

lunchrooms is not required if installation of engineering controls would only make their use necessary for a few months. If the time period for meeting any of these startup dates 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.

These delayed startup dates, however, are 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. The provisions of the old standard must be maintained on a continuous basis, without any gap, until compliance with the new standard is achieved. For example, employers are given two years to complete engineering and work practice controls to meet the new 0.2 f/cc level. Their obligation to use these types of controls to meet the old 2 f/cc level, which has been in effect for many years, continues without interruption.

16. Paragraph (p). Appendices.

Eight appendices have been included in this final 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, and H are nonmandatory and are included primarily to provide information and guidance. None of the statements in Appendices B, F, G, and H should be construed as establishing a mandatory requirement not otherwise imposed by the standard or as detracting from an obligation which the standard does impose.

Appendix A (mandatory) specifies the OSHA reference method for analyzing air samples for asbestos. Appendix B (nonmandatory) is a detailed procedure for asbestos sampling and analysis and is based on NIOSH Method 7400. Appendix C (mandatory) specifies qualitative and quantitative fit testing procedures. Appendix D (mandatory) specifies the medical questionnaire that must be administered to all employees who are expected to be exposed to asbestos above the action level. Appendix E (mandatory) specifies the requirements for the interpretation and classification of chest roentgenograms. Appendix F (nonmandatory) provides guidelines for work practices and engineering controls for automotive brake repair operations. Appendix G provides general technical information on asbestos and Appendix H provides medical surveillance guidelines which may be supplied to the physician.

XI. Summary and Explanation for a Revised Standard for the Construction Industry

This section discusses the individual provisions of the revised standard for occupational exposure to asbestos in the construction industry. The record evidence and OSHA's reasons for adopting each requirement in the standard are presented in detail. Section X of the preamble should also be referred to for explanation of the provisions of the standard.

The revised standard contains a permissible exposure limit (PEL) of 0.2 fiber asbestos per cubic centimeter of air (0.2 f/cc) measured as an 8-hour time-weighted average (TWA). Engineering controls, work practices, and respiratory protection are required where necessary to reach the PEL. The standard becomes effective 30 days from publication in the Federal Register, and all provisions of the standard are in effect 180 days from the effective date. Because OSHA's existing asbestos standard will continue in effect until the revised standard published today becomes effective, employers are required to continue to comply with the existing standard until that time. For example, employers are required to maintain employee exposures to levels at or below 2 fibers/cc, the existing permissible exposure limit, until the new PEL of 0.2 f/cc becomes effective 180 days from the effective date.

In general, this revised standard is consistent both with OSHA's former asbestos standard, adopted in 1972, and with recent OSHA health standards, such as the arsenic standard (43 FR 19584) and the ethylene oxide standard (49 FR 25734). OSHA believes that a similar style and format should be followed from standard to standard to facilitate uniformity of interpretation for similar provisions. This is in accordance with Section 6(b)(5) of the Act, which states that health standards "... shall also be based on experience gained under this and other health and safety laws."

Paragraph (a)—Scope and Application

The final standard applies to all construction work as defined in 29 CFR 1910.12(b), which states:

The standards prescribed in Part 1928 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.

Section 1910.12 defines construction work as "work for construction, alteration, and/or repair, including

painting and decorating." Paragraph (a) of the revised standard identifies many construction activities likely to involve exposure to asbestos, including: Demolition or salvage of structures where asbestos is present; removal or encapsulation of asbestos-containing products; construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain asbestos; installation of asbestos-containing products; asbestos spill/emergency cleanup operations; and the transportation, disposal, storage, or containment of asbestos or asbestos-containing products on the site or location where construction work is being performed.

The adoption of a separate standard for occupational exposure to asbestos in the construction industry was recommended almost unanimously by participants in this rulemaking. For example, the Building and Construction Trades Department (BCTD) of the AFL-CIO presented a number of reasons for a separate standard governing asbestos exposure in the construction industry:

... the variable nature of construction work activities, the lack of a regular workplace for many construction employees, the relatively short tenure or employment on most projects or for most employers, the generally high rate of employee turnover, the sequential arrangement of scheduled job activities on construction projects, the outdoor nature of much construction work, the existence of varied weather conditions including wind, rain, cold, heat, and environmental contaminants, frequently small workforces ... the relationships between and among construction contractors and (between) contractors and owners, and the frequent change in physical arrangements during construction work due to the installation or removal of permanent systems which can cause interruption to exposure controls. (Ex. 330)

The appropriateness of promulgating a separate standard for the substantially different exposure and work conditions in construction and general industry was supported by a wide spectrum of rulemaking participants: BCTD, OSHA's Advisory Committee for Construction Safety and Health (CACOSH) the Asbestos Information Association of North America (AIA/NA), and the Associated General Contractors of America (AGC). The standard issued today responds to the need for a separate asbestos standard for construction identified by these commenters and reflects the record evidence supporting the Agency's decision to issue a standard that will be codified in Part 1928 of 29 CFR.