

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

Field Information System
NCAC, Chapter 7, Subchapter 7F

CFR Revision 137
CFR II

Lead

Subpart Z, 29 CFR 1910.1025, General Industry
Lifting of Judicial Stay and Technical Amendments

DISCUSSION:

Federal OSHA originally promulgated the Occupational Exposure to Lead standard on November 14, 1978 which established a PEL of 50 ug/m³ based on an 8-hour time-weighted average. Paragraph (e)(1) of that standard requires that, to the extent feasible, employers achieve a PEL of 50 ug/m³ through engineering controls and work practice controls. This standard was challenged by both industry and labor. The issue has remained in the court system for over fifteen years. After numerous feasibility findings, the courts have found that it is technologically and economically feasible for all industries except brass and bronze ingot manufacturers to attain a PEL of 50 ug/m³ through engineering controls and work practice. Therefore, the stay for all lead chemical manufacturers, copper smelters and large nonferrous foundries (those with 20 or more employees) was lifted effective July 19, 1991, which required these employers to implement engineering and work practice controls to achieve a PEL of 50 ug/m³ within 5 years. Small nonferrous foundries (those with less than 20 employees) must achieve an airborne lead concentration of 75 ug/m³ by July 19, 1996. [See Table I of 1910.1025]

The court remanded the economic record regarding brass and bronze ingot manufacturers to OSHA for feasibility study. Federal OSHA concluded that an airborne lead concentration of 75 ug/m³ measured as an 8-hour TWA, is the lowest economically feasible level that can be achieved by the brass and bronze ingot manufacturing industry as a whole by engineering and work practice controls. Employers in the industry are required, therefore, to reduce airborne concentrations of lead to that level. The industry has six years from the date the court lifted the existing stay to do so.

ACTION:

This final rule at 29 CFR 1910.1025 was adopted verbatim in North Carolina by the Commissioner of Labor with an effective date of April 1, 1996. A copy of the regulatory text from the [Federal Register](#) is attached.

This adoption cancels Standards Notice 51.

Please file this NC CFR Revision in CFR II of your Field Information System.

Date: 4/17/1996

Charles N. Jeffress, Director
Division of Occupational Safety and Health
(Signed on Original)

Filing Date: March 28, 1996

NC Effective Date: April 1, 1996 with delayed effective dates re: lifting of judicial stay

NCAC Amendment found at: 13 NCAC 7F.0101(b)(6)(D)