



State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety

AKOSH Program Directive 05-09

Date: March 31, 2005

To: Distribution List

From: Grey R. Mitchell Director

Subject: **CPL 02-00-051 Enforcement Exemptions and Limitations under the Appropriations Act – Excluding certain activities from Federal or State Match funding i.e. Specific Respiratory Fit Testing for Occupational Exposure to Tuberculosis**
29 CFR 1910.134 (f)(2)

This Program Directive, PD 05-09, is notice that Alaska Department of Labor & Workforce Development, Division of Labor Standards & Safety is implementing CPL 02-00-051, Appendix A – the list of exempt industries under OSHA's appropriations limitation regarding small employers in low hazard industries. This list is using NAICS rather than SIC codes this year.

- CPL 02-00-051 was formerly known as CPL 2-0.51J.
- This program directive replaces PD 98.11

Note: Until 'stop checks' are instituted on IMIS, inspectors must exercise care while inspecting employers with ten or fewer employees at all times during the previous twelve months.

Additionally, an appropriations limitation rider regarding the enforcement of 29 CFR 1910.134(f)(2), General Industry Respiratory Protection, is included. This rider became effective December 8, 2004 and is in effect in Alaska.

This rider prohibits expenditure of federal grant or matching state funds to administer or enforce the provisions of 1910.134(f)(2), annual fit testing of respirators for occupational exposure to tuberculosis. During FY 2005, employers may not be inspected or cited for the requirement to do annual fit testing of respirators for occupational exposure to tuberculosis. This prohibition applies to all OSHA compliance inspections, including programmed inspections, employee complaints, and imminent danger situations. For further information,

please see the December 22, 2004 memorandum from R. Davis Layne regarding Tuberculosis and Respiratory Protection (attached).

Please ensure that all members of your staff receive a copy of CPL 02-00-051, Appendix A, the February 23, 2005 Correction to Appendix A showing the changes, the December 22, 2004 Memorandum from R. Davis Layne and this program directive, and understand how to implement it.

Attachments: January 28, 2005 - [Appendix A to CPL 02-00-051](#)
 February 23, 2005 - Correction to Appendix A to CPL 02-00-051 ()
 December 22, 2004 - Memorandum on Tuberculosis &
 Respiratory Protection – R. Davis Layne

Distribution List w/o attachment

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