

§ 1910.1

29 CFR Ch. XVII (7-1-04 Edition)

RECORDKEEPING

1910.440 Recordkeeping requirements.
1910.441 Effective date.

APPENDIX A TO SUBPART T TO PART 1910—EX-
AMPLES OF CONDITIONS WHICH MAY RE-
STRICT OR LIMIT EXPOSURE TO
HYPERBARIC CONDITIONS

APPENDIX B TO SUBPART T TO PART 1910—
GUIDELINES FOR SCIENTIFIC DIVING

APPENDIX C TO SUBPART T TO PART 1910—AL-
TERNATIVE CONDITIONS UNDER
§ 1910.401(a)(3) FOR RECREATIONAL DIVING
INSTRUCTORS AND DIVING GUIDES (MANDA-
TORY)

Subparts U—Y [Reserved]

1910.901–1910.999 [Reserved]

SOURCE: 39 FR 23502, June 27, 1974, unless
otherwise noted.

Subpart A—General

AUTHORITY: Secs. 4, 6, 8, Occupational Safe-
ty and Health Act of 1970 (29 U.S.C. 653, 655,
657); Secretary of Labor's Order Numbers 12-
71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR
35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as
applicable.

Sections 1910.7 and 1910.8 also issued under
29 CFR Part 1911. Section 1910.7(f) also issued
under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553;
Pub. L. 106-113 (113 Stat. 1501A-222); and OMB
Circular A-25 (dated July 8, 1993) (58 FR
38142, July 15, 1993).

§ 1910.1 Purpose and scope.

(a) Section 6(a) of the Williams-
Steiger Occupational Safety and
Health Act of 1970 (84 Stat. 1593) pro-
vides that “without regard to chapter 5
of title 5, United States Code, or to the
other subsections of this section, the
Secretary shall, as soon as practicable
during the period beginning with the
effective date of this Act and ending 2
years after such date, by rule promul-
gate as an occupational safety or
health standard any national consen-
sus standard, and any established
Federal standard, unless he determines
that the promulgation of such a stand-
ard would not result in improved safety
or health for specifically designated
employees.” The legislative purpose of
this provision is to establish, as rapidly
as possible and without regard to the
rule-making provisions of the Adminis-
trative Procedure Act, standards with
which industries are generally famil-
iar, and on whose adoption interested

and affected persons have already had
an opportunity to express their views.
Such standards are either (1) national
consensus standards on whose adoption
affected persons have reached substan-
tial agreement, or (2) Federal stand-
ards already established by Federal
statutes or regulations.

(b) This part carries out the directive
to the Secretary of Labor under section
6(a) of the Act. It contains occupa-
tional safety and health standards
which have been found to be national
consensus standards or established
Federal standards.

§ 1910.2 Definitions.

As used in this part, unless the con-
text clearly requires otherwise:

(a) *Act* means the Williams-Steiger
Occupational Safety and Health Act of
1970 (84 Stat. 1590).

(b) *Assistant Secretary of Labor* means
the Assistant Secretary of Labor for
Occupational Safety and Health;

(c) *Employer* means a person engaged
in a business affecting commerce who
has employees, but does not include
the United States or any State or po-
litical subdivision of a State;

(d) *Employee* means an employee of an
employer who is employed in a busi-
ness of his employer which affects com-
merce;

(e) *Commerce* means trade, traffic,
commerce, transportation, or commu-
nication among the several States, or
between a State and any place outside
thereof, or within the District of Co-
lumbia, or a possession of the United
States (other than the Trust Territory
of the Pacific Islands), or between
points in the same State but through a
point outside thereof;

(f) *Standard* means a standard which
requires conditions, or the adoption or
use of one or more practices, means,
methods, operations, or processes, rea-
sonably necessary or appropriate to
provide safe or healthful employment
and places of employment;

(g) *National consensus standard* means
any standard or modification thereof
which (1) has been adopted and promul-
gated by a nationally recognized stand-
ards-producing organization under pro-
cedures whereby it can be determined
by the Secretary of Labor or by the As-
sistant Secretary of Labor that persons

interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered, and (3) has been designated as such a standard by the Secretary or the Assistant Secretary, after consultation with other appropriate Federal agencies; and

(h) *Established Federal standard* means any operative standard established by any agency of the United States and in effect on April 28, 1971, or contained in any Act of Congress in force on the date of enactment of the Williams-Steiger Occupational Safety and Health Act.

§ 1910.3 Petitions for the issuance, amendment, or repeal of a standard.

(a) Any interested person may petition in writing the Assistant Secretary of Labor to promulgate, modify, or revoke a standard. The petition should set forth the terms or the substance of the rule desired, the effects thereof if promulgated, and the reasons therefor.

(b)(1) The relevant legislative history of the Act indicates congressional recognition of the American National Standards Institute and the National Fire Protection Association as the major sources of national consensus standards. National consensus standards adopted on May 29, 1971, pursuant to section 6(a) of the Act are from those two sources. However, any organization which deems itself a producer of national consensus standards, within the meaning of section 3(9) of the Act, is invited to submit in writing to the Assistant Secretary of Labor at any time prior to February 1, 1973, all relevant information which may enable the Assistant Secretary to determine whether any of its standards satisfy the requirements of the definition of "national consensus standard" in section 3(9) of the Act.

(2) Within a reasonable time after the receipt of a submission pursuant to paragraph (b)(1) of this section, the Assistant Secretary of Labor shall publish or cause to be published in the FEDERAL REGISTER a notice of such submission, and shall afford interested persons a reasonable opportunity to

present written data, views, or arguments with regard to the question whether any standards of the organization making the submission are national consensus standards.

§ 1910.4 Amendments to this part.

(a) The Assistant Secretary of Labor shall have all of the authority of the Secretary of Labor under sections 3(9) and 6(a) of the Act.

(b) The Assistant Secretary of Labor may at any time before April 28, 1973, on his own motion or upon the written petition of any person, by rule promulgate as a standard any national consensus standard and any established Federal standard, pursuant to and in accordance with section 6(a) of the Act, and, in addition, may modify or revoke any standard in this part 1910. In the event of conflict among any such standards, the Assistant Secretary of Labor shall take the action necessary to eliminate the conflict, including the revocation or modification of a standard in this part, so as to assure the greatest protection of the safety or health of the affected employees.

§ 1910.5 Applicability of standards.

(a) Except as provided in paragraph (b) of this section, the standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone.

(b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c)(1) If a particular standard is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might