



🔍 Regulations (Standards - 29 CFR) - Table of Contents

- **Part Number:** 1910
- **Part Title:** Occupational Safety and Health Standards
- **Subpart:** Z
- **Subpart Title:** Toxic and Hazardous Substances
- **Standard Number:** 1910.1045
- **Title:** Acrylonitrile.
- **Appendix:** A, B, C, D

**1910.1045(a)**

Scope and application.

**1910.1045(a)(1)**

This section applies to all occupational exposures to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in paragraphs (a)(2) and (a)(3) of this section.

**1910.1045(a)(2)**

This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

**1910.1045(a)(2)(i)**

ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

**1910.1045(a)(2)(ii)**

Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight (8)-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

**1910.1045(a)(2)(iii)**

Solid materials made from and/or containing AN which will not be heated above 170 deg. F during handling, use, or processing.

**1910.1045(a)(3)**

An employer relying upon exemption under paragraph (a)(2)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data, as provided in paragraph (q) of this section.

**1910.1045(b)**

Definitions.

"Acrylonitrile" or "AN" means acrylonitrile monomer, chemical formula  $CH_2=CHCN$ .

"Action level" means a concentration of AN of 1 ppm as an eight (8)-hour time-weighted average.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under paragraph (r) of this section.

"Decontamination" means treatment of materials and surfaces by water washdown, ventilation, or other means, to assure that the materials will not expose employees to airborne concentrations of AN above 1 means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which results in an unexpected massive release of AN.

"Liquid AN" means AN monomer in liquid form, and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, produced during the polymerization of AN.

"OSHA Area Office" means the Area Office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

**1910.1045(c)**

Permissible exposure limits.

**1910.1045(c)(1)**

Inhalation.

**1910.1045(c)(1)(i)**

Time weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two (2) parts acrylonitrile per million parts of air (2 ppm) as an eight (8)-hour time-weighted average.

**1910.1045(c)(1)(ii)**

Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of ten (10) ppm as averaged over any fifteen (15)-minute period during the work day.

**1910.1045(c)(2)**

Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN.

**1910.1045(d)**

[Reserved]

**1910.1045(e)**

Exposure monitoring.

**1910.1045(e)(1)**

General.

**1910.1045(e)(1)(i)**

Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight (8)-hour period.

**1910.1045(e)(1)(ii)**

For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

**1910.1045(e)(2)**

Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed.

**1910.1045(e)(3)**

Frequency.

**1910.1045(e)(3)(i)**

If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

**1910.1045(e)(3)(ii)**

If the monitoring required by this section reveals employee exposure to be at or above the action level but at or below the permissible exposure limits, the employer must repeat such monitoring for each such employee at least every 6 months. The employer must continue these measurements every 6 months until at least two consecutive measurements taken at least seven (7) days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

**1910.1045(e)(3)(iii)**

If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer must repeat these determinations for each such employee at least quarterly. The employer must continue these quarterly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are at or below the permissible exposure limits, and thereafter the employer must monitor at least every 6 months.

**1910.1045(e)(4)**

Additional monitoring. Whenever there has been a production, process, control, or personnel change which may result in new or additional exposures to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this paragraph shall be conducted.

**1910.1045(e)(5)**

Employee notification.

**1910.1045(e)(5)(i)**

The employer must, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to employees.

**1910.1045(e)(5)(ii)**

Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

**1910.1045(e)(6)**

Accuracy of measurement. The method of measurement of employee exposures shall be accurate to a confidence level of 95 percent, to within plus or minus 35 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 50 percent for concentrations of AN below the permissible exposure limits.

**1910.1045(f)**

Regulated areas.

**1910.1045(f)(1)**

The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

**1910.1045(f)(2)**

Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

**1910.1045(f)(3)**

Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

**1910.1045(f)(4)**

The employer shall assure that food or beverages are not present or consumed, tobacco products are not present or used, and cosmetics are not applied in the regulated area.

**1910.1045(g)**

Methods of compliance.

**1910.1045(g)(1)**

Engineering and work practice controls.

**1910.1045(g)(1)(i)**

By November 2, 1980, the employer shall institute engineering and work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

**1910.1045(g)(1)(ii)**

Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls, and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (h) of this section.

**1910.1045(g)(2)**

Compliance program.

**1910.1045(g)(2)(i)**

The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by paragraph (g)(1) of this section.

**1910.1045(g)(2)(ii)**

Written plans for these compliance programs shall include at least the following:

**1910.1045(g)(2)(ii)(A)**

A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

**1910.1045(g)(2)(ii)(B)**

An outline of the nature of the engineering controls and work practices to be applied to the operation or process in question;

**1910.1045(g)(2)(ii)(C)**

A report of the technology considered in meeting the permissible exposure limits;

**1910.1045(g)(2)(ii)(D)**

A schedule for implementation of engineering and work practice controls for the operation or process, which shall project completion no later than November 2, 1980; and

**1910.1045(g)(2)(ii)(E)**

Other relevant information.

**1910.1045(g)(2)(iii)**

The employer shall complete the steps set forth in the compliance program by the dates in the schedule.

**1910.1045(g)(2)(iv)**

Written plans shall be submitted upon request to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, or any affected employee or representative.

**1910.1045(g)(2)(v)**

The plans required by this paragraph must be revised and updated at least annually to reflect the current status of the program.

**1910.1045(h)**

Respiratory protection.

**1910.1045(h)(1)**

General. For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used during:

**1910.1045(h)(1)(i)**

Periods necessary to install or implement feasible engineering and work-practice controls.

**1910.1045(h)(1)(ii)**

Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work-practice controls are not feasible.

**1910.1045(h)(1)(iii)**

Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits.

**1910.1045(h)(1)(iv)**

Emergencies.

**1910.1045(h)(2)**

Respirator program.

**1910.1045(h)(2)(i)**

The employer must implement a respiratory protection program in accordance with § 1910.134(b) through (d) (except (d)(1)(iii), (d)(3)(iii)(b)(1), and (2)), and (f) through (m), which covers each employee required by this section to use a respirator.

**1910.1045(h)(2)(ii)**

If air-purifying respirators (chemical-cartridge or chemical-canister types) are used:

**1910.1045(h)(2)(ii)(A)**

The air-purifying canister or cartridge must be replaced prior to the expiration of its service life or at the completion of each shift, whichever occurs first.

**1910.1045(h)(2)(ii)(B)**

A label must be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

**1910.1045(h)(3)**

Respirator selection. Employers must:

**1910.1045(h)(3)(i)**

Select, and provide to employees, the appropriate respirators specified in paragraph (d)(3)(i)(A) of 29 CFR 1910.134.

**1910.1045(h)(3)(ii)**

For escape, provide employees with any organic vapor respirator or any self-contained breathing apparatus permitted for use under paragraph (h)(3)(i) of this standard.

**1910.1045(i)**

Emergency situations.

**1910.1045(i)(1)**

Written plans.

**1910.1045(i)(1)(i)**

A written plan for emergency situations shall be developed for each workplace where liquid AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

**1910.1045(i)(1)(ii)**

The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in paragraph (h) of this section until the emergency is abated.

**1910.1045(i)(1)(iii)**

Employees not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency is abated.

**1910.1045(i)(2)**

Alerting employees. Where there is the possibility of employee exposure to AN in excess of the ceiling limit, a general alarm shall be installed and used to promptly alert employees of such occurrences.

**1910.1045(j)**

Protective clothing and equipment.

**1910.1045(j)(1)**

Provision and use. Where eye or skin contact with liquid AN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, impermeable protective clothing or other equipment to protect any area of the body which may come in contact with liquid AN. The provision of 1910.132 and 1910.133 shall be complied with.

**1910.1045(j)(2)**

Cleaning and replacement.

**1910.1045(j)(2)(i)**

The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this section as needed to maintain their effectiveness.

**1910.1045(j)(2)(ii)**

The employer shall assure that impermeable protective clothing which contacts or is likely to have contacted liquid AN shall be decontaminated before being removed by the employee.

**1910.1045(j)(2)(iii)**

The employer shall assure that an employee whose nonimpermeable clothing becomes wetted with liquid AN shall immediately remove that clothing and proceed to shower. The clothing shall be decontaminated before it is removed from the regulated area.

**1910.1045(j)(2)(iv)**

The employer shall assure that no employee removes protective clothing or equipment from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

**1910.1045(j)(2)(v)**

The employer shall inform any person who launders or cleans protective clothing or equipment of the potentially harmful effects of exposure to AN.

**1910.1045(k)**

Housekeeping.

**1910.1045(k)(1)**

All surfaces shall be maintained free of visible accumulations of liquid AN.

**1910.1045(k)(2)**

For operations involving liquid AN, the employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections.

**1910.1045(k)(3)**

Where spills of liquid AN are detected, the employer shall assure that surfaces contacted by the liquid AN are decontaminated. Employees not engaged in decontamination activities shall leave the area of the spill, and shall not be permitted in the area until decontamination is completed.

**1910.1045(l)**

Waste disposal. AN waste, scrap, debris, bags, containers, or equipment shall be decontaminated before being incorporated in the general waste disposal system.

**1910.1045(m)**

Hygiene facilities and practices.

**1910.1045(m)(1)**

Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to paragraph (j) of this section, the facilities required by 29 CFR 1910.141, including clean change rooms and shower facilities, shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided.

**1910.1045(m)(2)**

The employer shall assure that employees wearing protective clothing or equipment for protection from skin contact with liquid AN shall shower at the end of the work shift.

**1910.1045(m)(3)**

The employer shall assure that, in the event of skin or eye exposure to liquid AN, the affected employee shall shower immediately to minimize the danger of skin absorption.

**1910.1045(m)(4)**

The employer shall assure that employees working in the regulated area wash their hands and faces prior to eating.

**1910.1045(n)**

Medical surveillance.

**1910.1045(n)(1)**

General.

**1910.1045(n)(1)(i)**

The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN at or above the action level, without regard to the use of respirators. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this paragraph.

**1910.1045(n)(1)(ii)**

The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and that they shall be provided without cost to the employee.

**1910.1045(n)(2)**

Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

**1910.1045(n)(2)(i)**

A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those nonspecific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or with chronic exposure to AN;

**1910.1045(n)(2)(ii)**

A complete physical examination giving particular attention to the peripheral and central nervous system, gastrointestinal system, respiratory system, skin, and thyroid;

**1910.1045(n)(2)(iii)**

A 14- by 17-inch posteroanterior chest X-ray; and

**1910.1045(n)(2)(iv)**

Further tests of the intestinal tract, including fecal occult blood screening, for all workers 40 years of age or older, and for any other affected employees for whom, in the opinion of the physician, such testing is appropriate.

**1910.1045(n)(3)**

Periodic examinations.

**1910.1045(n)(3)(i)**

The employer shall provide the examinations specified in paragraph (n)(2) of this section at least annually for all employees specified in paragraph (n)(1) of this section.

**1910.1045(n)(3)(ii)**

If an employee has not had the examination specified in paragraph (n)(2) of this section within 6 months preceding termination of employment, the employer shall make such examination available to the employee prior to such termination.

**1910.1045(n)(4)**

Additional examinations. If the employee for any reason develops signs or symptoms which may be associated with exposure to AN, the employer shall provide an appropriate examination and emergency medical treatment.

**1910.1045(n)(5)**

Information provided to the physician. The employer shall provide the following information to the examining physician:

**1910.1045(n)(5)(i)**

A copy of this standard and its appendixes;

**1910.1045(n)(5)(ii)**

A description of the affected employee's duties as they relate to the employee's exposure;

**1910.1045(n)(5)(iii)**

The employee's representative exposure level;

**1910.1045(n)(5)(iv)**

The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

**1910.1045(n)(5)(v)**

A description of any personal protective equipment used or to be used; and

**1910.1045(n)(5)(vi)**

Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

**1910.1045(n)(6)**

Physician's written opinion.

**1910.1045(n)(6)(i)**

The employer shall obtain a written opinion from the examining physician which shall include:

**1910.1045(n)(6)(i)(A)**

The results of the medical examination and test performed;

**1910.1045(n)(6)(i)(B)**

The physician's opinion as to whether the employee has any detected medical condition(s) which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

**1910.1045(n)(6)(i)(C)**

Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

**1910.1045(n)(6)(i)(D)**

A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

**1910.1045(n)(6)(ii)**

The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

**1910.1045(n)(6)(iii)**

The employer shall provide a copy of the written opinion to the affected employee.

**1910.1045(o)**

Employee information and training.

**1910.1045(o)(1)**

Training program.

**1910.1045(o)(1)(i)**

The employer shall train each employee exposed to AN above the action level, each employee whose exposures are maintained below the action level by engineering and work practice controls, and each employee subject to potential skin or eye contact with liquid AN in accordance with the requirements of this section. The employer shall institute a training program and ensure employee participation in the program.

**1910.1045(o)(1)(ii)**

Training shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

**1910.1045(o)(1)(ii)(A)**

The information contained in appendixes A and B;

**1910.1045(o)(1)(ii)(B)**

The quantity, location, manner of use, release, or storage of AN, and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

**1910.1045(o)(1)(ii)(C)**

The purpose, proper use, and limitations of respirators and protective clothing;

**1910.1045(o)(1)(ii)(D)**

The purpose and a description of the medical surveillance program required by paragraph (n) of this section;

**1910.1045(o)(1)(ii)(E)**

The emergency procedures developed, as required by paragraph (i) of this section;

**1910.1045(o)(1)(ii)(F)**

Engineering and work practice controls, their function, and the employee's relationship to these controls; and

**1910.1045(o)(1)(ii)(G)**

A review of this standard.

**1910.1045(o)(2)**

Access to training materials.

**1910.1045(o)(2)(i)**

The employer shall make a copy of this standard and its appendixes readily available to all affected employees.

**1910.1045(o)(2)(ii)**

The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

**1910.1045(p)**

Communication of hazards—

**1910.1045(p)(1)**

Hazard communication—general.



**1910.1045(p)(1)(i)**

Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Hazard Communication Standard (HCS) (§ 1910.1200) for AN and AN-based materials not exempted under paragraph (a)(2) of this section.

**1910.1045(p)(1)(ii)**

In classifying the hazards of AN and AN-based materials at least the following hazards are to be addressed: Cancer; central nervous system effects; liver effects; skin sensitization; skin, respiratory, and eye irritation; acute toxicity effects; and flammability.

**1910.1045(p)(1)(iii)**

Employers shall include AN and AN-based materials in the hazard communication program established to comply with the HCS (§ 1910.1200). Employers shall ensure that each employee has access to labels on containers of AN and AN-based materials and to safety data sheets, and is trained in accordance with the requirements of HCS and paragraph (o) of this section.

**1910.1045(p)(1)(iv)**

The employer shall ensure that no statement appears on or near any sign or label required by this paragraph (p) that contradicts or detracts from the required sign or label.

**1910.1045(p)(2)**

Signs.

**1910.1045(p)(2)(i)**

The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER  
ACRYLONITRILE (AN)  
MAY CAUSE CANCER  
RESPIRATORY PROTECTION MAY BE REQUIRED IN THIS AREA  
AUTHORIZED PERSONNEL ONLY

**1910.1045(p)(2)(ii)**

The employer shall ensure that signs required by this paragraph (p)(2) are illuminated and cleaned as necessary so that the legend is readily visible.

**1910.1045(p)(2)(iii)**

Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (p)(2)(i) of this section:

DANGER  
ACRYLONITRILE (AN)  
CANCER HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS MAY BE REQUIRED

**1910.1045(p)(3)**

Labels.

**1910.1045(p)(3)(i)**

The employer shall ensure that precautionary labels are in compliance with paragraph (p)(1)(i) of this section and are affixed to all containers of liquid AN and AN-based materials not exempted under paragraph (a)(2) of this section. The employer shall ensure that the labels remain affixed when the materials are sold, distributed, or otherwise leave the employer's workplace.

**1910.1045(p)(3)(ii)**

Prior to June 1, 2015, employers may include the following information on precautionary labels required by this paragraph (p)(3) in lieu of the labeling requirements in paragraph (p)(1) of this section:

DANGER  
CONTAINS ACRYLONITRILE (AN)  
CANCER HAZARD

**1910.1045(p)(3)(iii)**

The employer shall ensure that the precautionary labels required by this paragraph (p)(3) are readily visible and legible..

**1910.1045(q)(1)**

Objective data for exempted operations.

**1910.1045(q)(1)(i)**

Where the processing, use, and handling of materials made from or containing AN are exempted pursuant to paragraph (a)(2)(ii) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

**1910.1045(q)(1)(ii)**

This record shall include at least the following information:

**1910.1045(q)(1)(ii)(A)**

The material qualifying for exemption;

**1910.1045(q)(1)(ii)(B)**

The source of the objective data;

**1910.1045(q)(1)(ii)(C)**

The testing protocol, results of testing, and/or analysis of the material for the release of AN;

**1910.1045(q)(1)(ii)(D)**

A description of the operation exempted and how the data supports the exemption; and

**1910.1045(q)(1)(ii)(E)**

Other data relevant to the operations, materials, and processing covered by the exemption.

**1910.1045(q)(1)(iii)**

The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

**1910.1045(q)(2)**

Exposure monitoring.

**1910.1045(q)(2)(i)**

The employer shall establish and maintain an accurate record of all monitoring required by paragraph (e) of this section.

**1910.1045(q)(2)(ii)**

This record shall include:

**1910.1045(q)(2)(ii)(A)**

The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

**1910.1045(q)(2)(ii)(B)**

A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of paragraph (e)(6) of this section;

**1910.1045(q)(2)(ii)(C)**

Type of respiratory protective devices worn, if any; and

**1910.1045(q)(2)(ii)(D)**

Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

**1910.1045(q)(2)(iii)**

The employer shall maintain this record for at least forty (40) years, or for the duration of employment plus twenty (20) years, whichever is longer.

**1910.1045(q)(3)**

Medical surveillance.

**1910.1045(q)(3)(i)**

The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by paragraph (n) of this section.

**1910.1045(q)(3)(ii)**

This record shall include:

**1910.1045(q)(3)(ii)(A)**

A copy of the physician's written opinions;

**1910.1045(q)(3)(ii)(B)**

Any employee medical complaints related to exposure to AN;

**1910.1045(q)(3)(ii)(C)**

A copy of the information provided to the physician as required by paragraph (n)(5) of this section; and

**1910.1045(q)(3)(ii)(D)**

A copy of the employee's medical and work history.

**1910.1045(q)(3)(iii)**

The employer shall assure that this record be maintained for at least forty (40) years, or for the duration of employment plus twenty (20) years, whichever is longer.

**1910.1045(q)(4)**

Availability.

**1910.1045(q)(4)(i)**

The employer shall make all records required to be maintained by this section available, upon request, to the Assistant Secretary and the Director for examination and copying.

**1910.1045(q)(4)(ii)**

Records required by paragraphs (q)(1) through (q)(3) of this section shall be provided upon request to employees, designated representatives, and the Assistant Secretary in accordance with 29 CFR 1910.1020 (a) through (e) and (q) through (i). Records required by paragraph (q)(1) shall be provided in the same manner as exposure monitoring records.

**1910.1045(q)(5)**

Transfer of records.

**1910.1045(q)(5)(i)**

Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section for the prescribed period.

**1910.1045(q)(5)(ii)**

The employer shall also comply with any additional requirements involving transfer of records set forth in 29 CFR 1910.1020(h).

**1910.1045(r)**

Observation of monitoring.

**1910.1045(r)(1)**

Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to paragraph (e) of this section.

**1910.1045(r)(2)**

Observation procedures.

**1910.1045(r)(2)(i)**

Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing and equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

**1910.1045(r)(2)(ii)**

Without interfering with the monitoring, observers shall be entitled:

**1910.1045(r)(2)(ii)(A)**

To receive an explanation of the measurement procedures;

**1910.1045(r)(2)(ii)(B)**

To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

**1910.1045(r)(2)(ii)(C)**

To record the results obtained.

**1910.1045(s)**

[Reserved]

**1910.1045(t)**

Appendixes. The information contained in the appendixes is not intended, by itself, to create any additional obligation not otherwise imposed, or to detract from any obligation.

[58 FR 35310, June 30, 1993; 61 FR 5507, Feb. 13, 1996; 63 FR 1152, Jan. 8, 1998; 63 FR 20098, April 23, 1998; 70 FR 1142, Jan. 5, 2005; 71 FR 16672 and 16673, April 3, 2006; 71 FR 50190, August 24, 2006; 73 FR 75586, Dec. 12, 2008; 76 FR 33609, June 8, 2011; 77 FR 17783, March 26, 2012]

[↻ Next Standard \(1910.1045 App A\)](#)

[↻ Regulations \(Standards - 29 CFR\) - Table of Contents](#)

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