

Regulations Update *OH&ESD*

#27 Hexavalent Chromium Update (Additional information for 3M Regulatory Update #25)

Published: January, 2007

The Occupational Safety and Health Administration (OSHA) published an amendment to its final rule on hexavalent chromium in the October 30, 2006 Federal Register (71 Fed.Reg. 63,238).

Under the settlement agreement, metal and surface-finishing operations (electroplating) can obtain relief from certain short-term respirator requirements in exchange for accelerating the implementation of engineering controls.

The hexavalent chromium rule was originally published February 28, 2006 and became effective on May 30, 2006. The “start-up dates” were:

Metal-finishing operations had to opt-in to the agreement by November 30, 2006. Those that chose to participate in the settlement agreement with OSHA are required to implement engineering controls by December 31, 2008. In exchange for the accelerated engineering controls timetable, OSHA will not enforce the respiratory protection provisions of the standard prior to December 31, 2008, with the exception of six classes of employees. These classes are:

1. Employees exposed to hexavalent chromium in excess of the OSHA permissible exposure limit (PEL) (5 ug/m³)

while performing chemical additions, preparation and mixing, tank cleaning, and painting operations.

2. Through November 30, 2007 employees whose exposures to hexavalent chromium exceed an interim “respirator threshold” of 20 ug/m³ (measured as an 8-hour time weighted average — determined by monitoring)
3. Beginning December 1, 2007 employees whose exposures to hexavalent chromium exceed an interim respirator threshold of 12.5 ug/m³ (measured as an 8-hour time weighted average)
4. Employees who are exposed to hexavalent chromium and request a respirator.
5. Any other employees who are required by their employers to wear a respirator.
6. Employees with exposures for which respirators were required under the previous CrVI standard.

All provisions except engineering controls:	Start-up dates
Employers with more than 20 employees	November 27, 2006
Employers with fewer than 20 employees	May 30, 2007
Engineering controls for all employers	May 31, 2010

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This agreement does not change OSHA's hexavalent chromium requirements for any party not participating in the settlement.

In addition to the training required by the new standard, facilities that are parties to the agreement must train their employees in the provisions of the agreement by January 29, 2007 (within 60 days of the opt-in date of November 30, 2006).

A facility was allowed to become a party to the agreement if they are a member of SFIC (Surface Finishing Industry Council) or a surface-finishing or metal-finishing job shop that sells plating or anodizing services to other companies and the facility is within the jurisdiction of federal OSHA. The last date for a facility to become a party to the agreement was November 30, 2006. Facilities not enrolled by that date

remain subject to all of the provisions of the standard as originally published.

Electroplating job shops within the jurisdiction of an OSHA-approved state occupational safety and health plan must contact their state plan agency to determine if their state will honor the terms of the agreement.

Additional information can be obtained by referencing the *Federal Register* or contacting Richard Fairfax, OSHA's director of enforcement programs at 202-693-2190.

For more information, please contact:

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