



VOSH PROGRAM DIRECTIVE: 02-437

ISSUED: September 15, 2006

SUBJECT: Technical Enforcement and Assistance Guidelines for Hazardous Waste Site and RCRA Corrective Action Clean-up Operations

A. Purpose.

This directive transmits to field personnel clarified requirements and technical enforcement guidelines for clean-up operations conducted under the scope of paragraphs (a)(1)(i) through (a)(1)(iii) of the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, §§1910.120 and 1926.65.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel, and specifically to Occupational Health Compliance and Consultation Services personnel.

NOTE: With respect to question # 6 on page 13 of the attached OSHA Instruction, remember that the requirements of the VOSH Confined Space Standard for the Construction Industry, 16 VAC 25-140-10 et seq. , shall also be evaluated when citing Subpart P of Part 1926, Excavations, versus HAZWOPER.

C. Reference.

OSHA Instruction CPL 02-02-071 (November 5, 2003).

D. Cancellation.

Not Applicable.

E. Action.

Directors and Managers shall assure that the guidelines in this directive are followed to ensure uniform enforcement of clean-up operations conducted under paragraphs (a)(1)(i) through (a)(1)(iii) of the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, 29 CFR 1910.120 and 1926.65.

F. Effective Date.

September 15, 2006.

C. Ray Davenport
Commissioner

Attachment: OSHA Instruction CPL 02-02-071 (November 5, 2003) or refer to:
http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-071.pdf

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When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Regional Administrator	Commissioner of Labor and Industry
Area Director	Region Director
Regional Solicitor	Attorney General or VOSH Office of Legal Support (OLS)
Agency	Department
Office of Statistics	VOSH Research and Analysis
Compliance Safety and Health Officer (CSHO) and/or Industrial Hygienist	CSHO
Field Inspection Reference Manual (FIRM)	VOSH Field Operations Manual (FOM)