

**North Carolina Department of Labor  
Division of Occupational Safety and Health**

**Raleigh, NC**

Chapter 7  
Subchapter 7F

CFR Revision 128F

Field Information System

**Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each  
Employee  
29 CFR 1910  
29 CFR 1915  
29 CFR 1917  
29 CFR 1926**

Final Rule; correction

**A. Discussion.**

On December 12, 2008, federal OSHA issued a final rule to amend its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per employee basis.

On January 9, 2009, federal OSHA corrected an error in the final rule clarifying employer duty to provide personal protective equipment and train each employee.

**B. Action.**

The N.C. Commissioner of Labor adopted the revised federal standards verbatim with an effective date of April 23, 2009. Refer to the 12/12/2008 *Federal Register* (Vol. 74, No. 6) for the details related to these requirements.

Signed on Original  
Allen McNeely  
Director

5/13/2009  
Date of Signature

NC Effective Date: April 23, 2009  
NCAC Numbers: 13 NCAC 7F.0101, 13 NCAC 7F.0201, 13 NCAC 7F.0501

Likewise, the FTC is not adding new adjustments for other statutory civil penalty amounts that have been enacted since the last adjustments, such as the Energy Independence and Security Act of 2007 section 814(a). This authority is too recent to warrant adjustments for inflation. Similarly, the FTC is not adjusting section 1115(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 because the amount of inflation since the inception of this authority is insufficient to warrant adjustment.

In light of the ministerial nature of the adjustments, the public comment requirements of the Administrative Procedure Act (APA) do not apply to this action. 5 U.S.C. 553(b)(B) (exception when public comment is unnecessary). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. 5 U.S.C. 603 and 604 (no regulatory flexibility analyses required where the APA does not require public comment).

#### List of Subjects for 16 CFR Part 1

Administrative practice and procedure, Penalties, Trade practices. ■ For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, chapter I, subchapter A, of the Code of Federal Regulations, as follows:

#### PART 1—GENERAL PROCEDURES

#### Subpart L—Civil Penalty Adjustments Under the Federal Civil Penalties Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996

■ 1. The authority citation for subpart L continues to read as follows:

**Authority:** 28 U.S.C. 2461 note.

■ 2. Revise § 1.98 introductory text, paragraphs (a) through (e), (l) and (m) and add paragraph (n) to read as follows:

#### § 1.98 Adjustment of civil monetary penalty amounts.

This section makes inflation adjustments in the dollar amounts of civil monetary penalties provided by law within the Commission's jurisdiction. The following civil penalty amounts apply to violations occurring after February 9, 2009.

- (a) Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1)—\$16,000;
- (b) Section 11(l) of the Clayton Act, 15 U.S.C. 21(l)—\$7,500;
- (c) Section 5(l) of the FTC Act, 15 U.S.C. 45(l)—\$16,000;
- (d) Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. 45(m)(1)(A)—\$16,000;

(e) Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B)—\$16,000;  
\* \* \* \* \*

(l) Sections 525(a) and (b) of the Energy Policy and Conservation Act, 42 U.S.C. 6395(a) and (b), respectively—\$7,500 and \$16,000, respectively;

(m) Section 621(a)(2) of the Fair Credit Reporting Act, 15 U.S.C. 1681s(a)(2)—\$3,500; and

(n) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission—refer to the amounts set forth in paragraphs (c), (d), (e) and (f) of this section, as applicable.

By direction of the Commission.

**Richard C. Donohue,**

*Acting Secretary.*

[FR Doc. E9-210 Filed 1-8-09; 8:45 am]

[BILLING CODE 6750-01-S]

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, 1917, 1918 and 1926

[Docket No. OSHA-2008-0031]

RIN 1218-AC42

#### Clarification of Employer Duty To Provide Personal Protective Equipment and Train Each Employee

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** OSHA is correcting an error in the final rule published in the **Federal Register** on December 12, 2008, clarifying employers' duty to provide personal protective equipment and to train each employee.

**DATES:** Effective January 12, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Contact Ms. Jennifer Ashley, Director, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999 or fax (202) 693-1634.

**SUPPLEMENTARY INFORMATION:** On December 12, 2008 (73 FR 75568), OSHA issued a final rule entitled "Clarification of Employer Duty To Provide Personal Protective Equipment and Train Each Employee."

Subsequently, an error was discovered in the amendatory language of that **Federal Register** notice. This notice is being published to correct that language.

#### Correction of Publication

In FR Doc. E8-29122 appearing on page 75568 in the **Federal Register** of Friday, December 12, 2008, the following correction is made:

#### § 1926.1101 [Corrected]

■ On page 75589, in the first column, Subpart Z, item 44, the instruction "In section 1926.1101, paragraphs (h)(1) introductory text, (h)(2), and (k)(9)(i) are revised to read as follows:" is corrected to read "In section 1926.1101, paragraphs (h)(1) introductory text, (h)(2)(i), and (k)(9)(i) are revised to read as follows":

Signed at Washington, DC, this 6th day of January 2009.

**Thomas M. Stohler,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E9-311 Filed 1-8-09; 8:45 am]

[BILLING CODE 4510-26-P]

#### POSTAL REGULATORY COMMISSION

#### 39 CFR Part 3020

[Docket Nos. MC2009-7 and R2009-1; Order No. 163]

#### International Mail Contracts

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding the Canada Post Bilateral Agreement for Inbound Market Dominant Services to the Market Dominant Product List. This action is consistent with changes in a recent law governing postal operations and a recent Postal Service request. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

**DATES:** Effective January 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 73 FR 70682 (November 21, 2008).

The Postal Service seeks to add a new product identified as Canada Post—United States Postal Service Contractual Bilateral Agreement for Inbound Market Dominant Services (Bilateral Agreement or Agreement) to the Market Dominant Product List. For the reasons discussed below, the Commission approves the Request.

#### I. Background

On November 13, 2008, the Postal Service filed a request pursuant to 39