§ 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.

(b) ***Definition.*** For purposes of this section, *Construction work* means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in § 1926.13 of this title.

(c) ***Construction Safety Act distinguished.*** This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in part 1926 of this chapter. Thus, the standards (substantive rules) published in subpart C and the following subparts of part 1926 of this chapter are applied. This section does not incorporate subparts A and B of part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

(d) For the purposes of this part, to the extent that it may not already be included in paragraph (b) of this section, "construction work" includes the erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment.

§ 1910.15 Shipyard employment.

(a) ***Adoption and extension of established safety and health standards for shipyard employment.*** The standards prescribed by part 1915 (formerly parts 1501-1503) of this title and in effect on April 28, 1971 (as revised), are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in ship repair, shipbreaking, and shipbuilding, or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in ship repair, shipbreaking, and shipbuilding, or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) ***Definitions.*** For purposes of this section:

(1) ***Ship repair*** means any repair of a vessel, including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work;

(2) ***Shipbreaking*** means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component of a vessel;

(3) ***Shipbuilding*** means the construction of a vessel, including the installation of machinery and equipment;

(4) ***Related employment*** means any employment performed as an incident to, or in conjunction with, ship repair, shipbreaking, and shipbuilding work, including, but not restricted to, inspection, testing, and employment as a watchman; and

(5) ***Vessel*** includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

[58 FR 35308, June 30, 1993]

§ 1910.16 Longshoring and marine terminals.

(a) ***Safety and health standards for longshoring.***

(1) Part 1918 of this chapter shall apply exclusively, according to the provisions thereof, to all employment of every employee engaged in longshoring operations or related employment aboard any vessel. All cargo transfer accomplished with the use of shore-based material handling devices shall be governed by part 1917 of this chapter.

(2) Part 1910 does not apply to longshoring operations except for the following provisions:

(i) ***Access to employee exposure and medical records.*** Subpart Z, § 1910.1020;

(ii) ***Commercial diving operations.*** Subpart T;

(iii) ***Electrical.*** Subpart S when shore-based electrical installations provide power for use aboard vessels;

(iv) ***Hazard communication.*** Subpart Z, § 1910.1200;

(v) ***Ionizing radiation.*** Subpart Z, § 1910.1096;

(vi) ***Noise.*** Subpart G, § 1910.95;

(vii) ***Nonionizing radiation.*** Subpart G, § 1910.97;

> Note to paragraph (a)(2)(vii): Exposures to nonionizing radiation emissions from commercial vessel transmitters are considered hazardous under the following conditions: (1) where the radar is transmitting, the scanner is stationary, and the exposure distance is 18.7 feet (6 m.) or less; or (2) where the radar is transmitting, the scanner is rotating, and the exposure distance is 5.2 feet (1.8 m.) or less.

(viii) ***Respiratory protection.*** Subpart I, § 1910.134;

(ix) ***Toxic and hazardous substances.*** Subpart Z applies to marine cargo handling activities except for the following:

(A) When a substance or cargo is contained within a sealed, intact means of packaging or containment complying with Department of Transportation or International Maritime Organization requirements;[1]

(B) Bloodborne pathogens, § 1910.1030;

(C) Carbon monoxide, § 1910.1000 (See § 1918.94 (a)); and

(D) Hydrogen sulfide, § 1910.1000 (See § 1918.94 (f)).

(x) Powered industrial truck operator training, Subpart N, § 1910.178(l).

[1] The International Maritime Organization publishes the International Maritime Dangerous Goods Code to aid compliance with the international legal requirements of the International Convention for the Safety of Life at Sea, 1960.

(b) ***Safety and health standards for marine terminals.*** Part 1917 of this chapter shall apply exclusively, according to the provisions thereof, to employment within a marine terminal, except as follows:

(1) The provisions of part 1917 of this chapter do not apply to the following:

(i) Facilities used solely for the bulk storage, handling, and transfer of flammable and combustible liquids and gases.

(ii) Facilities subject to the regulations of the Office of Pipeline Safety of the Research and Special Programs Administration, Department of Transportation (49 CFR chapter I, subchapter D), to the extent such regulations apply to specific working conditions.

(iii) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(2) Part 1910 does not apply to marine terminals except for the following:

(i) ***Abrasive blasting.*** Subpart G, § 1910.94(a);

(ii) ***Access to employee exposure and medical records.*** Subpart Z, § 1910.1020;

(iii) ***Commercial diving operations.*** Subpart T;

(iv) ***Electrical.*** Subpart S;

(v) ***Grain handling facilities.*** Subpart R, § 1910.272;

(vi) ***Hazard communication.*** Subpart Z, § 1910.1200;

(vii) ***Ionizing radiation.*** Subpart Z, § 1910.1096;

(viii) ***Noise.*** Subpart G, § 1910.95;

(ix) ***Nonionizing radiation.*** Subpart G, § 1910.97.

(x) ***Respiratory protection.*** Subpart I, § 1910.134.

(xi) ***Safety requirements for scaffolding.*** Subpart D, § 1910.28;

(xii) ***Servicing multi-piece and single piece rim wheels.*** Subpart N, § 1910.177;

(xiii) ***Toxic and hazardous substances.*** Subpart Z applies to marine cargo handling activities except for the following:

(A) When a substance or cargo is contained within a sealed, intact means of packaging or containment complying with Department of Transportation or International Maritime Organization requirements;[2]

(B) Bloodborne pathogens, § 1910.1030;

(C) Carbon monoxide, § 1910.1000 (See § 1917.24(a)); and

(D) Hydrogen sulfide, § 1910.1000 (See § 1917.73(a)(2)); and

[2] The International Maritime Organization publishes the International Maritime Dangerous Goods Code to aid compliance with the international legal requirements of the International Convention for the Safety of Life at Sea, 1960.

(xiv) Powered industrial truck operator training, subpart N, § 1910.178(l).

(c) ***Definitions.*** For purposes of this section:

(1) ***Longshoring operation*** means the loading, unloading, moving, or handling of, cargo, ship's stores, gear, etc., into, in, on, or out of any vessel;

(2) ***Related employment*** means any employment performed as an incident to or in conjunction with, longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman; and

(3) ***Vessel*** includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

(4) ***Marine terminal*** means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel including structures which are devoted to receiving, handling, holding, consolidation and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor does the term include storage facilities directly associated with those production or manufacturing areas.

[39 FR 23502, June 27, 1974, as amended at 48 FR 30908, July 5, 1983; 52 FR 36026, Sept. 25, 1987; 62 FR 40195, July 25, 1997; 63 FR 66270, Dec. 1, 1998]

§ 1910.17 Effective dates.

(a)-(b) [Reserved]

(c) Except whenever any employment or place of employment is, or becomes, subject to any safety and health standard prescribed in part 1915, 1916, 1917, 1918, or 1926 of this title on a date before August 27, 1971, by virtue of the Construction Safety Act or the Longshoremen's and Harbor Workers' Compensation Act, that occupational safety and health standard as incorporated by reference in this subpart shall also become effective under the Williams-Steiger Occupational Safety and Health Act of 1970 on that date.

[39 FR 23502, June 27, 1974, as amended at 61 FR 9235, Mar. 7, 1996]

§ 1910.18 Changes in established Federal standards.

Whenever an occupational safety and health standard adopted and incorporated by reference in this subpart B is changed pursuant to section 6(b) of the Act and the statute under which the standard was originally promulgated, and in accordance with part 1911 of this chapter, the standard shall be deemed changed for purposes of that statute and this subpart B, and shall apply under this subpart B. For the purposes of this section, a change in a standard includes any amendment, addition, or repeal, in whole or in part, of any standard.

§ 1910.19 Special provisions for air contaminants.

(a) ***Asbestos, tremolite, anthophyllite, and actinolite dust.*** Section 1910.1001 shall apply to the exposure of every employee to asbestos, tremolite, anthophyllite, and actinolite dust in every employment and place of employment covered by § 1910.16, in lieu of any different standard on exposure to asbestos, tremolite, anthophyllite, and actinolite dust which would otherwise be applicable by virtue of any of those sections.

(b) ***Vinyl chloride.*** Section 1910.1017 shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

(c) ***Acrylonitrile.*** Section 1910.1045 shall apply to the exposure of every employee to acrylonitrile in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to acrylonitrile which would otherwise be applicable by virtue of any of those sections.

(d) [Reserved]

(e) ***Inorganic arsenic.*** Section 1910.1018 shall apply to the exposure of every employee to inorganic arsenic in every employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to inorganic arsenic which would otherwise be applicable by virtue of any of those sections.

(f) [Reserved]

(g) ***Lead.*** Section 1910.1025 shall apply to the exposure of every employee to lead in every employment and place of employment covered by §§ 1910.13, 1910.14, 1910.15, and 1910.16, in lieu of any different standard on exposure to lead which would otherwise be applicable by virtue of those sections.

(h) ***Ethylene oxide.*** Section 1910.1047 shall apply to the exposure of every employee to ethylene oxide in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to ethylene oxide which would otherwise be applicable by virtue of those sections.

(i) ***4,4'-Methylenedianiline (MDA).*** Section 1910.1050 shall apply to the exposure of every employee to MDA in every employment and place of employment covered by § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to MDA which would otherwise be applicable by virtue of those sections.

(j) ***Formaldehyde.*** Section 1910.1048 shall apply to the exposure of every employee to formaldehyde in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15 or § 1910.16 in lieu of any different standard on exposure to formaldehyde which would otherwise be applicable by virtue of those sections.

(k) ***Cadmium.*** Section 1910.1027 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by § 1910.16 in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

(l) ***1,3-Butadiene (BD).*** Section 1910.1051 shall apply to the exposure of every employee to BD in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to BD which would otherwise be applicable by virtue of those sections.

(m) ***Methylene chloride (MC).*** Section 1910.1052 shall apply to the exposure of every employee to MC in every employment and place of employment covered by § 1910.16 in lieu of any different standard on exposure to MC which would otherwise be applicable by virtue of that section when it is not present in sealed, intact containers.

[43 FR 28473, June 30, 1978, as amended at 43 FR 45809, Oct. 3, 1978; 43 FR 53007, Nov. 14, 1978; 44 FR 5447, Jan. 26, 1979; 46 FR 32022, June 19, 1981; 49 FR 25796, June 22, 1984; 50 FR 51173, Dec. 13, 1985; 52 FR 46291, Dec. 4, 1987; 57 FR 35666, Aug. 10, 1992; 57 FR 42388, Sept. 14, 1992; 59 FR 41057, Aug. 10, 1994; 61 FR 56831, Nov. 4, 1996; 62 FR 1600, Jan. 10, 1997]

Subpart C [Reserved]

Subpart D—Walking-Working Surfaces

Authority: 29 U.S.C. 653, 655, and 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), and 1-2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

Source: 81 FR 82981, Nov. 18, 2016, unless otherwise noted.

§ 1910.21 Scope and definitions.

(a) ***Scope.*** This subpart applies to all general industry workplaces. It covers all walking-working surfaces unless specifically excluded by an individual section of this subpart.

(b) ***Definitions.*** The following definitions apply in this subpart:

Alternating tread-type stair means a type of stairway consisting of a series of treads that usually are attached to a center support in an alternating manner such that an employee typically does not have both feet on the same level while using the stairway.

Anchorage means a secure point of attachment for equipment such as lifelines, lanyards, deceleration devices, and rope descent systems.

Authorized means an employee who the employer assigns to perform a specific type of duty, or allows in a specific location or area.

Cage means an enclosure mounted on the side rails of a fixed ladder or fastened to a structure behind the fixed ladder that is designed to surround the climbing space of the ladder. A cage also is called a “cage guard” or “basket guard.”

Carrier means the track of a ladder safety system that consists of a flexible cable or rigid rail attached to the fixed ladder or immediately adjacent to it.

Combination ladder means a portable ladder that can be used as a stepladder, extension ladder, trestle ladder, or stairway ladder. The components of a combination ladder also may be used separately as a single ladder.

Dangerous equipment means equipment, such as vats, tanks, electrical equipment, machinery, equipment or machinery with protruding parts, or other similar units, that, because of their function or form, may harm an employee who falls into or onto the equipment.