

NORTH CAROLINA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
RALEIGH, NORTH CAROLINA

Chapter 7  
Subchapter 7F  
NC-OSH

CFR Revision 88D

Field Information System Part I  
Subpart H - Hazardous Materials  
General Industry; Final Rule

DISCUSSION:

On February 1, 1994, the Division of Occupational Safety and Health promulgated a new level of training within Subpart H - Hazardous Materials, 29 CFR 1910.120, Hazardous waste operations and emergency response. 29 CFR 1910.120(q)(6)(vi) is a new level of training added to the current standard and is entitled "*first responder operations plus level.*"

ACTION:

This final rule at 29 CFR 1910.120(q)(6)(vi), Subpart H, was adopted in North Carolina by the Commissioner of Labor with an effective date of February 1, 1994. A copy of the regulatory text from the **North Carolina Administrative Code** (February, 14, 1994) is attached.

Please file this NC CFR Revision in Part I of your Field Information System.

Date: 2/17/94

Filing Date: August 5, 1993  
NC Effective Date: February 1, 1994  
Number: 13 NCAC 07F.0101(a)

## **SUBCHAPTER 7F - STANDARDS**

### **SECTION .0100 - GENERAL INDUSTRY STANDARDS**

#### **.0101 GENERAL INDUSTRY**

(a) The provisions for the Occupational Safety and Health Standards for General Industry, Title 29 of the Code of Federal Regulations Part 1910, are incorporated by reference except that within Subpart H - Hazardous Materials, 29 CFR 1910.120, Hazardous waste operations and emergency response, 29 CFR 1910.120(q)(6) is amended by adding a new level of training:

"(vi) *First responder operations plus level.* First responders at operations plus level are individuals who respond to hydrocarbon fuel tank leaks for purposes of stopping the release where the leaking tanks contain a hydrocarbon fuel which is used to propel the vehicle on which the tank is located. Only those vehicles designed for highway use or those used for industrial, agricultural or construction purposes are covered. First responders at the operations plus level shall have received at least training equal to first responder operations level and in addition shall receive training or have had sufficient experience to objectively demonstrate competency in the following areas and the employer shall so certify:

(A) Know how to select and use proper specialized personal protective equipment provided to the first responder at operations plus level;  
(B) Understand basic hazardous materials terms as they pertain to hydrocarbon fuels;  
(C) Understand hazard and risk assessment techniques that pertain to gasoline, diesel fuel, propane and other hydrocarbon fuels;  
(D) Be able to perform control, containment, and/or confinement operations for gasoline, diesel fuel, propane and other hydrocarbon fuels within the capabilities of the available resources and personal protective equipment; and  
(E) Understand and know how to implement decontamination procedures for hydrocarbon fuels."

(b) The parts of the Code of Federal Regulations adopted by reference in this Subchapter shall not automatically include any subsequent amendments thereto, except as follows:

(1) Subpart H -- Hazardous Materials -- technical corrections at 1910.109(g)(4)(v), Explosives and Blasting Agents, published in 58 FR (March 29, 1993) page 16496 and adopted by the North Carolina Department of Labor on December 31, 1993;

(2) Subpart H -- Hazardous Materials -- technical corrections at 1910.110(d)(11), Storage and Handling of Liquefied Petroleum Gases, published in 58 FR (March 19, 1993) page 15089 and adopted by the North Carolina Department of Labor on December 31, 1993;

(3) Subpart J -- General Environmental Controls -- typographical and clarifying corrections at 1910.146, Permit-Required Confined Spaces, published in 58 FR (June 29, 1993) pages 34844–34851 and adopted by the North Carolina Department of Labor on September 24, 1993; corrections are to final rule for Permit-Required Confined Spaces as originally published in 58 FR 4462 (January 14, 1993);

(4) Subpart Z -- Toxic and Hazardous Substances:

(A) Revocation of exposure limits in "Final rule limits" columns of Table Z-1-A at 1910.1000, Air Contaminants, published in 58 FR (June 30, 1993) pages 35338–35351 and adopted by the North Carolina Department of Labor on September 24, 1993.

(B) Correction to Table Z-3 Mineral Dust at 1910.1000, Air Contaminants, published in 58 FR (July 27, 1993) page 40191 and adopted by the North Carolina Department of Labor on December 31, 1993.

(C) Typographical and technical corrections at 1910.1027, Cadmium, published in 58 FR (April 23, 1993) pages 21778–21787 and adopted by the North Carolina Department of Labor on September 24, 1993; corrections are to final rule for Occupational Exposure to Cadmium as originally published in 57 FR 42101 (September 14, 1992).

(c) Copies of the applicable Code of Federal Regulations sections referred to in this Subchapter are available to the public. Please refer to 13 NCAC 7A.0302 for the costs involved and from whom copies may be obtained.

*History Note: Filed as a Temporary Amendment Eff. August 16, 1993, for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Statutory Authority G. S. 95–131; 95–133; 150B–21.6; Eff. August 2, 1993; Amended Eff. February 1, 1994; December 31, 1993; September 24, 1993.*

## **.0102 LIFE SAFETY CODE**

All places of employment shall be designed, constructed, maintained, and occupied in accordance with the standards set out in the 1991 edition of the Code for Safety to Life from Fire in Buildings and Structures, ANSI/NFPA 101, which is hereby incorporated by reference. This incorporation shall not include any subsequent editions or amendments to this code. Copies of this code may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts

02269, for twenty-seven dollars and fifty cents (\$27.50). This rule supersedes any standards based on earlier editions of the Life Safety Code.

*History Note: Statutory Authority G. S. 95–131; Eff. April 1, 1992; Recodified from 13 NCAC 7C.0107 Eff. August 2, 1993.*