

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915, and 1926**

**RIN: 1218-AB25**

**Occupational Exposure to Asbestos**

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

**ACTION:** Final rule.

**SUMMARY:** These final standards amend the Occupational Safety and Health Administration's (OSHA's) standards issued June 17, 1986 (51 FR 22612, 29 CFR 1910.1001, June 20, 1986) for occupational exposure to asbestos in general industry, and the construction industry, 29 CFR 1926.1101 (previously 1926.58). In addition, they include a separate standard covering occupational exposure to asbestos in the shipyard industry, (29 CFR 1915.1001). Major revisions in these standards include a reduced time-weighted-average permissible exposure limit (PEL) of 0.1 fiber per cubic centimeter (f/cc) for all asbestos work in all industries, a new classification scheme for asbestos construction and shipyard industry work which ties mandatory work practices to work classification, a presumptive asbestos identification requirement for asbestos containing building materials, limited notification requirements for employers who use unlisted compliance methods in high risk asbestos abatement work, and mandatory methods of control for brake and clutch repair.

Most of the revisions in these amended standards are the final response to an order of the Court of Appeals for the District of Columbia Circuit, *Building and Construction Trades Department v. Brock*, 838 F. 2d 1258, (D.C. Cir 1988), which had upheld the 1986 standards in major respects, but which had remanded certain issues for reconsideration. OSHA had made earlier changes in response to the court order on December 14, 1989 (54 FR 52024, December 20, 1989), and on February 5, 1990 (55 FR 3724).

OSHA believes that these final standards fully address all of the concerns of the participants in this rulemaking and are responsive to all issues remanded by the court for reconsideration.

**DATES:** The effective date of these amendments is October 11, 1994. Various start-up dates are specified in the standards.

**For Further Information Contact:** Mr. James F. Foster, Director of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219-8151.

**Supplementary Information:**

**Table of Contents**

- I. Regulatory History
- II. Pertinent Legal Authority
- III. Summary and Explanation of Revised Standards
  - a. General Issues
  - b. Regulatory Text Issues
- IV. Final Regulatory Impact and Regulatory Flexibility Analysis
- V. Clearance of Information Collection Requirements
- VI. Authority and Signature
- VII. Amended Standards

[59 FR 40964, Aug. 10, 1994; 60 FR 33973, June 29, 1995]