inclusion in the revised standard of requirements for recordkeeping of employee exposure and medical records. In recognition of the unique advantages for this industry of a centralized data base to accommodate the records of employees who may work for several employers in a short period of time, paragraph (n)(2)(i) contains a note specifically emphasizing that employers may contract with organizations such as trade associations and unions to provide records maintenance services.

Paragraph (o)—Dates

Effective Date. In the final standard, all requirements will become effective 30 days from publication of the final rule in the Federal Register, which is consistent with OSHA policy. This 30-day period will provide sufficient time for employers and other responsible individuals in the industry to obtain a copy of the standard and to become familiar with the provisions prior to the startup date.

OSHA did not receive any submittals that specifically addressed the 30-day effective date for the standard. OSHA believes that 30 days is sufficient time because this regulatory action for asbestos is related to the past asbestos standard and contains many of the same or similar provisions. In addition, OSHA has provided a separate startup date by which the various provisions must be completely implemented, as described below.

The provisions of § 1926.58 take effect on July 21, 1986. On this date, employers are to commence complying with the provisions as amended. Until that date, employers are to comply with the unamended provisions of § 1919.1001 as currently published in the Code of Federal Regulations (1985 edition). If the amended provisions are not in effect because of stays or judicial action, then the unamended provisions will remain in effect. It is the intention that there remain no gaps in coverage and that the existing provisions not terminate unless the new provisions are in effect.

Startup Date. The final standard specifies that all requirements, including those for engineering controls, shall be complied with within 180 days after the effective date.

Although few commenters addressed the startup date provision, OSHA did receive two submittals on this topic (Exs. 84–424, 277). In addressing the question concerning whether any industry sector might need more time to comply with the requirements of the standard, Joe Adam, Director of the Department of Safety and Health of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry (UAJAPPI), indicated that whatever the normal phase-in of a standard is, i.e., 1 year, should be used (Ex. 84–424, p. 55). He stated that he did not recommend that "there be any lengthening of the time. Whatever the time is that is accepted in the regulatory process is the one that we should agree to" (Ex. 84–424, p. 55). The BCTD did not support a delayed effective date (startup date), stating that "all technology for implementation of the standard currently exists" (Ex. 277, p. 14). There concern was that "increased asbestos removal and encapsulation work has already begun . . . [and] in many cases this work is being done without any protections to avoid the requirements that they anticipate in the near future. This trend would only accelerate if delayed implementation of the regulation is allowed" (Ex. 277, p. 14).

Based on these comments and because this final standard merely revises the existing OSHA standard for asbestos (29 CFR 1910.1001), which is already being complied with, OSHA believes that employers in the construction industry should be able to achieve compliance with the requirements within 180 days after the effective date. If the time period for meeting the startup date cannot be met because of technical difficulties, any employer is entitled to petition for a temporary variance under section 6(b)(6)(A) of the Act.

The 180-day delayed startup date, however, is only for the new provisions contained in the new standard or for the increased requirements which result from the reduction of the PEL from 2 f/cc to 0.2 f/cc. Compliance with the provisions of the standard must be maintained on a continuous basis, without any gap, until compliance with the new standard is achieved.

Paragraph (p)—Appendices

The revised standard contains nine appendices which are designed to assist employers and employees to implement the provisions of the standard. Appendices A, C, D, and E, are incorporated as a part of this standard and impose additional mandatory obligations on covered employers. Appendices B, F, G, H, and I are nonmandatory and are included primarily to provide information and guidance. None of the statements in Appendices B, F, G, H, and I should be construed as imposing a mandatory requirement on construction employers that is not otherwise imposed by the standard; in addition, these appendices are not intended to detract from any obligation that the revised standard imposes.

The appendices that are included in the standard are:

Appendix A—OSHA Reference Method—Mandatory.
Appendix B—Monitoring Method—Non-mandatory.
Appendix C—Methods for Respirator Fit Testing.
Appendix D—Mandatory Medical Questionnaire.
Appendix E—Information for X-Ray Interpretations.
Appendix F—Methods for Reducing Asbestos Exposures During Large-Scale Asbestos Removal or Renovation.
Appendix G—Methods for Reducing Asbestos Exposures During Small-Scale Asbestos Renovation Projects.
Appendix H—Substance Technical Information for Asbestos.
Appendix I—Medical Surveillance Guidelines for Asbestos.

Recordkeeping Requirements

The recordkeeping requirements in these revised standards are being considered by the Office of Management and Budget under the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3501 *et seq.* These requirements will not take effect until approved by the Office of Management and Budget.

List of Subjects

29 CFR Part 1910

Asbestos, Cancer, Health, Labeling, Occupational safety and health, Protective equipment, Respiratory protection, Signs and symbols.

29 CFR Part 1926

Asbestos, Cancer, Construction industry, Hazardous materials, Health, Labeling, Occupational safety and health, Protective equipment, Respiratory protection, Signs and symbols.

XII. Authority and Signature

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave, NW., Washington, DC 20210. Accordingly, pursuant to sections 4, 6(b), 8(c) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), 29 CFR Part 1911 and Secretary of Labor's Order No. 9–83 (48 FR 35736), 29 CFR Parts 1910 and 1926 are hereby amended as set forth below.

The Federal Register has been requested to officially file this document

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