

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Labor and Training

DIVISION: Professional Regulation

RULE IDENTIFIER: ERLID 535

REGULATION TITLE: OSHA Regulations 1926

RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before **April 2, 2018**, the Department of Labor and Training will file the repeal without opportunity for public comment.

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date of: March 2, 2018.

Comment period ends: April 2, 2018.

SUMMARY OF PROPOSED RULE: The purpose of this rulemaking action is to repeal the regulation, "OSHA Regulations 1926" identified by ERLID 535. The contents of the regulation do not correspond to any statutory provisions. There is no statutory authority supporting the enforcement of this regulation.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **April 2, 2018** to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920

Email Address: sean.fontes@dlt.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI, 02920.

FOR FUTURE INFORMATION CONTACT:

Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920, 462-8890, sean.fontes@dlt.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

This proposed repeal will result in little to no small business economic impact.

Authority for This Rulemaking: R.I. Gen. Laws § 28-20-2

Regulatory Findings:

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Repeal:

The Department of Labor and Training proposes to repeal the rule as follows below:

OSHA REGULATIONS (STANDARDS - 29 CFR) - TABLE OF CONTENTS

~~□ STANDARD NUMBER: 1926~~

~~□ STANDARD TITLE: TABLE OF CONTENTS~~

~~PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION~~

~~Subpart A—General~~

~~Sec.~~

~~1926.1—Purpose and scope.~~

~~1926.2—Variances from safety and health standards.~~

~~1926.3—Inspections—right of entry.~~

~~1926.4—Rules of practice for administrative adjudications for enforcement of safety and health standards.~~

~~1926.5—OMB control numbers under the Paperwork Reduction Act.~~

~~Subpart B—General Interpretations~~

~~1926.10—Scope of subpart.~~

~~1926.11—Coverage under section 103 of the act distinguished.~~

~~1926.12—Reorganization Plan No. 14 of 1950.~~

~~1926.13—Interpretation of statutory terms.~~

~~1926.14—Federal contracts for "mixed" types of performance.~~

~~1926.15—Relationship to the Service Contract Act; Walsh-Healey Public Contracts Act.~~

~~1926.16—Rules of construction.~~

~~Subpart C—General Safety and Health Provisions~~

~~1926.20—General safety and health provisions.~~

~~1926.21—Safety training and education.~~

~~1926.22—Recording and reporting of injuries. [Reserved]~~

~~1926.23—First aid and medical attention.~~

~~1926.24—Fire protection and prevention.~~

~~1926.25—Housekeeping.~~

~~1926.26—Illumination.~~

~~1926.27—Sanitation.~~

~~1926.28—Personal protective equipment.~~

~~1926.29—Acceptable certifications.~~

~~1926.30—Shipbuilding and ship repairing.~~

~~1926.31—Incorporation by reference.~~

~~1926.32—Definitions.~~

~~1926.33—Access to employee exposure and medical records.~~

~~1926.34—Means of egress.~~

~~1926.35—Employee emergency action plans.~~

~~Subpart D—Occupational Health and Environmental Controls~~

- ~~1926.50 Medical services and first aid.~~
- ~~1926.51 Sanitation.~~
- ~~1926.52 Occupational noise exposure.~~
- ~~1926.53 Ionizing radiation.~~
- ~~1926.54 Nonionizing radiation.~~
- ~~1926.55 Gases, vapors, fumes, dusts, and mists.~~
- ~~1926.56 Illumination.~~
- ~~1926.57 Ventilation.~~
- ~~1926.58 [Reserved]~~
- ~~1926.59 Hazard communication.~~
- ~~1926.60 Methylenedianiline.~~
- ~~1926.61 Retention of DOT markings, placards and labels.~~
- ~~1926.62 Lead.~~
- ~~1926.63 Cadmium (This standard has been redesignated as 1926.1127).~~
- ~~1926.64 Process safety management of highly hazardous chemicals.~~
- ~~1926.65 Hazardous waste operations and emergency response.~~
- ~~1926.66 Criteria for design and construction for spray booths.~~

~~Subpart E—Personal Protective and Life Saving Equipment~~

- ~~1926.95 Criteria for personal protective equipment.~~
- ~~1926.96 Occupational foot protection.~~
- ~~1926.97 [Reserved]~~
- ~~1926.98 [Reserved]~~
- ~~1926.99 [Reserved]~~
- ~~1926.100 Head protection.~~
- ~~1926.101 Hearing protection.~~
- ~~1926.102 Eye and face protection.~~
- ~~1926.103 Respiratory protection.~~
- ~~1926.104 Safety belts, lifelines, and lanyards.~~
- ~~1926.105 Safety nets.~~
- ~~1926.106 Working over or near water.~~
- ~~1926.107 Definitions applicable to this subpart.~~

~~Subpart F—Fire Protection and Prevention~~

- ~~1926.150 Fire protection.~~
- ~~1926.151 Fire prevention.~~
- ~~1926.152 Flammable and combustible liquids.~~
- ~~1926.153 Liquefied petroleum gas (LP Gas).~~
- ~~1926.154 Temporary heating devices.~~
- ~~1926.155 Definitions applicable to this subpart.~~
- ~~1926.156 Fixed extinguishing systems, general.~~

~~1926.157 Fixed extinguishing systems, gaseous agent.~~
~~1926.158 Fire detection systems.~~
~~1926.159 Employee alarm systems.~~

~~Subpart G—Signs, Signals, and Barricades~~

~~1926.200 Accident prevention signs and tags.~~
~~1926.201 Signaling.~~
~~1926.202 Barricades.~~
~~1926.203 Definitions applicable to this subpart.~~

~~Subpart H—Materials Handling, Storage, Use, and Disposal~~

~~1926.250 General requirements for storage.~~
~~1926.251 Rigging equipment for material handling.~~
~~1926.252 Disposal of waste materials.~~

~~Subpart I—Tools—Hand and Power~~

~~1926.300 General requirements.~~
~~1926.301 Hand tools.~~
~~1926.302 Power operated hand tools.~~
~~1926.303 Abrasive wheels and tools.~~
~~1926.304 Woodworking tools.~~
~~1926.305 Jacks—lever and ratchet, screw and hydraulic.~~
~~1926.306 Air Receivers.~~
~~1926.307 Mechanical power transmission apparatus.~~

~~Subpart J—Welding and Cutting~~

~~1926.350 Gas welding and cutting.~~
~~1926.351 Arc welding and cutting.~~
~~1926.352 Fire prevention.~~
~~1926.353 Ventilation and protection in welding, cutting, and heating.~~
~~1926.354 Welding, cutting and heating in way of preservative coatings.~~

~~Subpart K—Electrical~~

~~General~~

~~1926.400 Introduction.~~
~~1926.401 [Reserved]~~

~~Installation Safety Requirements~~

~~1926.402 Applicability.~~
~~1926.403 General requirements.~~
~~1926.404 Wiring design and protection.~~
~~1926.405 Wiring methods, components, and equipment for general use.~~
~~1926.406 Specific purpose equipment and installations.~~
~~1926.407 Hazardous (classified) locations.~~
~~1926.408 Special systems.~~
~~1926.409-1926.415 [Reserved]~~

~~Safety-Related Work Practices~~

~~1926.416 General requirements.~~
~~1926.417 Lockout and tagging of circuits.~~
~~1926.418-1926.430 [Reserved]~~

~~Safety-Related Maintenance and Environmental Considerations~~

~~1926.431 Maintenance of equipment.~~
~~1926.432 Environmental deterioration of equipment.~~
~~1926.433-1926.440 [Reserved]~~

~~Safety Requirements for Special Equipment~~

~~1926.441 Battery locations and battery charging.~~
~~1926.442-1926.448 [Reserved]~~

~~Definitions~~

~~1926.449 Definitions applicable to this subpart.~~

~~Subpart L—Scaffolds~~

~~1926.450 Scope, application and definitions applicable to this subpart.~~
~~1926.451 General requirements.~~
~~1926.452 Additional requirements applicable to specific types of scaffolds.~~
~~1926.453 Aerial lifts~~
~~1926.454 Training requirements.~~

~~APPENDIX A TO SUBPART L—Scaffolds~~

~~APPENDIX B TO SUBPART L—Scaffolds~~

~~APPENDIX C TO SUBPART L—Scaffolds~~

~~APPENDIX D TO SUBPART L—Scaffolds~~

~~APPENDIX E TO SUBPART L—Scaffolds~~

~~Subpart M—Fall Protection~~

~~1926.500 Scope, application, and definitions applicable to this subpart.~~

~~1926.501 Duty to have fall protection.~~

~~1926.502 Fall protection systems criteria and practices.~~

~~1926.503 Training requirements.~~

~~APPENDIX A TO SUBPART M—DETERMINING ROOF WIDTHS~~

~~APPENDIX B TO SUBPART M—GUARDRAIL SYSTEMS~~

~~APPENDIX C TO SUBPART M—PERSONAL FALL ARREST SYSTEMS~~

~~APPENDIX D TO SUBPART M—POSITIONING DEVICE SYSTEMS~~

~~APPENDIX E TO SUBPART M—SAMPLE FALL PROTECTION PLANS~~

~~Subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors~~

~~1926.550 Cranes and derricks.~~

~~1926.551 Helicopters.~~

~~1926.552 Material hoists, personnel hoists and elevators.~~

~~1926.553 Base-mounted drum hoists.~~

~~1926.554 Overhead hoists.~~

~~1926.555 Conveyors.~~

~~1926.556 [Removed].~~

~~Subpart O—Motor Vehicles, Mechanized Equipment, and Marine Operations~~

~~1926.600 Equipment.~~

~~1926.601 Motor vehicles.~~

~~1926.602 Material handling equipment.~~

~~1926.603 Pile driving equipment.~~

~~1926.604 Site clearing.~~

~~1926.605 Marine operations and equipment.~~

~~1926.606 Definitions applicable to this subpart.~~

~~Subpart P—Excavations~~

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~~1926.651 Specific Excavation Requirements.~~

~~1926.652 Requirements for protective systems.~~

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~~APPENDIX C TO SUBPART P—TIMBER SHORING FOR TRENCHES~~

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~~1926.700 Scope, application, and definitions, applicable to
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~~1926.701 General requirements.~~

~~1926.702 Requirements for equipment and tools.~~

~~1926.703 Requirements for cast-in-place concrete.~~

~~1926.704 Requirements for precast concrete.~~

~~1926.705 Requirements for lift-slab construction operations.~~

~~1926.706 Requirements of masonry construction.~~

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~~1926.751 Structural steel assembly.~~

~~1926.752 Bolting, riveting, fitting-up, and plumbing-up.~~

~~1926.753 Safety Nets.~~

~~Subpart S—Tunnels and Shafts, Caissons, Cofferdams, and Compressed Air~~

~~1926.800 Underground construction.~~

~~1926.801 Caissons.~~

~~1926.802 Cofferdams.~~

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~~1926.804 Definitions applicable to this subpart.~~

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~~Subpart T—Demolition~~

~~1926.850 Preparatory operations.~~

~~1926.851 Stairs, passageways, and ladders.~~

~~1926.852 Chutes.~~

~~1926.853 Removal of materials through floor openings.~~

~~1926.854 Removal of walls, masonry sections, and chimneys.~~

~~1926.855 Manual removal of floors.~~

~~1926.856 Removal of walls, floors, and material with equipment.~~

~~1926.857 Storage.~~

~~1926.858 Removal of steel construction.~~

~~1926.859 Mechanical demolition.~~

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- ~~1926.901 Blaster qualifications.~~
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- ~~1926.904 Storage of explosives and blasting agents.~~
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- ~~1926.906 Initiation of explosive charges—electric blasting.~~
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- ~~1926.909 Firing the blast.~~
- ~~1926.910 Inspection after blasting.~~
- ~~1926.911 Misfires.~~
- ~~1926.912 Underwater blasting.~~
- ~~1926.913 Blasting in excavation work under compressed air.~~
- ~~1926.914 Definitions applicable to this subpart.~~

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- ~~1926.951 Tools and protective equipment.~~
- ~~1926.952 Mechanical equipment.~~
- ~~1926.953 Material handling.~~
- ~~1926.954 Grounding for protection of employees.~~
- ~~1926.955 Overhead lines.~~
- ~~1926.956 Underground lines.~~
- ~~1926.957 Construction in energized substations.~~
- ~~1926.958 External load helicopters.~~
- ~~1926.959 Lineman's body belts, safety straps, and lanyards.~~
- ~~1926.960 Definitions applicable to this subpart.~~

~~Subpart W—Rollover Protective Structures; Overhead Protection~~

- ~~1926.1000 Rollover protective structures (ROPS) for material handling equipment.~~
- ~~1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.~~
- ~~1926.1002 Protective frames (roll-over protective structures, known as ROPS) for wheel-type agricultural and industrial tractors used in construction.~~
- ~~1926.1003 Overhead protection for operators of agricultural and industrial tractors.~~

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~~1926.1080—Safe practices manual.~~

~~1926.1081 Pre-dive procedures.~~

~~1926.1082 Procedures during dive.~~

~~1926.1083—Post-dive procedures.~~

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~~1926.1084—SCUBA diving.~~

~~1926.1085 Surface-supplied air diving.~~

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~~1926.1090—Equipment~~

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- ~~1926.1101 Asbestos~~
- ~~1926.1102 Coal tar pitch volatiles; interpretation of term.~~
- ~~1926.1103 13 Carcinogens (4 Nitrobiphenyl, etc.).~~
- ~~1926.1104 alpha-Naphthylamine.~~
- ~~1926.1105 [Reserved]~~
- ~~1926.1106 Methyl chloromethyl ether.~~
- ~~1926.1107 3,3'-Dichlorobenzidine (and its salts).~~
- ~~1926.1108 bis-Chloromethyl ether.~~
- ~~1926.1109 beta-Naphthylamine.~~
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- ~~1926.1111 4-Aminodiphenyl.~~
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- ~~1926.1117 Vinyl chloride.~~
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- ~~1926.1127 Cadmium.~~
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- ~~1926.1144 1,2-dibromo-3-chloropropane.~~
- ~~1926.1145 Acrylonitrile.~~
- ~~1926.1147 Ethylene oxide.~~
- ~~1926.1148 Formaldehyde.~~
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~~APPENDIX A TO PART 1926—Designations for General Industry Standards Incorporated Into Body of Construction Standards.~~