

§ 1990.152 Model emergency temporary standard pursuant to section 6(c) of the Act.

Occupational Exposure to _____;

Emergency Temporary Standard (insert section number of standard)

(a) *Scope and application*—(1) *General*. This section applies to all occupational exposures to _____, or to (specify the uses of classes of uses of _____ [Chemical Abstracts Service Registry Number 00000], which are covered by the standard, including, where appropriate, the type of exposure to be regulated by the standard) except as provided in paragraph (a)(2).

(2) *Exemption*. This section does not apply to (insert those uses or classes of uses of _____ which are exempted from compliance with the standard, including, where appropriate,

(i) Workplaces where exposure to _____ results from solid or liquid mixtures containing a specified percentage of _____ or less;

(ii) Workplaces where another Federal agency is exercising statutory authority to prescribe or enforce standards or regulations affecting occupational exposure to _____ or

(iii) Workplaces which are appropriately addressed in a separate standard.

(b) *Definitions*.

_____ means (definition of the substance, group of substances, or combination of substances, to be regulated).

Action level means an airborne concentration of _____ of (insert appropriate level of exposure).

NOTE: Where appropriate, consider an action level as a limitation on requirements for periodic monitoring (para. (e)(3)), medical surveillance (para. (n)), training (para. (o)), and other provisions.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

Authorized person means any person specifically authorized by the employer whose duties require the person to enter a regulated area or any person entering such an area as a designated representative of employees exercising the opportunity to observe monitoring

procedures under paragraph (r) of this section.

Director means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education and Welfare, or designee.

Emergency means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may result in a release of _____ which is (insert appropriate quantitative or qualitative level of release which constitutes an emergency).

OSHA Area Office means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

(c) *Permissible exposure limits*—(1) *Inhalation*—(i) *Time-weighted average limit (TWA)*. Within (insert appropriate time) from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to an airborne concentration of _____ in excess of: (insert appropriate exposure limit representing a level that can be complied with immediately) as an eight (8)-hour-time-weighted average.

(ii) *Ceiling limit (if appropriate)*. The employer shall assure that no employee is exposed to an airborne concentration of _____ in excess of: (insert appropriate exposure limit representing a level that can be complied with immediately) as averaged over any: (insert appropriate time period) during the working day.

(2) *Dermal and eye exposure*. (As appropriate.) (i) Within (insert appropriate time period) of the effective date of this section, the employer shall (If eye exposure to _____ does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse effects of eye exposure to _____, if any. If eye exposure creates a risk of cancer, insert exposure level or criteria which represent the level of eye exposure to _____.)

(ii) Within (insert appropriate time period) of the effective date of this section, the employer shall (If skin exposure to _____ does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse health affects of skin exposure to

_____ if any. If skin exposure creates a risk of cancer, insert exposure level or criteria which represents the level of skin exposure to _____).

(d) *Notification of use.* Within (insert appropriate time and omit specific categories of information if appropriate) of the effective date of this section, or within fifteen (15) days following the introduction of _____ into the workplace, every employer shall report the following information to the nearest OSHA Area Office for each such workplace:

(1) The address and location of each workplace in which _____ is present;

(2) A brief description of each process or operation which may result in employee exposure to _____;

(3) The number of employees engaged in each process or operation who may be exposed _____ and an estimate of the frequency and degree of exposure that occurs; and

(4) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to _____;

(e) *Exposure monitoring*—(1) *General.* (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to _____ over an eight (8) hour period. (Modify the time period as appropriate to be practical in the relevant industries yet reasonably representative of full shift exposures). Monitoring of exposure levels required under this paragraph shall be made as follows: [insert method or alternative methods to be used to meet the requirements of this paragraph].

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) *Initial monitoring.* Each employer who has one or more workplaces where (specify the types of workplaces subject to the monitoring requirement), shall within (insert appropriate period) of the effective date of this section (insert requirements for initial monitoring, as appropriate).

(3) *Frequency.* (Insert, if appropriate, provisions prescribing the minimum frequency at which monitoring must be repeated, the conditions under which such frequency must be increased, or

may be reduced, and conditions under which such routine monitoring may be discontinued (for example where the action level is not exceeded). Where appropriate, specify different frequency requirements for certain types of workplaces where, for example, exposure levels are subject to greater or less variability.)

(4) *Additional monitoring.* (Insert, if appropriate, provisions for monitoring, in addition to the requirements (if any) of paragraph (e)(3). This may include a production, process, control or personnel change which might result in new or additional exposure to _____ or whenever the employer has any other reason to suspect a change which might result in new or additional exposures to _____.)

(5) *Employee notification.* (i) Within (insert appropriate period) after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(6) *Accuracy of measurement.* (Insert requirements for accuracy of methods of measurement or detection used to comply with the paragraph.)

(f) [Reserved]

(g) *Methods of compliance*—(1) *General.* (i) Employee exposures to _____ shall be controlled to or below the permissible exposure limits by any practicable combination of engineering controls, work practices and personal protective devices and equipment, during the effective period of this emergency temporary standard.

NOTE: Where engineering controls or work practices can reduce employee exposures to _____ it is recommended that they be implemented where practicable, even where they do not themselves reduce exposures to, or below the permissible exposure limits. Work practices which can be implemented by the employer to help reduce employee exposures to _____ include limiting access to work areas to authorized personnel, prohibiting

smoking and consumption of food and beverages in work areas, and establishing good maintenance and housekeeping practices, including the prompt clean-up of spills and repair of leaks.

(2) *Engineering and work practice control plan.* (i) Within (insert appropriate time period) of the effective date of this emergency temporary standard, the employer shall develop a written plan describing proposed means to reduce employee exposures to the lowest feasible level by means of engineering and work practice controls (which will be eventually required by a permanent standard for occupational exposure to _____, as provided for by §1990.151(g) of this subpart).

(ii) Written plans required by this paragraph shall be submitted, upon request, to the Assistant Secretary and the Director and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and any affected employee or designated representative.

(h) *Respiratory protection*—(1) *Required use.* The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposures to within the permissible exposure limits and in emergencies.

(2) *Respirator selection.* (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator from Table 1 below and shall assure that the employee wears the respirator provided.

TABLE 1—RESPIRATORY PROTECTION FOR _____

(The table will contain a listing of the appropriate type of respirator for various conditions of exposure to _____.)

(ii) The employer shall select respirators from those approved by the National Institute for Occupational Safety and Health under the provisions of 30 CFR part 11.

(3) *Respirator program.* (i) The employer shall institute a respirator protection program in accordance with 29 CFR 1910.134 (b), (d), (e) and (f).

(ii) Employees who wear respirators shall be allowed to wash their face and respirator face piece to prevent poten-

tial skin irritation associated with respirator use.

(iii) The employer shall assure that the respirator issued to each employee is properly fitted (as appropriate, indicate the requirement for a qualitative or quantitative respirator fit testing program.)

(i) [Reserved]

(j) *Protective clothing and equipment*—(1) *Provision and use.* Where employees are exposed to eye or skin contact with _____ (insert criteria which trigger this requirement as appropriate), the employer shall within (insert appropriate time period) of the effective date of this standard provide, at no cost to the employees, and assure that employees wear, appropriate protective clothing or other equipment in accordance with 29 CFR 1910.132 and 1910.133 to protect the area of the body which may come in contact with _____.

(2) *Cleaning and replacement.* (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this paragraph, as needed to maintain their effectiveness.

(k) *Housekeeping*—(1) *General.* The employer shall, within (insert appropriate time period) of the effective date of this section, implement a housekeeping program to minimize accumulations of _____.

(2) *Specific provisions.* The program shall include (insert appropriate elements):

(i) Periodic scheduling of routine housekeeping procedures;

(ii) Provision for periodic cleaning of dust collection systems;

(iii) Provision for maintaining clean surfaces;

(iv) Provision for assigning personnel to housekeeping procedures; and

(v) Provision for informing employees about housekeeping program.

(1) *Waste disposal*—(1) *General.* The employer shall assure that no waste material containing _____ is dispersed into the workplace, to the extent practicable.

(2) The employer shall label, or otherwise inform employees who may contact waste material containing _____ of the contents of such waste material.

(3) (Insert specific disposal methods, as appropriate.)

(m) [Reserved]

(n) *Medical surveillance*—(1) *General.*

(i) The employer shall institute a program of medical surveillance for (specify the types of employees subject to the medical surveillance requirement, for example, by specifying the level, duration, and frequency of exposure to _____ which make medical surveillance appropriate for individual employees). The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this paragraph.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(2) *Initial examinations.* Within (insert appropriate time period) of the effective date of this section, or thereafter at the time of initial assignment, the employer shall provide each employee specified in paragraph (n)(1) of this section an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include (insert specific areas to be covered pertinent to the health hazards posed by _____).

(ii) A physical examination which shall include: (insert specific tests, procedures, etc., pertinent to the health hazards posed by _____). Where appropriate, provide that the examining physician shall conduct such additional examinations and tests as are needed according to his professional judgement).

NOTE: Where appropriate, require or permit different medical protocols, or different frequencies of medical examinations, for separate sub-populations of employees covered under paragraph (n)(1).

(3) *Periodic examinations.* (If appropriate insert appropriate medical protocol and time.)

(4) *Additional examinations.* If the employee for any reason develops signs or symptoms commonly associated with exposure to _____, the employer shall provide an appropriate examination and emergency medical treatment.

(5) *Information provided to the physician.* The employer shall provide the

following information to the examining physician:

(i) A copy of this emergency temporary standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposures due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) The names and addresses of physicians who, under the sponsorship of the employer, provided previous medical examinations of the affected employee, if such records are not otherwise available to the examining physician.

(6) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to _____;

(C) Any recommended limitations upon the employee's exposure to _____ or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to _____;

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(o) *Employee information and training*—(1) *Training program.* (i) Within (insert appropriate time period) from the effective date of this standard, the employer shall institute a training program for all employees who (specify

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the employees subject to the training requirement), and shall assure their participation in the training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in the Appendices;

(B) The quantity, location, manner of use, release, or storage of _____ and the specific nature of operations which could result in exposure to _____, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and description of the medical surveillance program required by paragraph (n) of this section; and

(E) A review of this standard.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(p) *Signs and labels* (include a signs or a signs and labels provision if it is appropriate for the duration of the ETS)—(1) *General.* (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this paragraph.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this paragraph, which contradicts or detracts from the meaning of the required sign or label.

(2) *Signs.* (i) The employer shall post signs to clearly indicate all workplaces (specify as appropriate the description of the area to be signposted such as “where employees are exposed to _____,” or “where exposures exceed the PEL,” or “which are regulated areas”). The signs shall bear the following legend:

DANGER

(insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) The employer shall assure that signs required by this paragraph are illuminated and cleaned as necessary so that the legend is readily visible.

(iii) Where airborne concentrations of _____ exceed the permissible exposure limits, the signs shall bear the additional legend: (“Respirator Required” or “Respirator may be Required” as appropriate).

(3) *Labels.* (i) The employer shall assure that precautionary labels are affixed to all containers of _____ and _____ of products containing _____ (specify if appropriate suitable modifications), and that the labels remain affixed when _____ or products containing _____ are sold, distributed or otherwise leave the employer’s workplace.

(ii) The employer shall assure that the precautionary labels required by this paragraph are readily visible and legible. The labels shall bear the following legend:

DANGER

CONTAINS _____

CANCER HAZARD

(q) *Recordkeeping*—(1) *Exposure monitoring.* (i) The employer shall establish and maintain an accurate record of all monitoring required by paragraph (e) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedures used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this emergency temporary standard, and for any additional period required by the permanent standard.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (n) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions or a written explanation of the absence of any such opinion or employee refusal to take the medical examination;

(B) Any employee medical complaints related to exposure to _____;

(C) A copy of the information provided to the physician as required by paragraphs (n)(5)(ii)-(iv) of this section unless it is systematically retained elsewhere by the employer for the period of time specified in paragraph (q)(2)(iii); and,

(D) A copy of the employee's work history. (1) The employer shall assure that employee exposure measurement records, as required by this section, be made available upon request to the Assistant Secretary and the Director for examination and copying.

(iii) The employer shall assure that this record be maintained for the effective period of this emergency temporary standard, and for any additional period required by the permanent standard.

(3) *Availability.* (i) The employer shall assure that all records required to be maintained by this section be made available upon request, to the Assistant Secretary and the Director for examination and copying.

(ii) Employee exposure measurement records and employee medical records required by this section shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.20 (a) through (e) and (g) through (i).

(r) *Observation of monitoring.* (1) Employee observation. The employer shall provide affected employees, or their designated representatives, an oppor-

tunity to observe any monitoring of employee exposure to _____ conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) Whenever observation of the monitoring of employee exposure to _____ requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of _____ performed at the place of exposure; and

(C) Record the results obtained and receive results supplied by the laboratory.

(s) *Effective date.* This section shall become effective (insert effective date).

(t) *Appendices.* The information contained in the appendices is not intended, itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation. (In normal circumstances three appendices will be included in each standard, an "Appendix A—Substance Safety Data Sheet," an "Appendix B—Substance Technical Guidelines," and an "Appendix C—Medical Surveillance Guidelines." Insert additional appendices or delete any of the suggested appendices as appropriate.)

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PARTS 1991-1999 [RESERVED]