

**State of Alaska  
Department of Labor  
Division of Labor Standards and Safety**

**AKOSH Program Directive 98-17**

**Date:** November 10, 1998

**To:** All AKOSH Staff

**From:** Alan W. Dwyer, Director

**Subject:** Respiratory Protection Standard 29 CFR 1910.134 and 29 CFR 1926.103:  
Interim Enforcement Policy

This program directive, PD 98-17 will implement interim enforcement policy amendments to the enforcement policy guidelines regarding compliance with the new revised Respiratory Protection Standard adopted under AKOSH Program Directive 98-12.

Due to the late publication date of the Small Entity Compliance Guide for the newly revised Respiratory Protection Standard, OSHA's National Office has decided to extend the compliance deadlines, stating that small businesses had planned to rely on the guide to prepare for compliance with the new standard. In response, OSHA has decided to modify its enforcement policy for all employers of any size. The above mentioned amended enforcement policy guidelines are adopted by AKOSH and effective as of the date of this Program Directive and will remain in effect until January 5, 1999. The amended enforcement policy guidelines are as follows:

- OSHA will issue unclassified citations with no penalty for violations of any of the provisions of the new respirator standard found during an inspection, provided the employer is in full compliance with the old standard (**old** 29 CFR 1910.134 and 29 CFR 1926.103).
- If the employer is not in compliance with the old respiratory protection standard, citations for violations of corresponding requirements of the new standard, with appropriate penalties and classification, will be issued.
- The new standard contains some new requirements -- requirements for which there is no corresponding provision in the old standard. Violations of any of these new provisions will be issued as unclassified citations with no penalty.
- Employers who require compliance assistance from the AKOSH consultation program or other appropriate source may be given abatement periods of up to six months to enable them to obtain such assistance, if necessary.

The Small Entity Compliance Guide is now available on the Internet at OSHA's Homepage (<http://www.osha.gov>).

The following information pertains to data entry personnel only:

Implementation Note: When adding an "Unclassified" violation of the revised respiratory protection standard, during the effective period of this interim policy, CSHO's using the CSHO application should select option P (Post Settlement/Section 17) for Citation Type on their 1B's. During the assembly of the OSHA 2, this will unfortunately cause "Post Settlement" to be used as the citation type in the WordPerfect file and will be printed next to each such unclassified citation. These entries will have to be changed in each instance to read "Unclassified". In citation review, these can either be changed manually or by doing a "Global Search and Replace" and change "Post Settlement" to "Unclassified". No other adjustments in normal IMIS processing should be required to implement this new policy.

Classification language shall be added as an abatement note for all citations issued as unclassified under this interim policy which would otherwise have been classified as serious violations. An example of such language is as follows:

This violation is considered serious but has been designated as "Unclassified" during a temporary modification in citation policy for violations of the revised respiratory protection standard and carries no penalty. The abatement period to comply with this citation has been extended to allow for familiarization with the Small Entity Compliance Guide and for seeking consultation assistance. Adequate documentation must be included with your abatement certification.

Distribution:

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