COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF LABOR AND HUMAN RESOURCES
Office of the Secretary
Hato Rey, Puerto Rico

No. 5931
Date: March 5, 1999 9:20 A.M.

Approved: Norma Burgos
Secretary of State
By: Asistant Secretary for Services

R E S O L U T I O N

I, Aura L. González Ríos, Puerto Rico Secretary of Labor and Human Resources, pursuant to the authority conferred by Section 8 of the Puerto Rico Occupational Safety and Health Act, Act Number 16 of August 5, 1975 as amended (29 LPRA 361 et.seq.), hereby amend the Puerto Rico Occupational Safety and Health Regulation, Number Ten (Part 1926), approved on February 1st., 1978 and amended on October 9, 1978, June 23, 1979; May 29; 1981, September 18, 1986; January 13, 1988; April 10, November 21, 1989; January 18, February 26, March 9, April 24, May 11, 1990; January 10, February 15, 1991; October 6, 1992; March 10, December 9, 1993; March 23, June 21, November 23, 1994; January 18, November 13 , December 13, 1995, February 21, November 4, November 13, 1996, April 16, 1997; April 28 1998, and July 30, 1998 and November 16, 1998 by adopting the following amendments:

Occupational Exposure to Asbestos, Tremolite, Antophyllite and Actinolite, Final Rule, corrections as published in the Federal Register, Vol. 61, No. 165 of August 23, 1996 (43454-43459)

Powered Industrial Truck Operator Training; Final Rule as published in the Federal Register, Vol. 63,No. 230 of December 1, 1998 (66238-66274)

The adoption of these amendments will be effective immediately.

Given at San Juan, Puerto Rico,on this 3 day of March 1999.

AURA L. GONZALEZ RIOS

5931

Dated: August 18, 1996.
Stephen F. Sundlof,
Director, Center for Veterinary Medicine.
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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket number H-033-e]

RIN 1218-AB25

Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule: corrections.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting certain provisions of the final asbestos standards issued August 10, 1994 (59 FR 40964) and corrected and clarified June 29, 1995 (60 FR 33974) and September 29, 1995 (60 FR 50411).

EFFECTIVE DATE: These amendments take effect September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Cyr, Office of Information and Consumer Affairs, OSHA, U. S. Department of Labor, Room N3647, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 219-8151.

SUPPLEMENTARY INFORMATION:

1. Background

On August 10, 1994, OSHA issued asbestos standards for general industry, construction work, and shipyard work. 59 FR 40964. On June 29, 1995, and September 29, 1995, OSHA issued notices correcting and clarifying various provisions of those standards. 60 FR 33974; 60 FR 50411. This notice further corrects various provisions of the standards and clarifies the meaning of certain provisions of the standards.

The corrections set forth in this document are based on the existing rulemaking record and are not intended to affect the protection afforded by the standards in a significant way. OSHA therefore finds good cause, pursuant to 29 CFR 1911.15 and the Administrative Procedure Act, for promulgating the corrections without notice and opportunity for public comment.

This preamble will describe the changes to the regulatory text of the standards and will also clarify the meaning of certain existing provisions of the asbestos standards.

2. Respirators

The standards require that engineering and work practice controls be supplemented by respirator use when employees are exposed to asbestos fibers in concentrations exceeding the permissible exposure limit (PEL) and in certain other circumstances. The type of respirator that may be used depends on the amount by which exposures are expected to exceed the PEL. When exposures are less than 10 times the PEL, half-mask air-purifying respirators equipped with high efficiency filters may be used. Full-facepiece air-purifying respirators with high efficiency filters are permissible for exposures up to 50 times the PEL. Higher exposures require the use of positive pressure respirators, either powered air-purifying respirators (for exposures up to 100 times the PEL) or full facepiece supplied-air respirators (for even higher exposures).

Paragraph (h)(2)(iii) of the construction and shipyard standards provides that any employee who must wear a respirator under the standard may require that the employer provide him or her with a powered air-purifying respirator in lieu of a negative pressure respirator. Accordingly, even if the amount of asbestos to which an employee is exposed would permit that employee to be protected by a negative pressure respirator, an employee who wishes to wear a more effective respirator may require the employer to provide a powered air-purifying respirator.

It is important that employees understand that they have this choice. Accordingly, paragraph (h)(2)(iii) of the construction and shipyard standards is being revised to state explicitly that the employer must inform employees of their right to require provision of a powered air-purifying respirator in lieu of a negative pressure respirator. This requirement for employee notification is already implicit in provisions of the standards requiring that employees who perform work that is covered by a standard be trained in the contents of the standard. By stating explicitly that the employer must inform employees who are required to wear respirators that the employee may require the employer to provide a powered air-purifying respirator, the standards will better assure that employees receive the information they need to exercise the option afforded them by paragraph (h)(2)(iii).

3. Signs and Labels

The asbestos standards require that signs and labels be used to warn employees of the presence of asbestos in buildings and vessels. When the 1994 standards were issued, certain provisions for signs and labels were carried over from earlier standards issued in 1986, and other provisions were added.

In resolving the judicial challenges to the 1986 standards, the court of appeals ordered OSHA to reconsider its determination not to require signs and labels to be in languages other than English. In response to the court's order, OSHA did not require that signs and labels be in languages other than English but did take other steps to assure that employees who were not fluent in English understood the warnings provided by the signs and labels. The agency added a new requirement that the training program specifically cover the contents of signs and labels and also required that the training assure that employees comprehend the warning signs. With these changes, OSHA concluded that the entire hazard communication program required by the standard "will ensure that all exposed employees are effectively warned of the presence and hazards of asbestos-containing material on worksites." 55 FR 3724, 3730 (Feb. 5, 1990).

The 1994 standards carried over the provisions requiring that employees be trained in the contents of signs and labels and that the training be conducted in a manner that the employee can comprehend. To further ensure that workers understand the warnings provided by signs and labels, the June 29, 1995 notice added a requirement to the construction and shipyard standards stating that the employer assure that the signs required at the entrance to regulated areas be comprehensible to employees. The regulated area sign provisions listed foreign languages, pictographs and graphics, as means to promote employee comprehension.

OSHA has determined that language stating the need to promote employee comprehension of signs and labels should be included in all of the sign and label requirements found in the asbestos standards. Accordingly, this notice revises paragraph (j)(3)(v) of the general industry standard, and paragraphs (k)(6) and (k)(8)(vii) of the construction and shipyard standards, to similarly state that employers must assure employee comprehension of the signs and labels. These revisions will provide for consistency in all of the provisions of the standards that require asbestos warning signs and labels and will therefore better assure that workers, particularly those who are not fluent in

English, are aware of the presence and location of asbestos in their workplaces. OSHA reiterates, however, that it is not mandating that signs and labels be written in languages other than English. The standards give each employer flexibility in deciding how to best assure that the employees in its workplace understand the message conveyed by the signs and labels.

4. Training

Proper training is vital to assure that workers who remove or disturb asbestos-containing materials are aware of the hazards of asbestos exposure and understand the requirements of the standard that, if followed, will minimize such exposure. The standard's training provisions are designed to assure that each employee receives a degree of training appropriate to the nature of the asbestos-related tasks that employee performs.

Employees who perform Class I asbestos removals must be given a 32-hour training course equivalent to the asbestos abatement training required under the EPA Model Accreditation Plan. The 1994 standard required similar training for workers who engage in general Class II removals but required 8-hour training for workers who remove only a single generic type of Class II material, such as roofing or flooring material. The intent was to assure that those employees who were employed by asbestos abatement contractors and performed a wide range of asbestos abatement work would receive the full 32-hour training, while workers who worked for specialty contractors and performed limited asbestos removal work would receive 8-hour training that focused on the particular type of material they removed.

The June 29, 1995 notice retained the requirement that workers who remove a single generic type of Class II building material receive 8-hour training. However, OSHA determined that workers who remove asbestos-containing materials other than building materials, such as gaskets, do not necessarily require 8 hours of training. Accordingly, the standards were revised to specify the topics that the training for such workers had to cover rather than the duration of the training.

In making these changes to the Class II training provisions, the requirement in paragraph (k)(9)(iii) for a 32-hour training course for those workers who engage in Class II removals as part of general asbestos abatement work was inadvertently deleted. This notice restores and clarifies that requirement. Paragraph (k)(9)(iii) now states that 32-hour training is required when Class II operations require controls such as critical barriers (or equivalent isolation methods) or negative pressure enclosures. Such controls are required for those operations that present the greatest potential for high exposures, and the workers who perform such operations must thoroughly understand when and how such controls must be used. The training provisions are also being clarified to state that training for workers who engage in other Class II removals must include training in each category of material the employee removes and in each work practice and each removal method the employee uses. Similar performance-oriented language is also being added to the Class III training provision. By stating the training requirement in performance-oriented terms, the standard gives each employer flexibility in designing a training course suited to its operation while assuring that each employee receives training that covers all of the asbestos-related tasks that employee performs.

As discussed above, all training must be conducted in a manner that is comprehensible to the employee. Therefore, any written or electronic media that is used in the training must be presented at a reading level that is appropriate for the workers being trained, and the employer must take reasonable steps to assure that employees who are not fluent in English understand the content of the training. A worker's ability to obtain a timely response to questions he or she may have about the content of the training is also a key to worker comprehension. Accordingly, while a training course may use written materials and electronic media such as videotapes or computer-based training, a knowledgeable person (such as a person who qualifies as a "competent person" for the particular type of asbestos work addressed in the training) must be available to answer questions during the training. Modern communication techniques permit effective questioning of a person who is not physically present in the room where the training is taking place, and the standards do not preclude reliance on such methods. However, regardless of whether an instructor is physically present during the training, the employer must assure that the employees have a full opportunity to have questions answered in a timely manner.

OSHA has received several inquiries about the training required for a person to qualify as a "competent person" for roof removal work. Roof removal is Class II work, and paragraph (o)(4)(i) of the construction and shipyard standards generally requires a Class II competent person to receive a 40-hour course that meets the requirement of EPA's Model Accreditation Plan. However, paragraph (o)(4)(i) also permits an alternative course that is certified by the EPA or by a state and is equivalent in stringency, content, and length to the EPA Model Accreditation Plan course. Various training providers have developed "competent person" training courses that are specifically designed to train roof removal supervisors. These courses focus on roof removal work rather than asbestos removal methods that are used in indoor work and therefore require less training time than the EPA MAP course. Because these courses are shorter than the 40-hour MAP course, training providers that have developed such courses and state agencies whose approval has been sought have been uncertain as to whether roofing supervisors trained in such courses would qualify as "competent persons" under the OSHA asbestos standards.

It was OSHA's intent to assure that a competent person receives full and effective training in the type of asbestos jobs that the person supervises. For routine roof removal work, where the material is intact prior to removal, a well-designed training course that deals specifically with roof removal work will effectively train competent persons to supervise such jobs. However, where roofing material has deteriorated to the point where it is no longer "intact" within the meaning of the standards, removal of the material can result in excessive exposures, and the job should be supervised by a person who has been trained in the full range of asbestos abatement methods. Therefore, OSHA has interpreted paragraph (o)(4)(i) to require 40-hour training for competent persons who oversee roof removal work when the material being removed is non-intact prior to removal. For competent persons who supervise removals for which the roofing material is intact prior to removal, state-approved courses of shorter than 40-hour duration are permitted. When a powered roof cutter is used to remove built-up roofing, the force of the cutting blade produces dust that is non-intact even if the material is intact to begin with. However, for purpose of the competent person training provision, this would not be considered a non-intact removal that would require 40-hour training. Only if the material has deteriorated to the point where it is non-intact prior to removal is 40-hour training required.

5. Medical Surveillance

The 1994 construction and shipyard standards required medical surveillance "for all employees who for a combined total of 30 or more days per year are engaged in Class I, II and III work ... are exposed at or above the permissible exposure limit or excursion limit." The agency's intent was to count towards the medical surveillance requirement all of the days in which an employee performed either Class I or Class II or Class III work or, regardless of the type of work being done, was exposed over either the permissible exposure limit or excursion limit. The June 29, 1995 corrections notice modified this provision to require medical surveillance "for all employees who for a combined total of 30 or more days per year are engaged in Class I, II and III work or are exposed at or above the permissible exposure limit or excursion limit for a combined 30 days or more per year." The addition of the second reference to 30 days or more per year was not intended to change the substantive meaning of the provision and has proven to be confusing. The provision is therefore being revised to return to the original wording.

The June 29, 1995 corrections notice also provided that days in which an employee spends less than one hour performing Class II or III work and, in doing so, fully conforms to the work practices specified in the standard, need not be counted towards the medical surveillance requirement. This provision is being further modified to state that such days are excluded only if the material being removed or disturbed is intact. Removal or disturbance of non-intact material presents the potential for considerable exposure to asbestos fibers, and any day in which such work takes place should count towards the medical surveillance requirement. The provision is also being clarified by stating that the one hour time period includes the time spent on the entire removal operation, including cleanup.

6. One Waste-Bag Limitation for Class III Work

Class III work includes maintenance work for which a small amount of ACM must be cut away to access mechanical or structural components of buildings. In order to qualify as Class III work (rather than Class I or Class II work), the amount cut away must be less than the amount that can be contained in a standard-sized glove bag or waste bag. Employers may not circumvent the requirements for Class I and Class II removals by overfilling a single glove bag or waste bag and treating the job as Class III. Material is only considered to be "contained" if the glove bag or waste bag is filled to the point where it can be sealed effectively and will not become opened inadvertently or broken during normal handling. To facilitate secure closure and avoid breakage, it is generally proper practice to fill a bag only ⅓ to ½ full.

7. Class IV Work

As OSHA has explained previously, Class IV work must be related to and on the site of a construction job to be regulated by the Asbestos Construction Standard, 29 CFR 1926.1101. 60 FR 33974. This distinguishes such "clean-up" work from housekeeping which is regulated by the Asbestos General Industry Standard, 29 CFR 1910.1001.

OSHA further wishes to clarify that "clean-up" performed as a Class IV activity does not include picking up and bagging asbestos debris/dust during Class I, II, or III work. Class I, II, and III work is subject to the requirement in paragraph (g)(1)(iii) of the construction and shipyard standards for prompt clean-up and disposal of asbestos-containing waste and debris. Therefore, the collection and bagging of dust and debris that results from Class I, II, or III work is considered a part of that class of work and must be done by employees trained to do such work. Class IV activities consist of clean-up work that takes place in an area after a Class I, II, or III job in that area has been completed. Although any asbestos-containing dust and debris should have been removed during the Class I, II, or III job, OSHA recognizes that some residual asbestos-containing dust or debris may be present after the Class I, II, or III job (including cleanup) has been completed. The Class IV classification under the construction and shipyard standards for further cleanup work in areas where Class I, II, or III work has taken place means that an asbestos-trained "competent person" must evaluate the work before it is done to assure that it should not be classified under another category. The Class IV classification also means that the employees who perform the work must receive sufficient training to recognize the presence of ACM, understand the hazards associated with asbestos exposure, and know the appropriate work practices that must be followed to minimize the potential for asbestos exposure.

List of Subjects in 29 CFR Part 1910, 1915, and 1926

Asbestos, Occupational Safety and Health.

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., 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); Sec. 107, Contract Work Hours and Safety Standard Act (Construction Safety Act, 40 U.S.C. 333); Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. Sec. 553; and 29 CFR Part 1911; 29 CFR Parts 1910, 1915 and 1926 are amended as set forth below.

Signed at Washington, DC, this 19th day of August, 1996.

Joseph A. Dear,

Assistant Secretary Occupational Safety and Health Administration.

OSHA hereby amends 29 CFR Parts 1910, 1915 and 1926 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation of subpart Z of 29 CFR part 1910 continues to read as follows:

Authority: Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657: Secretary of Labor's Order 12–71 (36 FR 8754), 9–76 (41 FR 25059), 9–83 [48 FR 35736] or 1–90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances which have exposure limits listed in Tables Z–1, Z–2 and Z–3 of 29 CFR 1910.1000. The latter were issued under section 6(a) [29 U.S.C. 655(a)].

Section 1910.1000, Tables Z–1, Z–2 and Z–3 also issued under 5 U.S.C. 553. Section 1910.1000, Tables Z–1, Z–2 and Z–3 not issued under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, and cotton dust listings.

Section 1910.1001 also issued under section 107 of Contract Work Hours and Safety Standards Act, 40 U.S.C. 333.

Section 1910.1002 not issued under 29 U.S.C. or 29 CFR part 1911; also issued under 5 U.S.C. 653.

Section 1910.1003 through 1910.1018 also issued under 29 CFR 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553.

Section 1910.1028 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under 29 U.S.C. 653.

Section 1910.1043 also issued under 5 U.S.C. 551 et seq.

Section 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Section 1910.1048 also issued under 29 U.S.C. 653.

Sections 1910.1200, 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

Section 1910.1450 is also issued under sec. 6(b), 8(c) and 8(g)(2), Pub. L. 91–596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657.

2. In § 1910.1001, paragraph (j)(3)(v) is revised to read as follows:

§ 1910.1001 Asbestos.

* * * * *

(j) * * *

(3) * * *

(v) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building owner shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

* * * * *

PART 1915—[AMENDED]

1. The authority citation of 29 CFR part 1915 continues to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); sec. 4 of the Administrative Procedure Act (5 U.S.C. 553); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 35736) or 1–90 (55 FR 9033), as applicable; 29 CFR part 1911.

2. In § 1915.1001, paragraph (h)(2)(iii) is revised to read as follows:

§ 1915.1001 Asbestos.

* * * * *

(h) * * *

(2) * * *

(iii)(A) The employer shall provide a tight fitting powered, air-purifying respirator in lieu of any negative-pressure respirator specified in Table 1 whenever:

(1) an employee chooses to use this type of respirator; and

(2) this respirator will provide adequate protection to the employee.

(B) The employer shall inform any employee required to wear a respirator under this paragraph that the employee may require the employer to provide a powered, air-purifying respirator in lieu of a negative pressure respirator.

Table 1 * * *

* * * * *

3. In § 1915.1001, paragraph (k)(6) is revised to read as follows:

* * * * *

(k) * * *

(6) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building/vessel owner shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

* * * * *

4. In § 1915.1001, paragraph (k)(8)(vii) is revised to read as follows:

* * * * *

(k) * * *

(8) * * *

(vii) When a building/vessel owner or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical room/areas. Signs required by paragraph (k)(6) of this section may be posted in lieu of labels so long as they contain information required for labelling. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs or labels can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

* * * * *

5. In § 1915.1001, paragraphs (k)(9)(iii), (k)(9)(iv), and (k)(9)(v) are revised to read as follows:

* * * * *

(k) * * *

(9) * * *

(iii) Training for Class I operations and for Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures under this section shall be the equivalent in curriculum, training method and length to the EPA Model Accreditation Plan (MAP) asbestos abatement workers training (40 CFR part 763, subpart E, appendix C).

(iv) Training for other Class II work.

(A) For work with asbestos containing roofing materials, flooring materials, siding materials, ceiling tiles, or transite panels, training shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that category. Such course shall include "hands-on" training and shall take at least 8 hours.

(B) An employee who works with more than one of the categories of material specified in paragraph (k)(9)(iv)(A) of this section shall receive training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

(C) For Class II operations not involving the categories of material specified in paragraph (k)(9)(iv)(A) of this section, training shall be provided which shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to the category of material being removed, and shall include "hands-on" training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

(v) Training for Class III employees shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2). Such a course shall also include "hands-on" training and shall take at least 16 hours. Exception: For Class III operations for which the competent person determines that the EPA curriculum does not adequately cover the training needed to perform that activity, training shall include as a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that activity, and shall include "hands-on" training in the work practices applicable to each category of material that the employee disturbs.

* * * * *

6. In § 1915.1001, paragraph (m)(1)(i)(A) is revised to read as follows:

* * * * *

(m) * * *

(1) * * *

(i) * * *

(A) The employer shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II and III work or are exposed at or above a permissible exposure limit. For purposes of this paragraph, any day in which a worker engages in Class II or Class III operations or a combination thereof on intact material for one hour or less (taking into account the entire time spent on the removal operation, including cleanup) and, while doing so, adheres fully to the work practices specified in this standard, shall not be counted.

* * * * *

PART 1926—[AMENDED]

1. The authority citation of subpart Z of 29 CFR part 1926 continues to read as follows:

Authority: Sections 6 and 8, Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033) as applicable; and 29 CFR part 1911.

Section 1926.1102 not issued under 29 U.S.C. 655 or 29 CFR part 1911 also issued under 5 U.S.C. 653.

Section 1926.1103 through 1926.1118 also issued under 29 U.S.C. 6653.

Section 1926.1128 also issued under 29 U.S.C. 653.

Section 1926.1145 and 1926.1147 also issued under 29 U.S.C. 653.

Section 1926.1148 also issued under 29 U.S.C. 653.

2. In § 1926.1101, paragraph (h)(2)(iii) is revised to read as follows:

§ 1926.1101 Asbestos.

* * * * *

(h) * * *

(2) * * *

(iii)(A) The employer shall provide a tight fitting powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 whenever:

(*1*) An employee chooses to use this type of respirator; and

(*2*) This respirator will provide adequate protection to the employee.

(B) The employer shall inform any employee required to wear a respirator under this paragraph that the employee may require the employer to provide a powered, air-purifying respirator in lieu of a negative pressure respirator.

Table 1 * * *

* * * * *

3. In § 1926.1101, paragraph (k)(6) is revised to read as follows:

* * * * *

(k) * * *

(6) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building owner shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

* * * * *

4. In § 1926.1101, paragraph (k)(8)(vii) is revised to read as follows:

* * * * *

(k) * * *

(8) * * *

(vii) When a building owner or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical room/areas. Signs required by paragraph (k)(6) of this section may be posted in lieu of labels so long as they contain information required for labelling. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs or labels can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

* * * * *

5. In § 1926.1101, paragraphs (k)(9)(iii), (k)(9)(iv), and (k)(9)(v) are revised to read as follows:

* * * * *

(k) * * *

(9) * * *

(iii) Training for Class I operations and for Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures under this section shall be the equivalent in curriculum, training method and length to the EPA Model Accreditation Plan (MAP) asbestos abatement workers training (40 CFR Part 763, subpart E, appendix C).

(iv) Training for other Class II work.

(A) For work with asbestos containing roofing materials, flooring materials, siding materials, ceiling tiles, or transite panels, training shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that category. Such course shall include "hands-on" training and shall take at least 8 hours.

(B) An employee who works with more than one of the categories of material specified in paragraph (k)(9)(iv)(A) of this section shall receive training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

(C) For Class II operations not involving the categories of material specified in paragraph (k)(9)(iv)(A) of this section, training shall be provided which shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to the category of material being removed, and shall include "hands-on" training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

(v) Training for Class III employees shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2). Such a course shall also include "hands-on" training and shall take at least 16 hours. Exception: For Class III operations for which the competent person determines that the EPA curriculum does not adequately cover the training needed to perform that activity, training shall include as a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that activity, and shall include "hands-on" training in the work practices applicable to each category of material that the employee disturbs.

* * * * *

6. In § 1926.1101, paragraph (m)(1)(i)(A) is revised to read as follows:

* * * * *

(m) * * *

(1) * * *

(i) * * *

(A) The employer shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II and III work or are exposed at or above a permissible exposure limit.

For purposes of this paragraph, any day in which a worker engages in Class II or Class III operations or a combination thereof on intact material for one hour or less (taking into account the entire time spent on the removal operation, including cleanup) and, while doing so, adheres fully to the work practices specified in this standard, shall not be counted.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Correction and Removal of Entry

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Correction and amendment of final rule.

SUMMARY: On June 26, 1996, the Office of Foreign Assets Control published a final rule to create three new appendices to 31 CFR chapter V that contain lists of individuals and entities determined to be blocked persons, specially designated nationals, specially designated terrorists, specially designated narcotics traffickers, and blocked vessels. This document corrects a typographical error in that rule and removes the entries for an entity no longer deemed to be a specially designated national of North Korea.

EFFECTIVE DATE: August 23, 1996.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel.:202/622-2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

The three appendices appearing at the end of chapter V, 31 CFR, containing the names of individuals and entities determined by the Director, Office of Foreign Assets Control, to be blocked persons, specially designated nationals, specially designated terrorists, specially designated narcotics traffickers, and blocked vessels, consolidate existing lists previously issued under the various economic sanctions programs administered by the Office of Foreign Assets Control. (61 FR 32936, June 26, 1996) This rule is being issued to correct a typographical error to the "Cédula No." (the Colombian equivalent to a social security number) contained in the identifying information in Appendices A and B for a designated narcotics trafficker, "VILLEGAS ARIAS, Maria Deisy." Cédula No. "31200371" is corrected to read "31200871." This rule is also being issued to remove the entry "National General Insurance Company Ltd." from Appendices A and B, since the Office of Foreign Assets Control has determined that this entity is no longer a specially designated national of North Korea. Accordingly, all transactions by persons subject to the jurisdiction of the United States in which National General Insurance Company Ltd. has an interest are authorized.

Since the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601-612) does not apply. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties concerning any rule or other public document.

For the reasons set forth in the preamble, and under the authority of 50 U.S.C. 1701-1706; 50 U.S.C. 1601-1641; 3 U.S.C. 301; E.O. 12978, 60 FR 54579 (October 24, 1995), with respect to the SDNT entries, and 50 U.S.C. App. 1-44; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748, with respect to the North Korean entries; Appendices A and B to Chapter V of 31 CFR are amended as set forth below:

1. Appendix A to Chapter V of 31 CFR is amended by correcting the Cédula No. "31200371" under the name "VILLEGAS ARIAS, Maria Deisy," to read "31200871" and removing the entry "National General Insurance Co. Ltd.".

2. Appendix B to chapter V of 31 CFR is amended by under the heading "Colombia," correcting the Cédula No. "31200371" under the name "VILLEGAS ARIAS, Maria Deisy," to read "31200871" and under the heading "United Arab Emirates," removing the entry "National General Insurance Co. Ltd.".

Dated: August 8, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: August 9, 1996.

James E. Johnson,

Assistant Secretary (Enforcement).

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31 CFR Parts 500, 515, 535, 550, 560, and 575

Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Sanctions Regulations, Iranian Transactions Regulations, Iraqi Sanctions Regulations; Implementation of Section 321 of the Antiterrorism and Effective Death Penalty Act of 1996

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: This final rule amends the Foreign Assets Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Libyan Sanctions Regulations, Iranian Transactions Regulations, and Iraqi