

Regulations Update OH&ESD

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

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This regulatory update of the Occupational Safety and Health Administration's (OSHA) hexavalent chromium Cr(VI) standard was prepared by 3M OH&ESD. It does not represent an official nor legal nor necessarily complete interpretation of the standard. If specific questions arise, the standard itself should be reviewed and relied on, rather than this summary.

On February 28, 2006, OSHA issued its final rule for occupational exposures to Cr(VI). This standard does not apply to exposures to portland cement. OSHA reasoned that employees exposed to the trace amounts of Cr(VI) found in portland cement were adequately protected by compliance with pre-existing OSHA general standards for air contaminants, personal protective equipment, sanitation, and hazard communication.

On April 6, 2007, OSHA signed an agreement with the Building Construction Trades Department (BCTD), AFL-CIO, Laborers International Union of North America, and International Brotherhood of Teamsters, who had challenged OSHA's exemption of portland cement exposures in the hexavalent chromium final rule.

Under this agreement, OSHA issued a document called Portland Cement Inspection Procedures. This document explains how existing OSHA standards and requirements apply to operations involving portland cement. It also provides the following inspection checklist;

INSPECTION CHECKLIST FOR WORKSITES WITH PORTLAND CEMENT

PPE [1910.132, 1915.152, 1926.95]:

- Appropriate PPE, such as boots and gloves, is provided wherever necessary and appropriate for the job.
- Employees can clean or exchange PPE if it becomes ineffective or contaminated on the inside with portland cement while in use.
- Equipment is maintained in a sanitary and reliable condition when not in use.

Sanitation [1910.141(d), 1915.97(b), 1926.51(f)(1)]:

- Washing facilities provided with clean water, non-alkaline soap, and clean towels.
- Washing facilities are in near proximity to the worksite and adequate for the number of exposed employees and the size of the job.

Airborne exposures [1910.1000, 1915.1000, 1926.55, 1910.134]:

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- 8-hour TWA exposures to portland cement or particulates not otherwise regulated (PNOR) do not exceed 15 mg/m³ PEL as total dust.
- Construction operations with potential inhalation exposures include, but are not limited to, terrazzo work, mixing mortar, and mixing concrete.
- Where exposures exceed the PEL, employees are provided respirators.

Hazard communication and training [1910.1200, 1926.21]:

- MSDSs and labels for portland cement are maintained and made available to employees.
- MSDSs indicate the hazards of portland cement, including hazards associated with the cement's hexavalent chromium content.
- Employees are trained on:
 - Hazards associated with exposure to portland cement, including hazards associated with the cement's hexavalent chromium content.
 - Preventive measures, including proper use and care of PPE, and the importance of proper hygiene practice.
 - Access to hygiene facilities, PPE, and information (including MSDSs).

Recordkeeping [1904]:

- Employer records each case of occupational dermatitis that meets the recordability criteria in 1904.4 in illness and injury logs.
- Employer informs employees of how to report their work-related illnesses and injuries.

OSHA will publish this document as Appendix C-1 to the OSHA compliance directive on the Chromium (VI) standards. OSHA has also forwarded the Portland Cement Inspection Procedures to regional administrators and state designees in advance for immediate action. In a memo to regional administrators, OSHA is instructing compliance inspectors to review and implement the new Portland Cement Inspection Procedures. This document can be found at http://www.osha.gov/dep/hexchrom/BCTD_settlement_memo_20070416.html

This settlement agreement does not apply in the 22 states and territories with OSHA-approved state occupational safety and health plans. However, OSHA strongly encourages those states to implement the new Portland Cement Inspection Procedures.

For more information refer to www.osha.gov.

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