1200.

(2) ST/SG/AC.10/Rev.4 ("UN ST/SG/AC.10/Rev.4"), The UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Fourth Revised Edition, 2003; IBR approved for appendix B to § 1910.1200.

(3) ST/SG/AC.10/11/Rev.6 ("UN ST/SG/AC.10/11/Rev.6"), Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria, sixth revised edition, copyright 2015; IBR approved for appendix B to § 1910.1200.

[39 FR 23502, June 27, 1974]

Editorial Note: For FEDERAL REGISTER citations affecting § 1910.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 1910.7 Definition and requirements for a nationally recognized testing laboratory.

(a) ***Application.*** This section shall apply only when the term *nationally recognized testing laboratory* is used in other sections of this part.

(b) ***Laboratory requirements.*** The term *nationally recognized testing laboratory* (NRTL) means an organization which is recognized by OSHA in accordance with appendix A of this section and which tests for safety, and lists or labels or accepts, equipment or materials and which meets all of the following criteria:

(1) For each specified item of equipment or material to be listed, labeled or accepted, the NRTL has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform:

(i) Testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards; or

(ii) Experimental testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards or performance in a specified manner.

(2) The NRTL shall provide, to the extent needed for the particular equipment or materials listed, labeled, or accepted, the following controls or services:

(i) Implements control procedures for identifying the listed and labeled equipment or materials;

(ii) Inspects the run of production of such items at factories for product evaluation purposes to assure conformance with the test standards; and

(iii) Conducts field inspections to monitor and to assure the proper use of its identifying mark or labels on products;

(3) The NRTL is completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes; and,

(4) The NRTL maintains effective procedures for:

(i) Producing creditable findings or reports that are objective and without bias; and

(ii) Handling complaints and disputes under a fair and reasonable system.

(c) ***Test standards.*** An *appropriate test standard* referred to in § 1910.7(b)(1) (i) and (ii) is a document which specifies the safety requirements for specific equipment or class of equipment and is:

(1) Recognized in the United States as a safety standard providing an adequate level of safety, and

(2) Compatible with and maintained current with periodic revisions of applicable national codes and installation standards, and

(3) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, governmental authorities, and others having broad experience in the safety field involved, or

(4) In lieu of paragraphs (c) (1), (2), and (3), the standard is currently designated as an American National Standards Institute (ANSI) safety-designated product standard or an American Society for Testing and Materials (ASTM) test standard used for evaluation of products or materials.

(d) ***Alternative test standard.*** If a testing laboratory desires to use a test standard other than one allowed under paragraph (c) of this section, then the Assistant Secretary of Labor shall evaluate the proposed standard to determine that it provides an adequate level of safety before it is used.

(e) ***Implementation.*** A testing organization desiring recognition by OSHA as an NRTL shall request that OSHA evaluate its testing and control programs against the requirements in this section for any equipment or material it may specify. The recognition procedure shall be conducted in accordance with appendix A to this section.

(f) *Fees.*

(1) Each applicant for NRTL recognition and each NRTL must pay fees for services provided by OSHA in advance of the provision of those services. OSHA will assess fees for the following services:

(i) Processing of applications for initial recognition, expansion of recognition, or renewal of recognition, including on-site reviews; review and evaluation of the applications; and preparation of reports, evaluations and FEDERAL REGISTER notices; and

(ii) Audits of sites.

(2) The fee schedule established by OSHA reflects the full cost of performing the activities for each service listed in paragraph (f)(1) of this section. OSHA calculates the fees based on either the average or actual time required to perform the work necessary; the staff costs per hour (which include wages, fringe benefits, and expenses other than travel for personnel that perform or administer the activities covered by the fees); and the average or actual costs for travel when on-site reviews are involved. The formula for the fee calculation is as follows:

Activity Fee = [Average (or Actual) Hours to Complete the Activity × Staff Costs per Hour] + Average (or Actual) Travel Costs

(3)

(i) OSHA will review the full costs periodically and will propose a revised fee schedule, if warranted. In its review, OSHA will apply the formula established in paragraph (f)(2) of this section to the current estimated full costs for the NRTL Program. If a change is warranted, OSHA will follow the implementation shown in paragraph (f)(4) of this section.

(ii) OSHA will publish all fee schedules in the FEDERAL REGISTER. Once published, a fee schedule remains in effect until it is superseded by a new fee schedule. Any member of the public may request a change to the fees included in the current fee schedule. Such a request must include appropriate documentation in support of the suggested change. OSHA will consider such requests during its annual review of the fee schedule.

(4) OSHA will implement periodic review, and fee assessment, collection, and payment, as follows:

Milestones/ Dates	Action required
I. PERIODIC REVIEW OF FEE SCHEDULE	
When review completed	OSHA will publish any proposed new fee schedule in the **Federal Register** if OSHA determines that costs warrant changes in the fee schedule.
Fifteen days after publication	Comments due on the proposed new fee schedule.
When OSHA	OSHA will publish the final fee schedule in the **Federal Register,** making the fee

Note: For the purposes of 29 CFR 1910.7(f)(4), "days" means "calendar days," and "applicant" means "the NRTL" or "an applicant for NRTL recognition."

Milestones/ Dates	Action required
approves the fee schedule	schedule effective on a specific date.
II. Application Processing Fees	
Time of application	Applicant must pay the applicable fees in the fee schedule that are due when submitting an application; OSHA will not begin processing the application until it receives the fees.
Before assessment performed	Applicant must pay the estimated staff time and travel costs for its assessment based on the fees in effect at the time of the assessment. Applicant also must pay the fees for the final report and **Federal Register** notice, and other applicable fees, as specified in the fee schedule. OSHA may cancel an application if the applicant does not pay these fees, or any balance of these fees, when due.
III. Audit Fees	
Before audit performed	NRTL must pay the estimated staff time and travel costs for its audit based on the fees in effect at the time of the audit. NRTL also must pay other applicable fees, as specified in the fee schedule. After the audit, OSHA adjusts the audit fees to account for the actual costs for travel and staff time.
On due date	NRTL must pay the estimated audit fees, or any balance due, by the due date established by OSHA; OSHA will assess a late fee if NRTL does not pay audit fees (or any balance of fees due) by the due date. OSHA may still perform the audit when an NRTL does not pay the fees or does not pay them on time.
Thirty days after due date or, if earlier, date NRTL refuses to pay	OSHA will begin processing a notice for publication in the **Federal Register** announcing its plan to revoke recognition for NRTLs that do not pay the estimated audit fees and any balance of audit fees due.

Note: For the purposes of 29 CFR 1910.7(f)(4), "days" means "calendar days," and "applicant" means "the NRTL" or "an applicant for NRTL recognition."

(5) OSHA will provide details about how to pay the fees through appropriate OSHA Program Directives, which will be available on the OSHA web site.

Appendix A to § 1910.7—OSHA Recognition Process for Nationally Recognized Testing Laboratories

Introduction

This appendix provides requirements and criteria which OSHA will use to evaluate and recognize a Nationally Recognized Testing Laboratory (NRTL). This process will include the evaluation of the product evaluation and control programs being operated by the NRTL, as well as the NRTL's testing facilities being used in its program. In the evaluation of the NRTLs, OSHA will use either consensus-based standards currently in use nationally, or other standards or criteria which may be considered appropriate. This appendix implements the definition of NRTL in 29 CFR 1910.7 which sets out the criteria that a laboratory must meet to be recognized by OSHA (initially and on a continuing basis). The appendix is broader in scope, providing procedures for renewal, expansion and revocation of OSHA recognition. Except as otherwise provided, the burden is on the applicant to establish by a preponderance of the evidence that it is entitled to recognition as an NRTL. If further detailing of these requirements and criteria will assist the NRTLs or OSHA in this activity, this detailing will be done through appropriate OSHA Program Directives.

I. Procedures for Initial OSHA Recognition

A. Applications.

1. *Eligibility.* a. Any testing agency or organization considering itself to meet the definition of nationally recognized testing laboratory as specified in § 1910.7 may apply for OSHA recognition as an NRTL.

b. However, in determining eligibility for a foreign-based testing agency or organization, OSHA shall take into consideration the policy of the foreign government regarding both the acceptance in that country of testing data, equipment acceptances, and listings, and labeling, which are provided through nationally recognized testing laboratories recognized by the Assistant Secretary, and the accessibility to government recognition or a similar system in that country by U.S.-based safety-related testing agencies, whether recognized by the Assistant Secretary or not, if such recognition or a similar system is required by that country.

2. *Content of application.* a. The applicant shall provide sufficient information and detail demonstrating that it meets the requirements set forth in § 1910.7, in order for an informed decision concerning recognition to be made by the Assistant Secretary.

b. The applicant also shall identify the scope of the NRTL-related activity for which the applicant wishes to be recognized. This will include identifying the testing methods it will use to test or judge the specific equipment and materials for which recognition is being requested, unless such test methods are already specified in the test standard. If requested to do so by OSHA, the applicant shall provide documentation of the efficacy of these testing methods.

c. The applicant may include whatever enclosures, attachments, or exhibits the applicant deems appropriate. The application need not be submitted on a Federal form.

3. *Filing office location.* The application shall be filed with: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

4. *Amendments and withdrawals.* a. An application may be revised by an applicant at any time prior to the completion of activity under paragraph I.B.4. of this appendix.

b. An application may be withdrawn by an applicant, without prejudice, at any time prior to the final decision by the Assistant Secretary in paragraph I.B.7.c. of this appendix.

B. Review and Decision Process; Issuance or Renewal.

1. *Acceptance and on-site review.* a. Applications submitted by eligible testing agencies will be accepted by OSHA, and their receipt acknowledged in writing. After receipt of an application, OSHA may request additional information if it believes information relevant to the requirements for recognition has been omitted.

b. OSHA shall, as necessary, conduct an on-site review of the testing facilities of the applicant, as well as the applicant's administrative and technical practices, and, if necessary, review any additional documentation underlying the application.

c. These on-site reviews will be conducted by qualified individuals technically expert in these matters, including, as appropriate, non-Federal consultants/contractors acceptable to OSHA. The protocol for each review will be based on appropriate national consensus standards or international guides, with such additions, changes, or deletions as may be considered necessary and appropriate in each case by OSHA. A written report shall be made of each on-site review and a copy shall be provided to the applicant.

2. *Positive finding by staff.* If, after review of the application, and additional information, and the on-site review report, the applicant appears to have met the requirements for recognition, a written recommendation shall be submitted by the responsible OSHA personnel to the Assistant Secretary that the application be approved, accompanied by a supporting explanation.

3. *Negative finding by staff.*—a. *Notification to applicant.* If, after review of the application, any additional information and the on-site review report, the applicant does not appear to have met the requirements for recognition, the responsible OSHA personnel shall notify the applicant in writing, listing the specific requirements of § 1910.7 and this appendix which the applicant has not met, and allow a reasonable period for response.

b. *Revision of application.* (i) After receipt of a notification of negative finding (i.e., for intended disapproval of the application), and within the response period provided, the applicant may:

(*a*) Submit a revised application for further review, which could result in a positive finding by the responsible OSHA personnel pursuant to subsection I.B.2. of this appendix; or

(*b*) Request that the original application be submitted to the Assistant Secretary with an attached statement of reasons, supplied by the applicant of why the application should be approved.

(ii) This procedure for applicant notification and potential revision shall be used only once during each recognition process.

4. *Preliminary finding by Assistant Secretary.* a. The Assistant Secretary, or a special designee for this purpose, will make a preliminary finding as to whether the applicant has or has not met the requirements for recognition, based on the completed application file, the written staff recommendation, and the statement of reasons supplied by the applicant if there remains a staff recommendation of disapproval.

b. Notification of this preliminary finding will be sent to the applicant and subsequently published in the FEDERAL REGISTER.

c. This preliminary finding shall not be considered an official decision by the Assistant Secretary or OSHA, and does not confer any change in status or any interim or temporary recognition for the applicant.

5. *Public review and comment period*—a. The FEDERAL REGISTER notice of preliminary finding will provide a period of not less than 30 calendar days for written comments on the applicant's fulfillment of the requirements for recognition. The application, supporting documents, staff recommendation, statement of applicant's reasons, and any comments received, will be available for public inspection in the OSHA Docket Office.

b. Any member of the public, including the applicant, may supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements of the definition in 29 CFR § 1910.7 and this appendix. Submission of pertinent documents and exhibits shall be made in writing by the close of the comment period.

6. *Action after public comment*—a. *Final decision by Assistant Secretary.* Where the public review and comment record supports the Assistant Secretary's preliminary finding concerning the application, i.e., absent any serious objections or substantive claims contrary to the preliminary finding having been received in writing from the public during the comment period, the Assistant Secretary will proceed to final written decision on the application. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, and the written comments and evidence presented during the public review and comment period.

b. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant. Subsequently, a notification of the final decision shall be published in the FEDERAL REGISTER. The publication date will be the effective date of the recognition.

c. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

7. *Action after public objection*—a. *Review of negative information.* At the discretion of the Assistant Secretary or his designee, OSHA may authorize Federal or contract personnel to initiate a special review of any information provided in the public comment record which appears to require resolution, before a final decision can be made.

b. *Supplementation of record.* The contents and results of special reviews will be made part of this record by the Assistant Secretary by either:

(i) Reopening the written comment period for public comments on these reviews; or

(ii) Convening an informal hearing to accept public comments on these reviews, conducted under applicable OSHA procedures for similar hearings.

c. *Final decision by the Assistant Secretary.* The Assistant Secretary shall issue a decision as to whether it has been demonstrated, based on a preponderance of the evidence, that the applicant meets the requirements for recognition. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, the comments and evidence presented during the public review and comment period, and written to transcribed evidence received during any subsequent reopening of the written comment period or informal public hearing held.

d. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the FEDERAL REGISTER subsequently announcing the decision.

e. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

C. TERMS AND CONDITIONS OF RECOGNITION.

1. The following terms and conditions shall be part of every recognition:

a. *Letter of recognition.* The recognition by OSHA of any NRTL will be evidenced by a letter of recognition from OSHA. The letter will provide the specific details of the scope of the OSHA recognition, including the specific equipment or materials for which OSHA recognition has been granted, as well as any specific conditions imposed by OSHA.

b. *Period of recognition.* The recognition by OSHA of each NRTL will be valid for five years, unless terminated before the expiration of the period. The dates of the period of recognition will be stated in the recognition letter.

c. *Constancy in operations.* The recognized NRTL shall continue to satisfy all the requirements or limitations in the letter of recognition during the period of recognition.

d. *Accurate publicity.* The OSHA-recognized NRTL shall not engage in or permit others to engage in misrepresentation of the scope or conditions of its recognition.

2. [Reserved]

II. Supplementary Procedures.

A. TEST STANDARD CHANGES.

A recognized NRTL may change a testing standard or elements incorporated in the standard such as testing methods or pass-fail criteria by notifying the Assistant Secretary of the change, certifying that the revised standard will be at least as effective as the prior standard, and providing the supporting data upon which its conclusions are based. The NRTL need not inform the Assistant Secretary of minor deviations from a test standard such as the use of new instrumentation that is more accurate or sensitive than originally called for in the standard. The NRTL also need not inform the Assistant Secretary of its adoption of revisions to third-party

testing standards meeting the requirements of § 1910.7(c)(4), if such revisions have been developed by the standards developing organization, or of its adoption of revisions to other third-party test standards which the developing organization has submitted to OSHA. If, upon review, the Assistant Secretary or his designee determines that the proposed revised standard is not "substantially equivalent" to the previous version with regard to the level of safety obtained, OSHA will not accept the proposed testing standard by the recognized NRTL, and will initiate discontinuance of that aspect of OSHA-recognized activity by the NRTL by modification of the official letter of recognition. OSHA will publicly announce this action and the NRTL will be required to communicate this OSHA decision directly to affected manufacturers.

B. Expansion of current recognition

1. *Eligibility.* A recognized NRTL may apply to OSHA for an expansion of its current recognition to cover other categories of NRTL testing in addition to those included in the current recognition.

2. Procedure. a. OSHA will act upon and process the application for expansion in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.

b. In that process, OSHA may decide not to conduct an on-site review, where the substantive scope of the request to expand recognition is closely related to the current area of recognition.

c. The expiration date for each expansion of recognition shall coincide with the expiration date of the current basic recognition period.

C. Renewal of OSHA recognition

1. *Eligibility.* A recognized NRTL may renew its recognition by filing a renewal request at the address in paragraph I.A.3. of this appendix not less than nine months, nor more than one year, before the expiration date of its current recognition.

2. Procedure. a. OSHA will process the renewal request in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.

b. In that process, OSHA may determine not to conduct the on-site reviews in I.B.1.a. where appropriate.

c. When a recognized NRTL has filed a timely and sufficient renewal request, its current recognition will not expire until a final decision has been made by OSHA on the request.

d. After the first renewal has been granted to the NRTL, the NRTL shall apply for a continuation of its recognition status every five years by submitting a renewal request. In lieu of submitting a renewal request after the initial renewal, the NRTL may certify its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.

3. *Alternative procedure.* After the initial recognition and before the expiration thereof, OSHA may (for good cause) determine that there is a sufficient basis to dispense with the renewal requirement for a given laboratory and will so notify the laboratory of such a determination in writing. In lieu of submitting a renewal request, any laboratory so notified shall certify its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.

D. Voluntary termination of recognition.

At any time, a recognized NRTL may voluntarily terminate its recognition, either in its entirety or with respect to any area covered in its recognition, by giving written notice to OSHA. The written notice shall state the date as of which the termination is to take effect. The Assistant Secretary shall inform the public of any voluntary termination by Federal Register notice.

E. Revocation of recognition by OSHA.

1. *Potential causes.* If an NRTL either has failed to continue to substantially satisfy the requirements of § 1910.7 or this appendix, or has not been reasonably performing the NRTL testing requirements encompassed within its letter of recognition, or has materially misrepresented itself in its applications or misrepresented the scope or conditions of its recognition, the Assistant Secretary may revoke the recognition of a recognized NRTL, in whole or in part. OSHA may initiate revocation procedures on the basis of information provided by any interested person.

2. *Procedure.* a. Before proposing to revoke recognition, the Agency will notify the recognized NRTL in writing, giving it the opportunity to rebut or correct the alleged deficiencies which would form the basis of the proposed revocation, within a reasonable period.

b. If the alleged deficiencies are not corrected or reconciled within a reasonable period, OSHA will propose, in writing to the recognized NRTL, to revoke recognition. If deemed appropriate, no other announcement need be made by OSHA.

c. The revocation shall be effective in 60 days unless within that period the recognized NRTL corrects the deficiencies or requests a hearing in writing.

d. If a hearing is requested, it shall be held before an administrative law judge of the Department of Labor pursuant to the rules specified in 29 CFR part 1905, subpart C.

e. The parties shall be OSHA and the recognized NRTL. The Assistant Secretary may allow other interested persons to participate in these hearings if such participation would contribute to the resolution of issues germane to the proceeding and not cause undue delay.

f. The burden of proof shall be on OSHA to demonstrate by a preponderance of the evidence that the recognition should be revoked because the NRTL is not meeting the requirements for recognition, has not been reasonably performing the product testing functions as required by § 1910.7, this appendix A, or the letter of recognition, or has materially misrepresented itself in its applications or publicity.

3. *Final decision.* a. After the hearing, the Administrative Law Judge shall issue a decision stating the reasons based on the record as to whether it has been demonstrated, based on a preponderance of evidence, that the applicant does not continue to meet the requirements for its current recognition.

b. Upon issuance of the decision, any party to the hearing may file exceptions within 20 days pursuant to 29 CFR 1905.28. If no exceptions are filed, this decision is the final decision of the Assistant Secretary. If objections are filed, the Administrative Law Judge shall forward the decision, exceptions and record to the Assistant Secretary for the final decision on the proposed revocation.

c. The Assistant Secretary will review the record, the decision by the Administrative Law Judge, and the exceptions filed. Based on this, the Assistant Secretary shall issue the final decision as to whether it has been demonstrated, by a preponderance of evidence, that the recognized NRTL has not continued to meet the requirements for OSHA recognition. If the Assistant Secretary finds that the NRTL does not meet the NRTL recognition requirements, the recognition will be revoked.

4. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the FEDERAL REGISTER announcing the decision, and the availability of the complete record of this proceeding at OSHA. The effective date of any revocation will be the date the final decision copy is sent to the NRTL.

5. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

[53 FR 12120, Apr. 12, 1988; 53 FR 16838, May 11, 1988, as amended at 54 FR 24333, June 7, 1989; 65 FR 46818, 46819, July 31, 2000; 76 FR 10515, Feb. 25, 2011; 85 FR 8732, Feb. 18, 2020]

§ 1910.8 OMB control numbers under the Paperwork Reduction Act.

The following sections or paragraphs each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

29 CFR citation	OMB control No.
1910.7	1218-0147
1910.23	1218-0199
1910.27	1218-0199
1910.28	1218-0199
1910.66	1218-0121
1910.67(b)	1218-0230
1910.68	1218-0226
1910.95	1218-0048
1910.111	1218-0208
1910.119	1218-0200
1910.120	1218-0202

29 CFR citation	OMB control No.
1910.132	1218-0205
1910.134	1218-0099
1910.137	1218-0190
1910.142	1218-0096
1910.145	1218-0132
1910.146	1218-0203
1910.147	1218-0150
1910.156	1218-0075
1910.157(e)(3)	1218-0210
1910.157(f)(16)	1218-0218
1910.177(d)(3)(iv)	1218-0219
1910.179(j)(2)(iii) and (iv)	1218-0224
1910.179(m)(1) and (m)(2)	1218-0224
1910.180(d)(6)	1218-0221
1910.180(g)(1) and (g)(2)(ii)	1218-0221
1910.181(g)(1) and (g)(3)	1218-0222
1910.184(e)(4), (f)(4) and (i)(8)(ii)	1218-0223
1910.217(e)(1)(i) and (ii)	1218-0229
1910.217(g)	1218-0070
1910.217(h)	1218-0143
1910.218(a)(2)(i) and (ii)	1218-0228
1910.252(a)(2)(xiii)(*c*)	1218-0207
1910.255(e)	1218-0207
1910.266	1218-0198
1910.268	1218-0225
1910.269	1218-0190
1910.272	1218-0206
1910.302	1218-0256
1910.303	1218-0256
1910.304	1218-0256
1910.305	1218-0256
1910.306	1218-0256
1910.307	1218-0256
1910.308	1218-0256
1910.420	1218-0069
1910.421	1218-0069
1910.423	1218-0069
1910.430	1218-0069
1910.440	1218-0069
1910.1001	1218-0133

29 CFR citation	OMB control No.
1910.1003	1218-0085
1910.1004	1218-0084
1910.1006	1218-0086
1910.1007	1218-0083
1910.1008	1218-0087
1910.1009	1218-0089
1910.1010	1218-0082
1910.1011	1218-0090
1910.1012	1218-0080
1910.1013	1218-0079
1910.1014	1218-0088
1910.1015	1218-0044
1910.1016	1218-0081
1910.1017	1218-0010
1910.1018	1218-0104
1910.1020	1218-0065
1910.1024	1218-0267
1910.1025	1218-0092
1910.1026	1218-0252
1910.1027	1218-0185
1910.1028	1218-0129
1910.1029	1218-0128
1910.1030	1218-0180
1910.1043	1218-0061
1910.1044	1218-0101
1910.1045	1218-0126
1910.1047	1218-0108
1910.1048	1218-0145
1910.1050	1218-0184
1910.1051	1218-0170
1910.1052	1218-0179
1910.1053	1218-0266
1910.1096	1218-0103
1910.1200	1218-0072
1910.1450	1218-0131

[61 FR 5508, Feb. 13, 1996, as amended at 62 FR 29668, June 2, 1997; 62 FR 42666, Aug. 8, 1997; 62 FR 43581, Aug. 14, 1997; 62 FR 65203, Dec. 11, 1997; 63 FR 13340, Mar. 19, 1998; 63 FR 17093, Apr. 8, 1998; 71 FR 38086, July 5, 2006; 72 FR 40075, July 23, 2007; 81 FR 48710, July 26, 2016; 82 FR 31253, July 6, 2017; 83 FR 9702, Mar. 7, 2018]

§ 1910.9 Compliance duties owed to each employee.

(a) ***Personal protective equipment.*** Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.

(b) ***Training.*** Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

[73 FR 75583, Dec. 12, 2008]

Subpart B—Adoption and Extension of Established Federal Standards

Authority: Secs. 4, 6, and 8 of the Occupational Safety and Health Act, 29 U.S.C. 653, 655, 657; Walsh-Healey Act, 41 U.S.C. 35 *et seq.;* Service Contract Act of 1965, 41 U.S.C. 351 *et seq.;* Sec.107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333; Sec. 41, Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 941; National Foundation of Arts and Humanities Act, 20 U.S.C. 951 *et seq.;* Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 1911), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable.

§ 1910.11 Scope and purpose.

(a) The provisions of this subpart B adopt and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of parts 1915, 1916, 1917, 1918 in §§ 1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of part 1926 in § 1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.

§ 1910.12 Construction work.

(a) ***Standards.*** The standards prescribed in part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.