



*Revised
JAH*

Interoffice Communication

To Plant Safety Directors
From James J. Hall
Date December 21, 1978
Subject Corrections to OSHA Air contaminants Table

OSHA has published (FR 12/8/78) corrections to its table of exposure limits in 29CFR1910.1000. The corrections are minor and will probably have no effect on our operations. The only item which may be of interest is that the value of 1 ppm for chlorine is a ceiling value rather than a TWA limit.

A copy of the corrections is attached.

A handwritten signature in cursive script, appearing to read "J. Hall", written over the typed name.

James J. Hall

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Attachment

SAL 000080329

the approved range. These data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The memoranda make explicit that because waiver of the ministerial requirements of section 512(m) of the act is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premises that can be made into feed mixtures with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy that is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation, for publication in the FEDERAL REGISTER, based on the criteria listed above, governing waiver of the 512(m) requirements for the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

Approval of this waiver does not constitute reaffirmation of the underlying human safety data for use of nicarbazin in chicken feed.

In accordance with the freedom of information regulations and §514.11 (e)(2)(ii) of the animal drug regulations, a summary of the human safety data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, 15600 Fishers Lane, Rockville, MD 20857, Monday through Friday, from 9 a.m. to 4 p.m.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in §558.366 by adding paragraph (d), to read as follows:

§558.366 Nicarbazin.

(d) Special considerations. Complete broiler feeds containing nicarbazin only and conforming to requirements this section are not required to

comply with the provisions of section 512(m) of the act.

Effective date: December 8, 1978.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(d)))

Dated: December 1, 1978.

LESTER M. CRAWFORD,
Director,
Bureau of Veterinary Medicine.
(FR Doc. 78-34244 Filed 12-7-78; 8:45 a.m.)

[4510-26-M]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Air Contaminants Tables; Corrections

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; corrections.

SUMMARY: This document contains corrections to the tables of exposure limits for air contaminants in 29 CFR 1910.1000. These corrections are being published to avoid any confusion as to the content of the section.

EFFECTIVE DATE: December 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Louis Polito, Office of Compliance Programming, Division of Occupational Health Programming, 3rd Street and Constitution Avenue, NW, Room N-3606, Washington, D.C. 20210 (Tel. (202) 523-8043).

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration (OSHA) standards for occupational exposure to air contaminants (gases, vapors, fumes, dust, and mists) were first published as 29 CFR 1910.93, Tables G-1, G-2 and G-3 (36 FR 10503, May 29, 1971, as revised by 36 FR 15101, August 13, 1971). These standards were subsequently moved to a new subpart, Subpart Z-Toxic and Hazardous Substances, and reclassified at 29 CFR 1910.1000, Tables Z-1, Z-2, and Z-3 (40 FR 23072, May 28, 1975).

These standards were promulgated under section 6(a) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593; 29 U.S.C. 655(a)), which required the Secretary of Labor to adopt, within two years of the Act's effective date (April 28, 1971), any national consensus standard, and any established Federal standard, unless he determined that the promulgation of

such a standard would not result in improved safety or health for specifically designated employees.

In promulgating these standards, which are described more fully below, OSHA adopted regulations originally issued under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.) as established Federal standards and certain standards issued by the American National Standards Institute (ANSI) as national consensus standards.

There are a number of extraneous entries, inadvertent omissions and typographical errors in these standards, as they currently appear. Many of the typographical errors and inadvertent omissions which occurred in the transcription of these standards have been recognized by employers and industrial hygienists. OSHA has received many inquiries concerning these errors and many requests that the standards be clarified and that the errors be corrected. Therefore, for the guidance and convenience of the public, OSHA is correcting the tables to remove ambiguities and correct possible confusion. As discussed more fully below, these corrections are of a technical or clarifying nature, and conform 29 CFR 1910.1000 to the established Federal standards and national consensus standards which OSHA adopted under section 6(a) of the Act. These corrections do not establish, modify or revoke substantive rights and obligations.

OSHA has determined that notice of these corrections and public procedure thereon is not necessary under section 4 of the Administrative Procedure Act (5 U.S.C. 553), or under section 6 of the Occupational Safety and Health Act. In making these corrections, the only questions considered were whether OSHA had accurately transcribed the source documents for these standards and whether errors have occurred in subsequent republications or recodifications of these tables. Since these determinations are essentially mechanical, notice and public procedure thereon are unnecessary and impracticable within the meaning of 5 U.S.C. 553(b)(3)(B).

Nor does section 6 of the Occupational Safety and Health Act require notice and public comment on these corrections. They do not establish, modify or revoke substantive rights and obligations. No useful purpose would thus be served by notice and public procedure. Therefore, under 29 CFR 1911.5, good cause is found to publish these corrections without prior notice or public procedure thereon. For the same reasons, good cause is found to make these changes effective immediately upon publication in the FEDERAL REGISTER.

Some of the more important errors being corrected, and their origins, are discussed briefly below.

Table Z-1. The exposure limits listed for substances in Table Z-1 of 29 CFR 1910.1000 were originally adopted under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.). These Walsh-Healey safety and health standards incorporated by reference the Threshold Limit Values of Airborne Contaminants for 1968 of the American Conference of Governmental Industrial Hygienists (ACGIH), published at 34 FR 7946, 7953, May 20, 1969, and codified in 41 CFR 50-204.50. The Secretary of Labor determined that these Walsh-Healey standards were "established Federal standards" within the meaning of section 3(10) of the Act and therefore adopted them as OSHA standards under section 6(a) of the Act (36 FR 10466, 10504, May 29, 1971).

As stated above, the 1968 ACGIH threshold limit values were merely incorporated by reference in the Walsh-Healey standards. In adopting these established Federal standards, OSHA decided to transcribe the material incorporated by reference, specifically listing the substances and their exposure limits, in order to make it easier for employers and employees to have quick access to this information. The May 29, 1971 printing, however, inadvertently and incorrectly listed the 1970 ACGIH threshold limit values rather than the 1968 ACGIH threshold limit values which were incorporated in the Walsh-Healey standards. This error was partially corrected by a subsequent FEDERAL REGISTER document which printed the 1968 values (36 FR 15101, August 13, 1971). However, two substances from the 1970 edition of the Threshold Limit Values of Airborne Contaminants were inadvertently retained: Propargyl alcohol and RDX. Also, the footnote for Oil mist was inadvertently retained. The notation "C", designating a ceiling exposure limit, was inadvertently omitted for three substances: Chlorine, Nitrogen dioxide, and Nitroglycerin.

In addition, in transcribing the 1968 ACGIH threshold limit values, OSHA inadvertently omitted dibutyl phosphate and its exposure limit of 1 ppm and 5 mg/M³. In accord with the Act's requirement that the Secretary promulgate any national consensus standard and any established Federal standard, unless the Secretary determined that the promulgation of such a standard would not contribute to the safety and health of employees (section 6(a)), OSHA intended to adopt permissible exposure limits for all the substances regulated under Walsh-Healey except for those substances for which OSHA expressly decided to adopt national consensus standards. There was no na-

tional consensus standard on dibutyl phosphate at the time. Accordingly, the list is corrected by adding dibutyl phosphate to the air contaminant tables. This conforms Table Z-1 to the established Federal standards which OSHA adopted.

In several instances, specific substances were covered by the national consensus standard and an established Federal standard. The Secretary chose to promulgate the ANSI standard in lieu of the established Federal standard for a variety of substances. In some cases, however, the references to the established Federal standards were not properly deleted. These deletions are accomplished in this correction document.

The exposure limit for Parathion, which originally had been printed correctly as 0.1 mg/M³ (36 FR 10505, May 29, 1971), was later misprinted as 0.11 mg/M³ (36 FR 15103, August 13, 1971). The exposure limit for Ronnel inadvertently was not corrected to its 1968 ACGIH value of 15 mg/M³. These errors are hereby corrected.

While the August 13, 1971, document showed the correct permissible exposure limit for Stoddard solvent as expressed in parts per million (ppm), the permissible exposure limit as expressed in milligrams per cubic meter (mg/M³) was erroneously printed as 2950 rather than 2900. In a subsequent republication of OSHA regulations (37 FR 22102, October 18, 1972), the exposure limit for Tetramethyl lead, which had been properly corrected to 0.075 mg/M³ (36 FR 15101, 15103, August 13, 1971) was printed erroneously as 0.07 mg/M³ (37 FR 22141, October 18, 1972). These and several other typographical errors are corrected in this document.

Table Z-2. The exposure limits for substances listed in 29 CFR 1910.1000, Table Z-2, were originally based upon several standards adopted by the American National Standards Institute (ANSI Z-37 series). The Secretary of Labor determined that these standards were "national consensus standards" within the meaning of section 3(9) of the Act and therefore adopted them as OSHA standards under section 6(a) of the Act (36 FR 10466, May 29, 1971).

The May 29, 1971, printing in the FEDERAL REGISTER erroneously omitted some of the acceptable ceiling concentrations and all of the peaks or excursions from the exposure limits for the covered substances. The error was partially corrected in the August 13, 1971 FEDERAL REGISTER (36 FR 15101). However, the acceptable ceiling concentration for Cadmium fume misprinted as 3 mg/M³; the correct value is 0.3 mg/M³. This error has been generally recognized by employers and industrial hygienists. (See, e.g. CCH, Employ-

ment - Safety and Health - Guide, Volume 2, § 7600.6). In addition, the corrected ceiling concentration was subsequently printed in the NIOSH criteria document, Occupational Exposure to Cadmium, and in OSHA's review and evaluation of that criteria document (42 FR 5434, 5436, January 28, 1977). While the May 29, 1971, printing correctly listed the source document for Methylene chloride as ANSI Z37.23-1969, a typographical error in the August 1971 correction document listed the source document as ANSI Z37.3-1969. This document also corrects this error.

Table Z-3. The exposure limits listed for substances in Table Z-3 of 29 CFR 1910.1000 were originally adopted under the Walsh-Healey Public Contracts Act, and codified at 41 CFR 50-204.50 et seq. The Secretary of Labor determined that these Walsh-Healey standards were "established Federal standards" within the meaning of section 3(10) of the Act and therefore adopted them as OSHA standards under section 6(a) of the Act (36 FR 10466, 10506, May 26, 1971). In 1972, the Secretary of Labor adopted a comprehensive asbestos standard and deleted asbestos and its exposure limits from Table Z-3 (29 CFR 1910.1001; 37 FR 11320, June 7, 1972). Footnote "j" to Table Z-3, dealing with asbestos, was inadvertently retained. This document corrects this error.

Standards Organizations (§ 1910.1500). The National Fire Protection Association was erroneously included as a source for standards in Subpart Z, when the tables were recodified (40 FR 23073, May 28, 1975). This document corrects that error.

Accordingly, pursuant to sections 6 and 8 of the Act (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) section 4 of the Administrative Procedure Act (5 U.S.C. 553), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR 1911.5, Title 29 Code of Federal Regulations, § 1910.1000 and § 1910.1500 are corrected as set forth below.

These amendments are effective December 8, 1978.

Signed at Washington, D.C. this 30th day of November, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

§ 1910.1000 [Amended]

1. Title 29 CFR, § 1910.1000 is corrected as follows:

A. Table Z-1:

1. The asterisks (single or double) in front of the entries "C Allylglycidyl ether (AGE)", "Ammonia", "Butyl mercaptan", "Camphor", "Chlorine", "Octane", "Oil mist, mineral", "Pentane", and "Stoddard solvent" are deleted.

2. The entry "Bisphenol A, see Diglycidyl ether" is deleted.
 3. In the entry for "Camphor," the number "2" is deleted under the heading "ppm" and the number "2" is added under the heading "mg/M³."
 4. In the entry for "Chlorine," the notation "C" is added before the word, "Chlorine."
 5. In the entry for "DDVP," the words "See Dichlorvos" are deleted, and the notation "Skin" is added; the number "1" is added under the heading "mg/M³."
 6. The entry "Dichlorvos (DDVP)—Skin" is deleted.
 7. The entry "Dibutyl phosphate" is added in the substance column after "Diborane"; the number "1" is entered in the "p.p.m." column, and "5" is entered in the "mg/M³" column.
 8. The entry "Ethylene dibromide, see 1,2-Dibromoethane" is deleted.
 9. The entry "Ethylene dichloride, see 1,2-Dichloroethane" is deleted.
 10. In the entry for "Nitrogen dioxide," the notation "C" is added before the word, "Nitrogen."
 11. In the entry for "Nitroglycerin," the notation "C" is added before the word, "Nitroglycerin."
 12. In the entry for "Oil mist," the footnote is deleted from the column "mg/M³."
 13. In the entry for "Parathion," the number under the heading "mg/M³" is corrected to "0.1".
 14. The entry "Propargyl alcohol—Skin" is deleted.
 15. The entry "RDX—Skin—1.5" is deleted.
 16. In the entry for "Ronnel," the number under the heading "mg/M³" is corrected to "15".
 17. In the entry for "Stoddard solvent," the number under the heading "mg/M³" is corrected to "2,900."
 18. The entry "Tetrachloroethylene, see Perchloroethylene" is deleted.
 19. In the entry for "Tetramethyl lead," the number under the heading "mg/M³" is corrected to "0.075".
 20. The footnote to Table Z-1, "1970 Addition" is deleted.
 21. The footnote to Table Z-1, "As sampled by method that does not collect vapor" is deleted.
 22. The footnote to Table Z-1, "For control at general room air, biologic monitoring is essential for personnel control," is deleted.
- B. Table Z-2:
1. In the entry for "Cadmium fume," the entry under the heading "acceptable ceiling concentration" is corrected to read "0.3 mg/M³."
 2. In the entry for "Formaldehyde," the words "10 ppm" which appear directly after "5 ppm" in the "Accept-

able ceiling concentration" column are moved to the column headed "Concentration."

3. In the entry for "Methylene chloride," the source document is corrected to "23723-1969."

4. Table Z-2 is rearranged so that the substances appear in alphabetical order. The term "do," standing for "ditto," is deleted wherever it appears in Table Z-2 and the appropriate numerical value is substituted.

C. Table Z-3:

The footnote to Table Z-3, "As determined by the membrane filter method at 430X phase contrast magnification," is deleted.

§1910.1500. [Amended]

IL Title 29 CFR, §1910.1500 is corrected as follows:

In 29 CFR 1910.1500, the reference "National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210" is deleted."

(Sec. 6, 8(g), 84 Stat. 1593, 1600; 29 U.S.C. 655, 657, Secretary of Labor's Order No. 8-76 (41 FR 25059), 29 CFR Part 1911, 5 U.S.C. 533).

(FR Doc. 78-34365 Filed 12-7-78; 8:45 am)

3510-20-M)

Title 41—Public Contracts and Property Management

CHAPTER 13—DEPARTMENT OF COMMERCE

PART 13-1—GENERAL

Procurement Regulations; Organizational Change

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: This amendment provides for redesignation of procurement authorities and responsibilities due to recent organizational changes in the Office of the Secretary of the Department of Commerce.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Carter, Procurement Analyst, U.S. Department of Commerce, Washington, D.C. 20230; Room 6414; (202) 377-3891.

SUPPLEMENTARY INFORMATION: This amendment of the Department of Commerce Procurement Regulations (DOCPR) provides necessary changes to specific DOCPR Sections

to reflect a recent reorganization in the Office of the Secretary. As a result of the reorganization, the Department's centralized procuring activity and procurement policy staff, formerly within the Office of Administrative Services and Procurement, were combined with the Department's Office of Automatic Data Processing Management to form the Office Of Procurement and Automatic Data Processing Management. Since this amendment pertains solely to matters of agency management, it has been determined that the provisions of the Administrative Procedures Act requiring public comment and delay in effective date are inapplicable.

Accordingly, pursuant to the authority of the Assistant Secretary for Administration under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Organization Order 10-5, 41 CFR Chapter 13 is amended as follows:

PART 13-1 [Amended]

Wherever the titles "Director, Office of Administrative Services and Procurement (OAS&P)" or "Deputy Director for Program Development, OAS&P" appear in the chapter they are changed to read "Director, Office of Procurement and Automatic Data Processing Management." Wherever the organizational title "Office of Administrative Services and Procurement" appears in the Chapter it is changed to read "Office of Procurement and Automatic Data Processing Management." Wherever the organizational title "Office of Automatic Data Processing Management" (OADPM) appears, it is changed to read "Office of Procurement and Automatic Data Processing Management" (OP&ADPM).

§13-1.009-3 [Deleted]

§13-1.009-3 "Limitation on deviation," is deleted as no longer necessary.

Dated: November 30, 1978.

Approved for Issuance by:

ELSA A. PORTER,
Assistant Secretary for Administration, Department of Commerce.

(FR Doc. 78-34281 Filed 12-7-78; 8:45 am)

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