

change, rescinded, or amended to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as little burden as possible on small employers. In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.

An important step in the review process involves the gathering and analysis of information from affected persons about their experience with the rule and any material changes in circumstances since issuance of the rule. This notice requests written comments and announces public meetings to provide opportunities for interested parties to comment on the continuing need for, adequacy or inadequacy of, and small business impacts of this rule. Comment concerning the following subjects would assist the Agency in determining whether to retain the standard unchanged or to initiate rulemaking for purposes of revision or rescission:

1. The benefits and utility of the rule in its current form and, if amended, in its amended form;
2. The continued need for the rule;
3. The complexity of the rule;
4. Whether and to what extent the rule overlaps, duplicates, or conflicts with other Federal, State, and local governmental rules;
5. Information of any new developments in technology, economic conditions, or other factors affecting the ability of affected firms to comply with the Grain Handling standard; and
6. Alternatives to the rule or portions of the rule that would minimize significant impacts on small businesses while achieving the objectives of the Occupational Safety and Health Act.

**Authority:** This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of June, 1998.

**Charles N. Jeffress,**

*Assistant Secretary.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

[Docket No. H-052-F]

#### Notice of Public Meeting on Review of the Cotton Dust Standard

**AGENCY:** Occupational Safety and Health Administration, U.S. Department of Labor.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is conducting a review of the Cotton Dust Standard in order to determine, consistent with Executive Order 12866 on Regulatory Planning and Review and Section 610 of the Regulatory Flexibility Act, whether this standard should be maintained without change, rescinded, or modified in order to make it more effective or less burdensome in achieving its objectives, to bring it into better alignment with the objectives of Executive Order 12866, or to make it more consistent with the objectives of the Regulatory Flexibility Act to achieve regulatory goals while imposing as few burdens as possible on small employers.

Written public comments on all aspects of the Cotton Dust Standard are welcomed. OSHA will also hold two stakeholder meetings that will be open to the public to provide opportunities for interested parties to comment on whether the Cotton Dust Standard should be eliminated, modified, or continued without change to achieve the objectives described above.

**DATES:** The first public meeting will be held on July 24, 1998, in Atlanta, Georgia. The second public meeting will be held on July 30, 1998 in Washington, DC. Both meetings will begin at 9:00 a.m. and will end at approximately 5:30 p.m. Requests from members of the public to speak at these meetings should be received by OSHA no later than July 17, 1998, for the meeting in Atlanta, Georgia, and July 23, 1998, for the meeting in Washington, DC. Written comments must be postmarked by August 31, 1998.

**ADDRESSES:** The Atlanta meeting will be held at the Sheraton Gateway Hotel, Atlanta Airport, 1900 Sullivan Road, College Park, Georgia 30337, Telephone (770) 997-1100, Fax (770) 997-1921.

The Washington, DC meeting will be held in the Auditorium of the Frances Perkins Building at 200 Constitution Avenue, N.W., Washington, DC 20210.

Requests to speak at these public meetings should be sent to Kathryn

Condit, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627; 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-4916, extension 145, Fax (202) 219-4383.

Written comments on the Cotton Dust Standard should be submitted in quadruplicate to Elaine Bynum, Docket Officer, Docket No. H-052-F, OSHA Docket Office, Room N2625; 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-7894, Fax (202) 219-5046. Comments of 10 pages or fewer may be faxed to (202) 219-5046 as long as paper copies are subsequently sent.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Condit, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, Room N3627, 200 Constitution Avenue, N.W., Washington, DC 20210, Telephone (202) 219-4916, extension 145, Fax (202) 219-4383.

#### SUPPLEMENTARY INFORMATION:

##### *Additional Information Concerning Public Participation*

*Requests to Speak at the Public Meetings.* Requests should identify the person and organization intending to appear, desired date of appearance, address and phone and fax number, the amount of time requested, audiovisual equipment required, and a brief summary of the comments to be presented. Persons making timely written requests to speak at the public meetings will be given priority for oral comments, as time permits. Other persons wishing to speak should register before the meetings from 8:30 to 9:00 a.m. OSHA will make every effort to accommodate individuals wishing to speak at the public meetings.

*Written Comments.* OSHA will review written public comments as part of the process of conducting this regulatory review of the Cotton Dust Standard. All comments received will be included in Docket H-052-F and will be available for public review in the Docket Office.

##### *Additional Information on the Regulatory Review*

OSHA has selected the Cotton Dust Standard for review in accordance with the regulatory review provisions at Section 5 of Executive Order 12866 (58 FR 51735, 51739; Oct. 4, 1993) and Section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In the event the Agency determines, based on the results of this review, that the rule should be rescinded or modified, appropriate rulemaking will be initiated.

An important step in the review process involves the gathering and analysis of information from affected persons about their experience with the rule and any material changes in circumstances since issuance of the rule. Comment concerning the following subjects would assist the Agency in determining whether to retain the standard unchanged or to initiate rulemaking for the purposes of revision or rescission:

1. The benefits and utility of the rule in its current form and, if amended, in its amended form;
2. The continued need for the rule;
3. The complexity of the rule;
4. Whether and to what extent the rule overlaps, duplicates, or conflicts with other Federal, State and local governmental rules;
5. Information on any new developments in technology, economic conditions, or other factors affecting the ability of affected firms to comply with the Cotton Dust rule; and
6. Alternatives to the rule or portions of the rule that would minimize any significant impacts on small businesses while achieving the objectives of the Occupational Safety and Health Act.

#### **Additional Information on the Cotton Dust Standard**

In 1978, OSHA promulgated a health standard for cotton dust (29 CFR 1910.1043) that set new permissible exposure limits for occupational exposure to cotton dust for the textile industry as well as permissible exposure limits for several other industries. The basis for this rulemaking was OSHA's determination that exposure to cotton dust presents a significant health hazard to employees. Exposure to cotton dust, which may contain a mixture of many substances, including ground-up plant matter, bacteria, fungi, soil, pesticides, and other contaminants, can lead to the chronic respiratory disease known as byssinosis ("brown lung"), as well as to production or aggravation of respiratory symptoms characteristic of chronic lung disease, e.g., chronic bronchitis, asthma, emphysema and other non-specific diseases.

Since its promulgation in 1978, the Cotton Dust Standard has been modified on several occasions to conform to court decisions (*AFL-CIO v. Marshall*, 617 F.2d 636 (D.C. Cir. 1979); *American Textile Manufacturers Institute, Inc. v. Donovan*, 452 U.S. 490 (1981); (50 FR 51120; December 13, 1985). The Cotton Dust Standard § 1910.1043, currently

applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing, engage in slashing and weaving operations, or work in waste houses for textile operations.

The standard establishes a permissible exposure limit (PEL) of 200 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) as an 8-hour time weighted average (TWA) for yarn manufacturing and cotton washing operations, a PEL of 500  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA for textile mill waste house operations or exposure to dust from "lower grade washed cotton" during yarn manufacturing operations, and a PEL of 750  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA for exposure during slashing and weaving operations (43 FR 27350; June 23, 1978). The action levels established by the standard are: 100  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA for yarn manufacturing and cotton washing operations, 250  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA for textile mill waste house operations, and 375  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA for exposure during slashing and weaving operations. The Cotton Dust Standard also includes provisions covering exposure monitoring, engineering control use, written compliance and work practice programs, respirators, medical surveillance, training, and recordkeeping (43 FR 27350; June 23, 1978). In instances where an employer can demonstrate that employee exposures are below the appropriate action level, the employer is not obligated to comply with many of the requirements of the standard.

The Cotton Dust Standard also applies, in part, to cottonseed processing and cotton waste processing operations. Cottonseed processing operations are not subject to an OSHA 8-hour time-weighted average PEL. However, cottonseed processing operations are covered by certain medical surveillance provisions, recordkeeping provisions, and other requirements of § 1910.1043 as specified in § 1910.1043(a)(3). These requirements are included in the scope of this regulatory review. The cotton waste processing operations of waste recycling (sorting, blending, cleaning, willowing, etc.) and garnetting must comply with a PEL of 1  $\text{mg}/\text{m}^3$  as an 8-hour time weighted average. This PEL is contained in § 1910.1000, rather than in § 1910.1043, and it is therefore not included in the scope of the current regulatory review effort. However, cotton waste processing operations are

covered by certain medical surveillance, recordkeeping, and other requirements of § 1910.1043 as specified in § 1910.1043(a)(3). These requirements are included in the scope of this regulatory review.

The Cotton Dust Standard does not apply to the handling or processing of woven or knitted materials, or to maritime operations covered by 29 CFR Parts 1915 and 1918, or to harvesting or ginning of cotton, or to the construction industry. In addition, facilities processing washed cotton (as defined in paragraph (n) of § 1910.1043) may be exempt from all or part of the standard (see § 1910.1043 (n) for details).

In 1978, OSHA estimated that the Cotton Dust Standard would generate compliance costs of \$656.5 million in capital costs and \$206.1 million in annual costs. The bulk of these costs were attributed to the textile industry: \$550.0 million in capital costs and \$171.0 million in annual costs (43 FR 27380; June 23, 1978). The remaining estimated compliance costs were attributed to the waste processing, cottonseed processing, and warehousing industries. In 1978, OSHA also provided a benefits estimate for the yarn preparation industry alone of 4,904 cases of byssinosis avoided per year based on the new permissible exposure limit of 200  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA (43 FR 27379; June 23, 1978). Several years later, compliance cost estimates made by the American Textile Manufacturers Institute, as well as compliance cost estimates made by Centaur Associates, an OSHA contractor, indicated that the actual cost to affected industries of complying with the standard was substantially lower than OSHA's original estimates (50 FR 51166-51167; December 13, 1985). Modifications to the scope and requirements of the Cotton Dust Standard occurring after 1978 also led OSHA to lower its estimates of the compliance costs associated with the standard (48 FR 26978; June 10, 1983).

**Authority:** This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of June, 1998.

**Charles N. Jeffress,**

*Assistant Secretary.*

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