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• **Standard Number:** 1910.1024; 1915.1024; 1926.1124

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>.

March 2, 2018

MEMORANDUM FOR REGIONAL ADMINISTRATORS

MEMORANDUM FOR: RICHARD MENDELSON
Acting Deputy Assistant Secretary

FROM: Thomas Galassi, Director
Directorate of Enforcement Programs

SUBJECT Delay of Enforcement of the Beryllium Standards under 29 CFR 1910.1024, 29 CFR 1915.1024, and 29 CFR 1926.1124

The final rule on Occupational Exposure to Beryllium, published on January 9, 2017, established new Permissible Exposure Limits (PELs) and contained several other ancillary provisions that apply to general industry, construction, and shipyards. This rule was codified in three separate standards at 29 CFR §1910.1024, 29 CFR §1915.1024, and 29 CFR §1926.1124, and became effective on May 20, 2017. Under the general industry standard, all obligations were to commence on March 12, 2018, except for requirements for change rooms and showers in paragraphs (i)(2) and (i)(3), which commence on March 11, 2019, and requirements for engineering controls in paragraph (f), which commence on March 10, 2020.

On June 27, 2017, OSHA published a Notice of Proposed Rulemaking proposing to revoke the ancillary provisions of the construction and shipyard standards, 29 CFR §1915.1024 and 29 CFR §1926.1124, but retaining the new PEL and STEL. In that Notice, OSHA announced that it would not enforce the new construction and shipyard standards without further notice while that rulemaking was underway. 82 FR 29183. On August 24, 2017, OSHA noted on its 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.

OSHA has been in extensive settlement discussions with several parties who have filed legal actions challenging the general industry standard. In order to provide additional time to conclude those negotiations, we have decided to delay enforcement of the general industry standard by 60 days until May 11, 2018. Furthermore, 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. Please notify your staff of this delay.

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