

# Beryllium: March 2nd OSHA Memorandum Delaying Enforcement of Certain Standards



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United States Occupational Safety and Health Administration (“OSHA”) Director, Directorate of Enforcement Programs, Thomas Galassi, authored a March 2nd memorandum titled:

*Delay of Enforcement of the Beryllium Standards under 29 CFR 1910.1024, 29 CFR 1915.1024, and 29 CFR 1926.1124 (Memorandum)*

OSHA had previously issued a final rule amending its existing standards for occupational exposure to beryllium and beryllium compounds.

Galassi notes in his March 2nd *Memorandum* that OSHA had previously published a Notice of Proposed Rulemaking proposing to revoke the ancillary provisions of the construction and shipyard beryllium standards, 29 CFR § 1915.1024 and 29 CFR § 1926.1124, but retain the new Permissible Exposure Limits (“PELs”) and STEL. The agency further announced it would not enforce the new construction and shipyard standards without further notice while such rulemaking was underway. See 82 Fed. Reg. 29183. Further reference is made to an August 24, 2017, notice on OSHA’s website that it would “not enforce the ancillary provisions of those standards without further notice,” but did not state whether it would enforce the PEL or STEL.

The Galassi *Memorandum* states that OSHA has been in settlement discussions with parties that have filed legal actions challenging the general industry standard. It states that in order to provide additional time to conclude the negotiations the enforcement of the general industry standards will be delayed by 60 days until May 11, 2018.

The *Memorandum* also notes:

... to ensure employers have adequate notice before OSHA begins enforcing them, as well as in the interest of uniform enforcement and clarity for employers, we have decided to also delay enforcement of the PEL and STEL in the construction and shipyard standards until May 11, 2018. No other parts of the construction and shipyard beryllium standards will be enforced without additional notice. In the interim, if an employer fails to meet the new PEL or STEL, OSHA will inform the employer of the exposure levels and offer assistance to assure understanding and compliance. No provisions of the beryllium final rule may be enforced until May 11, 2018.

[A copy of the March 2nd Memorandum can be downloaded here.](#)