



All DOL OSHA Advanced Search

SEARCH

A to Z Index | En Español | Contact Us | About OSHA

OSHA

QuickTakes Biweekly Newsletter RSS Feeds Print This Page Text Size

Occupational Safety & Health Administration We Can Help

What's New | Offices

Home

Workers

Regulations

Enforcement

Data & Statistics

Training

Publications

Newsroom

Small Business



Standard Interpretations - Table of Contents

• Standard Number: 1910.1096

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

October 6, 1992

Mr. Richard A. Schreiber
Georgia Radon Program
DHR Environmental Health
878 Peachtree Street, NE - Room 100
Atlanta, Georgia 30309-3917

Dear Mr. Schreiber:

We regret the delay in responding to your letter of March 19, to Ms. Cynthia Wolff, Atlanta Regional Office, requesting clarification of the Occupational Safety and Health Administration's (OSHA) Ionizing Radiation Standard, 29 CFR 1910.1096.

Regarding the definition of "airborne radioactivity area" in 1910.1096(e)(4)(i)(a-b), an area is to be posted as an airborne radioactivity area if an employee is in the area for 40 hours during a week and is exposed to radioactive levels **in excess** of 25 percent of the concentration specified in column 1 of Table 1 of Appendix B to 10 CFR 20.

For example, an airborne radioactivity area would exist in an area where an employee worked for 40 hours per week and the radon-222 concentration in the area exceeded [25] picocuries per liter. An airborne radioactivity area requires employee monitoring and restricted access to the area ~~by the public~~.

[This document was edited on 06/24/2003 to strike information that no longer reflects current OSHA policy. See [12/23/2002 DeWitte Letter](#).]

We will answer your specific questions in the order that you asked them.

1. Does this regulation apply to all businesses not specifically excluded now?

The standard applies to all employers covered by the Occupational Safety and Health Act, except agriculture employers, who (1) possess, use, or transfer sources of ionizing radiation, or (2) possess, use, or transport radioactive material not licensed by the Nuclear Regulatory Commission (NRC).

2. Is it the intent of this regulation to apply the definition of "airborne radioactivity area" to areas with airborne Naturally Occurring Radioactivity Material (NORM)?

29 CFR 1910.1096 covers NORM. Accordingly, the definition of airborne radioactivity area applies to areas that contain airborne NORM.

3. Is it the intent of the regulation to use inhalation values of the referenced 10 CFR 20 since the regulation has been revised?

The inhalation values incorporated in 29 CFR 1910.1096 are those that were in 10 CFR 20 in 1971 when OSHA promulgated the standard.

We appreciate the opportunity to clarify these matters for you.

Sincerely,

Ruth McCully, Director
Office of Health Compliance Assistance

March 19, 1992

Cynthia Wolff,
Technical Support
US Department of Labor - OSHA

1375 Peachtree Street, NE - Suite 587
Atlanta, Georgia 30361

RE: 29 CFR 1910.1096 "Ionizing Radiation"

Dear Ms. Wolff:

I have recently reviewed the Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.1096 titled "Ionizing Radiation". In particular, the definition of "airborne radioactivity area" (1910.1096(e)(4)(i)(a and b)) has raised several concerns. The definition for this class of restricted area states that the simple presence of airborne radioactive material will require employee monitoring and restriction of free access by the general public to the area. The regulation appears to require any business which has normal work areas with radon-222 concentrations of 7.5 pCi/l or greater or radon-220 concentrations of 2.25 pCi/l or greater to be designated as "airborne radioactivity areas". The definition of "airborne radioactivity area" requires only the presence of radioactive material without regard to licensure. Section 1910.1096(i)(1) states that this regulation applies to all employers except Atomic Energy Commission (now the NRC) or Agreement State licenses. Unfortunately, the issue is further complicated by the incorrect reference to 10 CFR 20 since that regulation has changed. The table column referenced is for ingestion, not inhalation.

Therefore, the Georgia Radon Program requests written interpretation of 29 CFR 1910.1096 on the following questions:

- 1) Does this regulation apply to all businesses not specifically excluded now?; 2) Is it the intent of this regulation to apply the definition of "airborne radioactivity area" to areas with airborne NORM (Naturally Occurring Radioactivity Material)?, and; 3) Is it the intent of the regulation to use inhalation values of the referenced 10 CFR 20 since that regulation has been revised?

It is the opinion of the Georgia Radon Program that this regulation applies to all businesses where radon-222 or radon-220 concentrations are present in excess of the values cited. The implication is that employers must test the work place to determine if the definition of "airborne radioactivity area" applies. If it were to apply, then the employer should mitigate the radon concentration to below the stated levels to avoid the monitoring and record keeping required. Additionally, with mitigation the employer need not restrict access of the public to these areas as a defined "restricted area" would require.

Please provide a written interpretation on these questions at your earliest opportunity. A number of radon public information programs will need such an OSHA interpretation on this issue for presentation. The response may be sent to:

Georgia Radon Program
DHR Environmental Health
878 Peachtree Street, NE - Room 100
Atlanta, Georgia 30309-3917

Thank you for your consideration on this issue. If there are any questions, please contact me at (404) 894-6644.

Sincerely,

Richard A. Schreiber
Environmental Specialist

[← Standard Interpretations - Table of Contents](#)

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [Customer Survey](#) | [Important Web Site Notices](#) | [International](#) | [Contact Us](#)

U.S. Department of Labor | Occupational Safety & Health Administration | 200 Constitution Ave., NW, Washington, DC 20210
Telephone: 800-321-OSHA (6742) | TTY: 877-889-5627

www.OSHA.gov