

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket S-029]

RIN 1218-AB80

Walking and Working Surfaces; Personal Protective Equipment (Fall Protection Systems)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of reopening of the rulemaking record; public comment period.

SUMMARY: OSHA is reopening the rulemaking record on the proposed revisions to Walking and Working Surfaces and Personal Protective Equipment (Fall Protection Systems) to gather data and information concerning advances in technology and industry practice and updated consensus standards issued since the proposals were published. OSHA also is seeking comments from interested persons on specific issues concerning each proposal. The Agency will be publishing, in the future, a revised economic analysis (containing a revised regulatory flexibility analysis if necessary) for public comment. After OSHA analyzes the record from the two reopenings, the Agency will determine what other steps, if any, are necessary to finalize the rulemakings on subparts D and I.

OSHA has included the regulatory text and appendices from the 1990 proposed rule as an appendix to this limited reopening notice. This appendix may serve as an aid for stakeholders who respond to questions in this limited reopening regarding issues referencing the 1990 proposed rule.

DATES: Written comments must be submitted by the following dates:

Hard copy: Your comments must be submitted (postmarked or sent) by July 31, 2003.

Facsimile and electronic transmissions: Your comments must be sent by July 31, 2003.

ADDRESSES: Regular mail, express delivery, hand-delivery and messenger service: You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. S-029, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and

Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693-1648. You must include the docket number of this notice, Docket No. S-029, in your comments.

Electronic: You may submit comments but not attachments through the Internet at <http://ecommments.osha.gov>. (See the **SUPPLEMENTARY INFORMATION** section below for additional information on submitting comments.)

FOR FURTHER INFORMATION CONTACT:

General and technical information—Mr. Terence Smith, OSHA, Directorate of Standards and Guidance, Room N-3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington DC 20210; telephone (202) 693-2222.

For additional copies of this **Federal Register** notice, contact OSHA, Office of Publications, Room N-3101, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web page on the Internet at <http://www.osha.gov>.

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I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, or (2) FAX transmission (facsimile), or (3) electronically through the OSHA Webpage. Please note that you cannot attach materials, such as studies or journal articles, to electronic comments. If you wish to submit additional materials, you must submit three hard copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments.

Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the address above. Comments and submissions posted on OSHA's Webpage are available at <http://www.osha.gov>. OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about materials not available through the OSHA Webpage and for assistance in using the Webpage to locate docket submissions.

II. Background

Subpart D of 29 CFR part 1910, Walking and Working Surfaces, sets forth general industry requirements for employers to protect employees from slips, trips and falls that may cause serious or fatal injuries. Subpart I of 29 CFR part 1910, Personal Protective Equipment, contains general requirements covering the use and maintenance of personal protective equipment (PPE), as well as specific provisions on the use, design and performance requirements for various types of PPE such as eye, face, head and respiratory protection.

The standards currently in subparts D and I were part of the initial package of standards OSHA promulgated in 1971 under section 6(a) of the Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 655). Section 6(a) directed the Secretary, within two years of the