

include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(iii) *Surface coating operations* means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 58 FR 35099, June 30, 1993; 61 FR 9250, Mar. 3, 1996]

#### § 1926.58 [Reserved]

#### § 1926.59 Hazard communication.

NOTE: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1200 of this chapter.

[61 FR 31431, June 20, 1996]

#### § 1926.60 Methylenedianiline.

(a) *Scope and application.* (1) This section applies to all construction work as defined in 29 CFR 1910.12(b), in which there is exposure to MDA, including but not limited to the following:

(i) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain MDA;

(ii) Installation or the finishing of surfaces with products containing MDA;

(iii) MDA spill/emergency cleanup at construction sites; and

(iv) Transportation, disposal, storage, or containment of MDA or products containing MDA on the site or location at which construction activities are performed.

(2) Except as provided in paragraphs (a)(7) and (f)(5) of this section, this section does not apply to the processing, use, and handling of products containing MDA where initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling which will cause the greatest possible release;

and where no "dermal exposure to MDA" can occur.

(3) Except as provided in paragraph (a)(7) of this section, this section does not apply to the processing, use, and handling of products containing MDA where objective data are reasonably relied upon which demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling which will cause the greatest possible release; and where no "dermal exposure to MDA" can occur.

(4) Except as provided in paragraph (a)(7) of this section, this section does not apply to the storage, transportation, distribution or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of 29 CFR 1910.1200 and paragraph (e) of this section.

(5) Except as provided in paragraph (a)(7) of this section, this section does not apply to materials in any form which contain less than 0.1% MDA by weight or volume.

(6) Except as provided in paragraph (a)(7) of this section, this section does not apply to "finished articles containing MDA."

(7) Where products containing MDA are exempted under paragraphs (a)(2) through (a)(6) of this section, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the record-keeping provision of paragraph (o) of this section.

(b) *Definitions.* For the purpose of this section, the following definitions shall apply:

*Action level* means a concentration of airborne MDA of 5 ppb 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