

VOSH PROGRAM DIRECTIVE: 12-335A

ISSUED: 01 August 2012

SUBJECT: Revising Standards Referenced in 16VAC25-90-1910.102, Acetylene Standard for General Industry, §1910.102

Purpose. **CHANGE I:** This directive transmits to field personnel federal OSHA's revisions to standards referenced in the Acetylene Standard for General Industry, §1910.102. **CHANGE II:** This change updates references in the Acetylene Standard, §1910.102, to recognize the latest edition of the Compressed Gas Association Standard, CGA G-1-2009.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope. This directive applies to all VOSH personnel.

References. 76 FR 75782 (December 5, 2011) and 77 FR 13997 (March 8, 2012)

Cancellation. VOSH PD 12-335 (March 1, 2010)

Effective Date. 01 August 2012

Action. Directors and Managers shall ensure that field personnel understand and comply with the standard included in this directive.

Courtney M. Malveaux
Commissioner

e-Attachments: CHANGE I: http://www.osha.gov/FedReg_oshapdf/FED20090811.pdf

CHANGE II: http://www.osha.gov/FedReg_oshapdf/FED20111205A.pdf
http://www.osha.gov/FedReg_oshapdf/FED20120308.pdf

Distribution: Commissioner of Labor and Industry
Assistant Commissioner – Programs
VOSH Directors and Managers
Legal Support and IMIS Support Staffs

Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staffs
OSHA Region III and OSHA Norfolk Area Offices

I. Background.

CHANGE I: Federal OSHA initially adopted the Acetylene Standard in 1974, pursuant to Section 6(a) of the OSH Act of 1970 (OSH Act; 29 U.S.C. 651, 655). This section allowed OSHA, during the first two years after passage of the OSH Act, to adopt existing federal and national consensus standards in OSHA safety and health standards, including the current Acetylene Standard.

This action is part of a rulemaking project by federal OSHA to update its standards that reference or include language from outdated standards published by standards developing organizations (“SDO Standards”). The SDO standards referenced in OSHA’s Acetylene Standard (29 CFR 1910.102) are among those SDO standards that OSHA identified for revision.

In this direct final rule, federal OSHA used the SDO rulemaking project because it expects the rules to: be noncontroversial; provide protection to employees that is at least equivalent to the protection afforded to them by the outdated SDO standard; and imposes no significant new compliance costs on employers. OSHA uses the direct final rule adoption procedure to update or, when appropriate, revoke references to outdated national consensus standards in OSHA rules.

Although Federal OSHA received eight comments on the direct final rule within 30 days prior to the November 9, 2009 publication, it determined that these comments were not significant adverse comments, and OSHA confirmed its direct final rule which became effective on November 9, 2009 (74 FR 57883).

On January 14, 2010, the Safety and Health Codes Board adopted this direct final rule, with an effective date of April 15, 2010.

CHANGE II: This action is part of a rulemaking project instituted by OSHA to update its standards that reference or include language from outdated standards published by external standards developing organizations known as “SDO standards”. (See 69 FR 68283). They are also referred to as National Consensus Standards. An SDO standard referenced in federal OSHA’s Acetylene Standard, 29 CFR 1910.102, is among the SDO standards that OSHA identified for revision.

Federal OSHA adopted the original Acetylene Standard in 1974, pursuant to Section 6(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, 655). This section allowed federal OSHA, during the first two years after passage of the OSH Act, to adopt existing federal and national consensus standards as OSHA safety and health standards, including the Acetylene Standard.

On May 24, 2012, the Safety and Health Codes Board adopted this direct final rule, with an effective date of September 15, 2012.

II. Summary.

CHANGE I: Federal OSHA revised its Acetylene Standard for general industry by updating references to national consensus standards published by standards developing organizations (“SDO standards”). This rulemaking is a continuation of federal OSHA’s ongoing effort to update references to SDO standards used throughout its rules.

The revised standard requires that employers ensure that in-plant transfer, handling, storage and use of acetylene cylinders comply with Compressed Gas Association Pamphlet G-1-2003, Acetylene. Piping systems, as well as facilities and equipment, used to generate acetylene or to fill acetylene cylinders are now required to comply with National Fire Protection Standard NFPA 51A, *Standard for Acetylene Charging Plants*.

CHANGE II: This Direct Final Rule (DFR) updates the standards-developing organization (“SDO standards”) referenced in paragraph (a) of §1910.102 (Cylinders) by deleting the reference to the 2003 edition of the Compressed Gas Association (“CGA”) Pamphlet G-1 (“Acetylene”) and replacing it with CGA Pamphlet G-1-2009 (“Acetylene”), which is the most recent edition of that pamphlet.

There were also minor changes found to the titles of CGA reports referenced in paragraph 4 of Section 3.2, Physical and chemical properties, and Section 4.2, Valves. Federal OSHA determined that these changes were not substantive. In Section 4.5 (Marking and labeling), CGA also provided additional guidance clarifying Department of Transportation labeling regulations, and labeling requirements for transporting acetylene in Canada. Federal OSHA determined that this information provided guidance only, and therefore, imposed no additional burden on employer.

Finally, OSHA identified an addition to the note in Section 5.2 (Rules for storing acetylene) that designates as “in service” single cylinders of acetylene and oxygen located at a work station (e.g., chained to a wall or building column, secured on a cylinder cart). OSHA determined that this change was consistent with current industry practice, and does not increase employers’ burden.

**Revising Standards Referenced in 16 VAC 25-90-1910.102, Acetylene Standard, §1910.102;
Direct Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: January 14, 2010



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: April 15, 2010

16VAC25-90-1910.6, Incorporation by Reference
16VAC25-90-1910.102, Acetylene

When the regulations, as set forth in the Direct Final Rule on Revising Standards Referenced in 16VAC25-90-1910.102, Acetylene Standard, §1910.102, and in 16VAC25-90-1910.6, Incorporation by reference, §1910.6, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

November 9, 2009

April 15, 2010

**Revising Standards Referenced in 16VAC 25-90-1910.102, Acetylene Standard, §1910.102;
Direct Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: May 24, 2012



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 15, 2012

16VAC25-90-1910.102, Acetylene

When the regulations, as set forth in the Direct Final Rule on Revising Other Standards Referenced in 16VAC25-90-1910.102, Acetylene Standard, §1910.102, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

March 5, 2012

September 15, 2012