OSHA Proposes Amendments to its 2017 Beryllium Standard

Friday, December 21, 2018

The Occupational Safety and Health Administration (OSHA) has proposed amendments to its January 9, 2017 final rule adopting general industry standards for beryllium exposure in the workplace. The final rule, adding 29 C.F.R. §§ 1910.1024, 1915.1024, and 1926.1124, revised decades-old standards for protecting workers from beryllium exposure in the workplace. Significantly and in response to industry concern, the proposed revisions, 83 Fed. Reg. 63746 (December 11, 2018), clarify and narrow the scope of a “beryllium work area.”

Specifically, the proposed “beryllium work area” would limit the regulated space to areas in which materials that contain at least 0.1 percent beryllium by weight are processed in one of three listed manufacturing operations. In contrast, the January 2017 rule defines beryllium work area as “any work area containing a process or operation that can release beryllium and that involves material that contains at least 0.1 percent beryllium by weight; and, where employees are, or can reasonably be expected to be, exposed to airborne beryllium at any level or where there is the potential for dermal contact with beryllium” (emphasis added).

In addition and of particular note, OSHA proposes to: clarify five other definitions; change the wording of the requirements for employers’ written exposure control plans; revise the requirements for handling, removal, and storage of personal protective clothing and equipment; eliminate “dermal contact with beryllium” as a trigger for establishing a beryllium work area under the rule’s hygiene areas and practices requirements; augment its Disposal and Recycling section to include guidance on reuse; limit the amount of time to 30 days for employees to receive a medical examination following signs or symptoms of chronic beryllium disease; synchronizing its label warning requirements for beryllium with OSHA’s hazard communication standard (29 C.F.R. § 1910.1200); and eliminate the requirement to include employees’ social security numbers in its Recordkeeping provisions. The proposed revisions would also establish a new Appendix A outlining operations for establishing beryllium work areas.

OSHA has invited comments to the proposed revisions, which must be submitted by February 11, 2019.

These proposed revisions follow OSHA’s May 4, 2018 direct rule amending the limits of dermal contact with beryllium.

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