



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 01-02 (STD 1-5) **EFFECTIVE DATE:** February 28, 2001

SUBJECT: Cancellation of OSHA Instruction STD 1-5.5 and OSHA Instruction STD 1-5.6A

ABSTRACT

Purpose: This notice cancels OSHA Instruction STD 1-5.5, Sinks Used for Cleaning Operations, and OSHA Instruction STD 1-5.6A, 29 CFR 1910.108(c)(3), Bottom Drains.

Scope: OSHA-wide

References: OSHA Standard 29 CFR 1910.123, Dipping and Coating Operations: Coverage and Definitions.
OSHA Standard 29 CFR 1910.125, Additional Requirements for Dipping and Coating Operations that Use Flammable or Combustible Liquids.

Cancellations: OSHA Instruction STD 1-5.5, October 30, 1978
OSHA Instruction STD 1-5.6A, November 26, 1979

State Impact: See paragraph VII.

Action Offices: OSHA National, Regional, and Area Offices

Originating Office: Directorate of Compliance Programs (DCP)

Contact: Willie Robinson (202) 693-1827
Directorate of Compliance Programs
200 Constitution Ave., NW, N-3603
Washington, DC 20210

Approval: R. Davis Layne,
Acting Assistant Secretary

Abstract-1

Executive Summary

This notice cancels OSHA Instruction STD 1-5.5, *Sinks Used For Cleaning Operations*, October 30, 1978, and OSHA Instruction STD 1-5.6A, *29 CFR 1910.108(c)(3), Bottom Drains*, November 26, 1979.

Significant Changes

OSHA Instruction STD 1-5.5 addressed the use of parts-washing tanks fitted with drains. Subsequent rules published by the Environmental Protection Agency prohibit the use of these parts-washing tanks because the flammable and combustible liquids contained in these tanks are often drained into sewer systems and ground-water reservoirs. Accordingly, the Agency is canceling this instruction.

OSHA Instruction STD 1-5.6A provides exceptions to the bottom-drain requirement specified by former paragraph 29 CFR 1910.108(c)(3). Paragraph 29 CFR 1910.125(c), developed during a recent rulemaking to revise the dip-tank standards, now includes updated versions of these exceptions. Having made the exceptions part of the new dip-tank standards, the Agency is canceling this instruction because it is no longer necessary.

- I. Purpose. This notice cancels OSHA Instruction STD 1-5.5, *Sinks Used for Cleaning Operations*, October 30, 1978, because it no longer reflects OSHA policy as outlined in the Final Rule of the Preamble to OSHA Standard 29 CFR 1910.123, *Dipping and Coating Operations: Coverage and Definitions*. In addition, OSHA Instruction STD 1-5.6A, 29 CFR 1910.108(c)(3), *Bottom Drains*, November 26, 1979, is canceled because the exceptions specified by this instruction is now included in OSHA Standard 29 CFR 1910.125, *Additional Requirements for Dipping and Coating Operations that Use Flammable or Combustible Liquids*.
- II. Scope. OSHA-wide
- III. References.
 - A. OSHA Standard 29 CFR 1910.123, *Dipping and Coating Operations: Coverage and Definitions*.
 - B. OSHA Standard 29 CFR 1910.125, *Additional Requirements for Dipping and Coating Operations that Use Flammable or Combustible Liquids*.
- IV. Cancellation. This notice cancels OSHA Instruction STD 1-5.5, *Sinks Used for Cleaning Operations*, October 30, 1978, and OSHA Instruction STD 1-5.6A, 29 CFR 1910.108(c)(3), *Bottom Drains*, November 26, 1979.
- V. Action Information.
 - A. Responsible Office
 - B. Action Office.
 - C. Information Office
- VI. Affected Federal Agencies. This directive describes a Federal Program Change that affects all federal agencies.
- VII. Federal Program Change. This instruction describes a Federal Program Change for which State adoption is not required.

NOTE: To effectively enforce safety and health standards, guidance to compliance staff is necessary. Therefore, although adoption of this instruction is not required, States are expected to have enforcement policies and procedures that are at least as effective as those of Federal OSHA.
- VIII. Background. OSHA Instruction STD 1-5.5, *Sinks Used for Cleaning Operations*, October 30, 1978, was published to differentiate between parts-washing sinks and dip tanks. In the recent rulemaking for the revised dip tank standards, a commentator (Ex. 4-1) noted that OSHA Instruction STD 1-5.5 stated that parts-washing sinks are not dip tanks. In response to this commenter, OSHA stated:

The proposed definition of “dip tank” was adopted from those in former paragraphs

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1910.94(d)(1)(i) and 1910.108(a)(1), which contained no exceptions based on the dip tank's type, capacity, or surface area. Therefore, all containers, regardless of capacity or surface area, are covered by the applicable requirements of the final rule; to exempt some tanks based on these considerations would diminish the protections provided to employees by the final rule. The Agency also notes that OSHA Instruction STD 1-5.5, which was published in 1978, pertained to parts-washing tanks that were supplied with drains. The use of such tanks is no longer permitted by Environmental Protection Agency rules, which prohibit the draining of flammable and combustible liquids into sewer systems or ground-water reservoirs. Consequently, OSHA will soon issue a directive canceling STD 1-5.5.

Federal Register, vol. 64, no. 55, section II ("Summary and Explanation of the Final Rule"), March 23, 1999, p. 13897.

The Agency published OSHA Instruction STD 1-5.6A, *29 CFR 1910.108(c)(3), Bottom Drains* (November 26, 1979) to specify requirements for omitting bottom drains from dip tanks. The preamble to the recent dip-tank rulemaking addressed this issue as well. (See Federal Register, vol. 64, no. 55, section II ("Summary and Explanation of the Final Rule"), March 23, 1999, p. 13902.) The preamble states:

Paragraph 1910.125(c) of the final rule retains the exception from the bottom-drain requirements for dip tanks that contain highly viscous liquids. To clarify the provision, however, OSHA has replaced the phrase "makes this impractical" with the language "does not allow the liquids to flow or be pumped easily." Also included in the paragraph of the final rule is the provision in NFPA 34-1995 that exempts dip tanks that have automatic-closing doors from the bottom-drain requirements; former section 1910.108 did not have this exception. OSHA believes that automatic-closing doors eliminate fire and explosion hazards if they meet requirements of paragraph (f)(3) of final section 1910.125 and, therefore, will protect employees at least as well as bottom drains.

- IX. Contact For Further Information. Questions regarding this notice must be directed to the Directorate of Compliance Programs, Office of General Industry Compliance Assistance at (202) 693-1850.