

Standard Interpretations / Changes to asbestos warning signs and ANSI warning signs

- **Standard Number:** 1910.1001(j)(4)(ii)(A) ; 1910.6(e)(67) ; 1910.261(c) ; 1910.97 ; 1910.145 ; 1926.200

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

October 13, 2015

Dr. Richard O. Zimmerman
1478 Chardonnay Drive
Richland, Washington 99352

Dear Dr. Zimmerman:

Thank you for your April 20, 2015, letter to the Occupational Safety and Health Administration (OSHA). Your letter was referred to the Directorate of Enforcement Programs for a response to your questions about warning signs in OSHA standards. This reply letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not detailed in your original correspondence and subsequent discussions. Your paraphrased questions are below, followed by our replies.

Background: In 2012, OSHA revised the standard, 29 CFR 1910.1200, *Hazard Communication* (HCS 2012). [Reference, 77 Fed. Reg. 17574 (Mar. 26, 2012)]. This rulemaking also made minor changes to several other OSHA standards related to hazardous chemical communication, such as revising the legend used on the warning sign to a regulated work area specified in OSHA's standard for general industry, 29 CFR 1910.1001, *Asbestos*.

Additionally, in an unrelated rulemaking in 2013, OSHA revised its standard for signage used in general industry and construction, 29 CFR 1910.6, *Incorporation by Reference*, by updating the references to national consensus standards approved by the American National Standards Institute (ANSI). [Reference, 78 Fed. Reg. 35559 (Jun. 13, 2013), and 78 Fed. Reg. 66642 (Nov. 6, 2013)].

Question 1: Must all asbestos signs be updated to the new wording before June 1, 2016?

Reply: Yes. The effective dates for implementing the changes to other OSHA standards altered by the HCS 2012 revision are specified in each standard; refer to the individual standards to determine the appropriate dates. For standards where the change affected the warning signs, the effective date is June 1, 2016. Thus, employers have been given approximately four years to implement this change to their signs.

The applicable provision in the *Asbestos* standard, 29 CFR 1910.1001, concerning the revised text of warning signs for regulated areas, may be found at paragraph 1910.1001(j)(4)(ii)(A), wherein the revised legend on the warning sign must read:

DANGER
ASBESTOS
MAY CAUSE CANCER
CAUSES DAMAGE TO LUNGS
AUTHORIZED PERSONNEL ONLY

Additionally, per paragraph 1910.1001(j)(4)(ii)(C), prior to June 1, 2016, employers may use the formerly specified legend on the warning sign that reads:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY

Note, one additional change to warning signs resulted from HCS 2012, where use of respirators and protective clothing are required in the regulated area; see the *Asbestos* standard, at paragraphs 1910.1001(j)(4)(ii)(B) and (D). Additionally, HCS 2012 mandated changes to asbestos warning labels, where they are required to be affixed to all raw materials, mixtures, scrap, waste (e.g., bags of used protective clothing and equipment), debris, and other products containing asbestos fibers, or to their containers; see paragraph 1910.1001(j)(5).

Question 2: Is an employer compliant with 29 CFR 1910.6(e)(67) when using signs compliant with the older ANSI standards and other signs compliant with the newer ANSI standards?

Reply: Yes. The revision to the specific provision at paragraph 1910.6(e)(67) states in part, "*ANSI Z535.2-2011, Environmental and Facility Safety Signs, published September 15, 2011; IBR [incorporated by reference] approved for § 1910.261(c).*" This specific incorporation by reference only applies to OSHA's *Pulp, Paper, and Paperboard Mills* standard, 29 CFR 1910.261.

This revision was one of several that were issued in a 2013 rulemaking, which further explained that employers are allowed to comply with either the newer or older ANSI standards:

The direct final rule will allow employers to comply with either these ANSI standards or the latest versions of them, Z535.1-2006(R2011), Z535.2-2011, and Z535.5-2011. The latter compliance option will allow employers to update their signage based on the newest ANSI consensus standards without violating OSHA's requirements. In addition, since employers will not have to update their signage, there is no additional compliance cost or burden resulting from this rulemaking. [78 Fed. Reg. 35563, June 13, 2013]

Other standards for which this IBR rule applied included 29 CFR 1910.97, *Nonionizing Radiation*; § 1910.145, *Specifications for Accident Prevention Signs and Tags*; and § 1926.200, *Accident Prevention Signs and Tags*. In reviewing the preamble sections of the Volume 78 Federal Register notices, both June 13 and November 6, 2013, there is nothing that prohibits using both the older and newer ANSI signage in these workplaces. In other words, employers could use older signs in some sections of the workplace and use newer signs in other sections of the workplace. In this way, employers would not be burdened with replacing signs they already have.

Question 3: Is it a violation when an employer chooses to follow the ANSI Z535 sign design when updating its asbestos warning signs, per the revision to 29 CFR 1910.1001(j)(4)(ii)(A)?

Reply: Yes. An employer would be in violation of the *Asbestos* standard if it posts warning signs for regulated areas that do not meet the specifications in 29 CFR 1910.1001(j)(4)(ii)(A). The provisions at 29 CFR 1910.6, *Incorporation by Reference*, which adopt the ANSI Z535 sign design, are applicable to specific standards, such as 29 CFR 1910.97, § 1910.145, and § 1910.261. However, the provisions at § 1910.6 are inapplicable to the *Asbestos* standard, § 1910.1001, particularly the sign specifications in paragraph 1910.1001(j)(4)(ii)(A). The 2013 Direct Final Rule, 78 Fed. Reg. 35559, particularly page 35562, is explicit on the applicability of the ANSI signage standards to 29 CFR 1910.97, § 1910.145, § 1910.261, and § 1926.200. The *Asbestos* standard signage

requirements at 29 CFR 1910.1001(j)(4)(ii)(A) are specific to asbestos regulated areas. Thus, in the case of the Asbestos standard, employers are to follow the signage requirements in § 1910.1001 for asbestos and not the ANSI standards referenced in 29 CFR 1910.6.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA's requirements are set by statute, standards, and regulations. Our letters of interpretation do not create new or additional requirements but rather explain these requirements and how they apply to particular circumstances. This letter constitutes OSHA's interpretation of the requirements discussed. From time to time, letters are affected when the Agency updates a standard, a legal decision impacts a standard, or changes in technology affect the interpretation. To assure that you are using the correct information and guidance, please consult OSHA's website at www.osha.gov. If you have further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,

Thomas Galassi, Director
Directorate of Enforcement Programs

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Questions