

NORTH CAROLINA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
RALEIGH, NORTH CAROLINA

Chapter 7  
Subchapter 7C  
NC-OSH

CFR Revision 117

Field Information System Part I  
Air Contaminants: Final Rule; Revocation of Table Z-1-A.

DISCUSSION:

On January 19, 1989 Federal OSHA published its final rule on Air Contaminants (54 FR 2332-2983) which amended 29 CFR 1910.1000 by lowering permissible exposure limits (PELs) for 212 toxic substances and setting new PELs for 164 previously unregulated toxic substances. The final rule left unchanged the PELs for 51 of 428 substances considered for change and raised one exposure limit.

On July 7, 1992, the Eleventh Circuit Court of Appeals issued a decision stating that the revised air contaminants standard was vacated. *American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), et al. V. Occupational Safety and Health Administration (OSHA)*, 965 F.2d 962 (11<sup>th</sup> Cir. 1992). At OSHA's request, the Eleventh Circuit Court of Appeals did not issue its order enforcing its decision while the possibility of appeal was being pursued.

The last date for OSHA to file a petition in the Supreme Court for review of the Eleventh Circuit Court's decision was March 22, 1993. Since a petition was not filed with the Supreme Court, OSHA directed its compliance officers to cease enforcing the new exposure limits beginning March 23, 1993. Thus, employers were required to comply with the air contaminant exposure limits that were in effect prior to January 19, 1989.

On June 30, 1993, Federal OSHA announced the revocation of the "Final Rule Limits" column of Table Z-1-A of 29 CFR 1910.1000 ([58 FR 35338-35351](#)). In order to effect this change, Table Z-1-A has been removed from 29 CFR 1910.1000 and replaced by Table Z-1 which contains the permissible exposure limits formerly published in the "Transitional Limits" columns of Table Z-1-A.

ACTION:

North Carolina has made a determination to take similar action and follow the action of Federal OSHA and return to the limits in effect prior to January 19, 1989 (referred to as "Transitional Limits" in 29 CFR 1910.1000, Table Z-1-A). A copy of the Federal Register announcement (Vol. 58, No. 124) is attached. Please file this NC CFR Revision in Part I of your Field Information System.

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