

**Proposed removal of 1926.1129 Coke oven emissions**

Current Regulatory Text	Proposed Regulatory Text	Explanation
<p><b><u>§ 1926.1129 Coke oven emissions.</u></b></p> <p>NOTE: The requirements applicable to construction work under the section are identical to those set forth at § 1910.1029 of this chapter.</p>	<p><del><b><u>§ 1926.1129 Coke oven emissions.</u></b></del></p> <p><del>NOTE: The requirements applicable to construction work under the section are identical to those set forth at § 1910.1029 of this chapter.</del></p>	<p>The provisions of this standard do not fit construction work. Much of the standard regulates exposure in the “regulated area.” (See 29 CFR 1910.1029(d)). But this “regulated area” is limited, including only “[t]he coke oven battery including topside and its machinery, pushside and its machinery, coke side and its machinery, and the battery ends; the wharf; and the screening station [and the] beehive oven and its machinery” (§ 1910.1029(d)(2)(i) and (ii)). OSHA has stated, “[t]he ground level around the base of the coke oven battery is not generally considered in the regulated area unless work related to coke oven operations take place. The coke oven regulation, 29 CFR 1910.1029, does not apply to employees walking past coke ovens or between them.” (Interpretation memorandum to White, May 17, 1977). Any work operating the coke ovens would be general industry work, and it is unlikely that any workers doing construction work, even if within a facility with an operating coke oven, would be so close to the coke oven as to be covered under the standard. OSHA recognized this issue in the 1990s, when it stated that the coke oven construction standard was “invalid,” and would be removed from the Code of Federal Regulations. (Interpretation letter to Katz, June 22, 1999). OSHA’s inspection database contains no record of a citation under this standard, going back to 2005. Since, in effect, the standard does not address construction worker exposures to coke oven emissions, there would be no reduction in the level of protection. Thus, OSHA is now proposing to delete § 1926.1129.</p>



UNITED STATES  
DEPARTMENT OF LABOR

Search

[A to Z Index](#) | [En Español](#) | [Contact Us](#) | [FAQs](#) | [About OSHA](#)

OSHA

SHARE

OSHA QuickTakes

Newsletter

RSS Feeds

Was this page helpful?

Occupational Safety & Health Administration

We Can Help

What's New | Offices  
OSHA

[Home](#) | [Workers](#) | [Regulations](#) | [Enforcement](#) | [Data & Statistics](#) | [Training](#) | [Publications](#) | [Newsroom](#) | [Small Business](#) | [Anti-Retaliation](#)

Standard Interpretations - Table of Contents

• **Standard Number:** 1926.1129

June 22, 1999

Mr. Mark D. Katz  
Ulmer & Berne LLP  
Attorneys at Law  
Bond Court Building  
1300 East Ninth Street, Suite 900  
Cleveland, Ohio 33113-1583

Dear Mr. Katz:

Thank you for your letter of March 26 regarding 29 CFR §1926.1129, OSHA's coke oven emissions standard for employers engaged in construction. We acknowledged in earlier correspondence with you that this standard is invalid. We explained that in 1995, during the removal and revision of out-dated or duplicative standards, this section was inadvertently missed and so remains in the Code of Federal Regulations.

We will be taking the following corrective steps: (1) we will remove 29 CFR §1926.1129 from OSHA's Internet web site; (2) the standard will be deleted from Part 1926 of the Code of Federal Regulations, and (3) we will formally notify OSHA field offices that §1926.1129 is not to be enforced.

I appreciate your taking the time to inquire about this issue.

Sincerely,

Charles N. Jeffress  
Assistant Secretary

Standard Interpretations - Table of Contents

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [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

[www.OSHA.gov](http://www.OSHA.gov)