



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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

[Docket No. OSHA-2025-0026]

RIN: 1218-AD64

Formaldehyde

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule revises OSHA's Formaldehyde standard to eliminate duplicative respiratory protection requirements and better align this standard with OSHA's Respiratory Protection standard.

DATES: Comments and other information, including requests for a hearing, must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

Informal public hearing: OSHA will schedule an informal public hearing on the rule if requested during the comment period. If a hearing is requested, the location and date of the hearing, procedures for interested parties to notify the agency of their intention to participate, and procedures for participants to submit their testimony and documentary evidence will be announced in the Federal Register.

ADDRESSES:

Written comments: You may submit comments and attachments, identified by Docket No. OSHA-2025-0026, electronically at <https://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2025-0026). When uploading multiple attachments to <https://www.regulations.gov>, please number all of your attachments because [regulations.gov](https://www.regulations.gov) will not automatically number the attachments. This will be very useful in identifying all attachments. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document. For assistance with commenting and uploading documents, please see the Frequently Asked Questions on <https://www.regulations.gov>.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

Docket: The docket for this rulemaking (Docket No. OSHA-2025-0026) is available at <https://www.regulations.gov>, the Federal eRulemaking Portal. Most exhibits are available at <https://www.regulations.gov>; some exhibits (e.g., copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT:

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Copies of this Federal Register notice: Electronic copies are available at <https://www.regulations.gov>. This Federal Register notice, as well as news releases and other relevant information, also are available at OSHA’s web page at <https://www.osha.gov>. A “100-word summary” is also available on <https://www.regulations.gov>.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

This proposed rule is intended to clarify the policies and procedures employers must follow when implementing a respiratory protection program in conjunction with OSHA’s Formaldehyde standard (29 CFR 1910.1048). OSHA is proposing to remove provisions that are duplicative with the requirements of the Respiratory Protection standard, which is consistent with OSHA’s intent, when it published the revised Respiratory Protection standard (29 CFR 1910.134), to use it as a foundation for respirator selection in substance-specific standards.

II. Legal Authority and Preliminary Findings

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 et seq.) (“the Act” or “the OSH Act”) is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) to promulgate standards to protect workers, including the

authority “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3); *see also* 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act’s enactment), 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment), and 29 U.S.C. 655(b)(7) (authorizing OSHA to include among a standard’s requirements labeling, monitoring, medical testing, and other information-transmittal provisions)). An occupational safety and health standard is “... a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment” (29 U.S.C. 652(8)). The Secretary may also issue regulations requiring employers to keep records regarding their activities relating to the Act, as well as records of work-related deaths, injuries, and illnesses (29 U.S.C. 657(c)(1)-(2)).

Before OSHA may promulgate a health or safety standard, it must find that a standard is reasonably necessary or appropriate within the meaning of section 652(8) of the OSH Act, which OSHA did here in 1987 when it published the Formaldehyde standard (52 FR 46168-01) and again in 1992 when the Agency reconsidered the record on remand from the D.C. Circuit Court of Appeals (57 FR 22290-01). The Supreme Court, in its decision on OSHA’s Benzene standard, interpreted OSHA’s obligation under section 652(8) as requiring it to evaluate “whether significant risks are present and can be eliminated or lessened by a change in practices” (*Indus. Union Dep’t, AFL-CIO v. Am. Petroleum Inst.*, 448 U.S. 607, 642 (1980) (plurality opinion)). OSHA originally adopted a consensus standard to regulate formaldehyde in 1971 and revised the standard in 1987 because even at the initial permissible exposure limit there was significant risk to employees (52 FR 46168-01). When, as here, OSHA has previously determined that its

standard substantially reduces a significant risk, it is unnecessary for the agency to make additional findings on risk for every provision of that standard (*see, e.g., Pub. Citizen Health Research Grp. v. Tyson*, 796 F.2d 1479, 1502 n.16 (D.C. Cir. 1986) (rejecting the argument that OSHA must “find that each and every aspect of its standard eliminates a significant risk”). Rather, once OSHA makes a general significant risk finding in support of a standard, the next question is whether a particular requirement is reasonably related to the purpose of the standard as a whole (*see Asbestos Info. Ass’n/N. Am. v. Reich*, 117 F.3d 891, 894 (5th Cir. 1997); *Forging Indus. Ass’n v. Sec’y of Labor*, 773 F.2d 1436, 1447 (4th Cir. 1985); *United Steelworkers of Am., AFL-CIO-CLC v. Marshall*, 647 F.2d 1189, 1237-38 (D.C. Cir. 1980) (“*Lead P*”). Therefore, while OSHA is not making a preliminary finding of significant risk for this proposed rule, the agency has made a preliminary determination that the proposed changes are reasonably related to the purpose of the Formaldehyde standard as a whole.

A standard is technologically feasible if the protective measures it requires already exist, can be brought into existence with available technology, or can be created with technology that is reasonably expected to be developed (*see Am. Iron and Steel Inst. v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). Courts have also interpreted technological feasibility to mean that a typical firm in each affected industry or application group will reasonably be able to implement the requirements of the standard in most operations most of the time (*see, e.g., Public Citizen v. OSHA*, 557 F.3d 165, 170-71 (3d Cir. 2009) (citing *Lead I* at 1272)).

This proposed rule would not substantially modify existing requirements for respiratory protection in workplaces; nor would it create new requirements. All employers in compliance with the existing standard would also be in compliance with the revised standard. Therefore, OSHA has made a preliminary determination that the proposed rule would be technologically feasible.

In evaluating economic feasibility, OSHA must consider the average cost of compliance in an industry rather than costs for individual employers. In its economic analyses, OSHA “must construct a reasonable estimate of compliance costs and demonstrate a reasonable likelihood that these costs will not threaten the existence or competitive structure of an industry, even if it does portend disaster for some marginal firms” (*Am. Iron and Steel Inst.*, 939 F.2d at 980, quoting *Lead I* at 1272). OSHA has made a preliminary finding that this proposal is economically feasible because it is deregulatory and is not expected to increase costs for employers. OSHA’s economic analysis is presented in Section V.

The Administrative Procedures Act directs agencies to include in each rule adopted “a concise general statement of [the rule’s] basis and purpose” (5 U.S.C. § 553(c)); *cf.* 29 U.S.C. § 655(e) (requiring the Secretary to publish a “statement of reasons” for any standard promulgated)). This notice satisfies this concise statement requirement.

III. Events Leading to the Proposed Rule

OSHA adopted a Formaldehyde standard in 1987 (52 FR 46168-01) and revised the standard on remand from the D.C. Circuit Court of Appeals in 1992 (57 FR 22290-01). OSHA also has a general Respiratory Protection standard, 29 CFR 1910.134, which it first promulgated in 1971 (39 FR 9835). OSHA published a revised Respiratory Protection standard on January 8, 1998 (63 FR 1152). The Respiratory Protection standard contains worksite-specific requirements for program administration, as well as procedures for respirator selection, employee training, fit testing, medical evaluation, and respirator use, among other provisions. OSHA noted that the revised standard was to “serve as a ‘building block’ standard with respect to future standards that may contain respiratory protection requirements” (63 FR 1265). In 2006, OSHA revised the

Respiratory Protection standard again to incorporate assigned protection factors (APFs) in the respirator selection process (71 FR 50122-01).

Several OSHA standards regulating exposure to toxic substances and harmful physical agents, including the Formaldehyde standard, require compliance with many provisions of 29 CFR 1910.134. However, when revising the respirator rule, the Agency decided to retain several special respirator selection provisions in the existing substance-specific standards. In this regard, OSHA noted that the respirator selection requirements retained in the substance-specific standards were developed in rulemakings to provide protection against a hazardous characteristic or condition unique to the regulated substance. Consequently, OSHA felt that preserving these provisions in the individual substance-specific standards would maintain the level of respiratory protection afforded to employees.

In this proposal, OSHA is revisiting some of those determinations; the agency now believes that there are additional ways that substance-specific standards can rely on 29 CFR 1910.134 without compromising employee safety. The purpose of revising the respirator-related provisions of OSHA's Formaldehyde standard is to conform them, to the extent possible, with other substance-specific standards and to the revised 29 CFR 1910.134 in general. The proposed updates will improve the Formaldehyde standard, because it would remove requirements that are duplicative of the Respiratory Protection standard.

OSHA expects that the rule would ultimately reduce the compliance burden on the regulated community. Therefore, OSHA believes this proposed rule is consistent with Executive Order (E.O.) 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," E.O. 14192, "Unleashing Prosperity Through Deregulation."

IV. Summary and Explanation of the Proposed Requirements

OSHA is proposing to revise paragraph (g) of its general industry Formaldehyde standard (29 CFR 1910.1048) to reduce compliance burdens and improve the comprehensibility of the requirements for respiratory protection programs. These revisions would simplify compliance for employers by removing requirements in 1910.1048 that are duplicative of the requirements in 1910.134. Finally, these revisions would also conform this standard, to the extent possible, to other substance-specific standards and to 29 CFR 1910.134. The Agency preliminarily concludes, therefore, that updating these rules is consistent with the goal of reducing undue burden.

OSHA has preliminarily determined that paragraphs (g)(1)(i) through (iv) unnecessarily duplicate the general provisions in 1910.134(a) and is proposing to remove those paragraphs and add a cross reference to 1910.134(a)(2) in paragraph (g)(1) instead. OSHA does not intend for these changes to add to or change the regulatory burden on employers; actions that comply with the requirements in 1910.1048(g) would also be in compliance with proposed paragraph (g).

OSHA is also requesting comment on whether paragraph (g)(2)(ii) of the Formaldehyde standard provides greater worker protection than removing that provision and requiring employers to simply follow the generic requirements of paragraphs (d)(3)(iii)(B)(1) and (2) of the Respiratory Protection standard. The agency has received requests in the past to remove (g)(2)(ii) of the Formaldehyde standard, which requires employers providing cartridges or canisters that do not have end-of-service-life indicators (ESLIs) to replace those cartridges or canisters as specified in paragraphs (d)(3)(iii)(B)(1) and (B)(2) of the Respiratory Protection standard or at the end of the workshift, whichever condition occurs first. While the agency currently believes that paragraph (g)(2)(ii) of the Formaldehyde standard is more protective than following the generic changeout provisions of 1910.134, and is not proposing the change at this time, it is interested in any data or information commenters can provide on this issue.

OSHA recognizes that adopting these revisions will also result in the revision of the respiratory protection requirements in OSHA's construction industry, marine terminals, longshoring, and shipyard industry standards for formaldehyde (*see* 29 CFR 1926.1148, 29 CFR 1917.1, 29 CFR 1918.1 and 29 CFR 1915.1048, which apply the requirements in 1910.1048 to construction, marine terminals, longshoring, and shipyards). OSHA requests comment regarding whether there are any considerations that are unique to the use of respirators for protection against formaldehyde hazards in shipyards, marine terminals, longshoring, or construction that OSHA should consider when finalizing this proposal. OSHA is in the process of appointing members to the Advisory Committee on Construction Safety and Health (ACCSH). The agency intends to present this proposed rule to ACCSH once that process is complete. The agency will put the Committee's recommendations on the OSHA website and in the docket for this proposed rule prior to the close of the comment period to allow the public to provide comments on those recommendations.

OSHA requests comments on this proposal, including responses regarding the following issues:

1. Are there any concerns that making the changes described in this proposal will decrease worker safety? If so, why?
2. Does cross-referencing 29 CFR 1910.134(a)(2) in 1910.1048(g)(1) correctly capture all of the material that was previously specified in paragraphs (g)(1)(i)-(iv) of 1910.1048?
3. Is there an alternative approach OSHA should consider for its proposed revision?
4. Should OSHA remove the filter cartridge and canister change schedule requirements under 1910.1048(g)(2)(ii)? Would following the performance-based approach in 1910.134 sufficiently protect workers and would it provide significant cost savings or other benefits?

V. Economic Analysis

This proposed rule would remove redundant requirements in the Formaldehyde standard, 29 CFR 1910.1048, and therefore OSHA has preliminarily concluded that there will be no additional costs imposed by this proposed revision. OSHA also anticipates that there may be some minor cost savings associated with this rule, including a reduction of the burden associated with reviewing unnecessarily duplicative regulations. Because this rule would impose no new costs, OSHA has made a preliminary determination that the rule would be economically feasible.

The proposed changes to the requirements for formaldehyde might reduce the time necessary for employers to familiarize themselves with the requirements for respirator use for formaldehyde exposure. Based on the Supporting Statement for the Information Collection Request for the Formaldehyde standard, OSHA estimates there are 5,108 new establishments annually.¹ Assuming a manager will spend 10 minutes less on rule familiarization due to the removal of duplicated requirements, OSHA estimates that this proposal could reduce costs by about \$40,000 per year (or about \$300,000 over 10 years at a 3 percent discount rate).

OSHA is seeking comments and data on this preliminary analysis, including on the following questions:

1. How many employers were likely to have been impacted by the redundant provisions between the Respiratory Protection standard and the Formaldehyde standard?
2. Are there any other savings for employers that would result from the proposed change?
3. Are there any benefits for worker protection that can be anticipated from this proposed change?

¹ See Document ID OSHA-2009-0041-0014 for details on establishments and wage estimates.

4. Are there any costs for employers that would result from this change that OSHA has not considered?
5. Would there be savings to employers outside of general industry related to this proposal? If so, would they be similar to what OSHA has estimated for general industry employers?

A. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

OSHA reviewed this proposed rule under the provisions of the Regulatory Flexibility Act. This rule would eliminate burdensome regulations. Therefore, OSHA initially concludes that the impacts of the revisions would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. OSHA will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

B. Review Under Executive Order 12866

E.O. 12866, “Regulatory Planning and Review” (58 FR 51735 (Oct. 4, 1993)), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that

maximize net benefits; (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review. OIRA has determined that this proposed rule would not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposal was not submitted to OIRA for review under E.O. 12866.

VI. Additional Requirements

A. Requirements for States with OSHA-Approved State Plans

Under section 18 of the OSH Act (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards that are “at least as effective” as the Federal standards in providing safe and healthful employment and places of employment (29 U.S.C. 667). OSHA refers to these OSHA-approved, State-administered occupational safety and health programs as “State Plans.”²

When Federal OSHA promulgates a new standard or a more stringent amendment to an existing standard, State Plans must either amend their standards to be identical to, or “at least as effective as,” the new Federal standard or amendment, or show that an existing State Plan standard covering this issue is “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). However, when OSHA promulgates

² Of the 29 States and U.S. territories with OSHA-approved State Plans, 22 cover public and private-sector employees: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. The remaining six States and one U.S. territory cover only State and local government employees: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and the Virgin Islands.

a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although they may opt to do so. OSHA has preliminarily determined this proposed rule does not impose additional or more stringent requirements than the existing standard, and therefore State Plans are not required to amend their standards. OSHA seeks comment on this assessment of its proposal.

B. OMB Review Under the Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) defines “collection of information” to mean “the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format” (44 U.S.C. 3502(3)(A)). Under the PRA, a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA and the agency displays a currently valid OMB control number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number (44 U.S.C. 3512(a)(1)). The process for OMB approval is found in 5 CFR Part 1320.

This proposed rule would impose no new information collection requirements. Because the revisions are deregulatory and affect no changes to the existing information collections in the Formaldehyde standards (OMB Control Number 1218-0145), OMB has waived the requirements of 5 CFR Part 1320 and approved the modified Information Collection Request (ICR) under existing OMB Control Number 1218-0145 (*see* 5 CFR 1320.18(d)).

C. Environmental Impacts/National Environmental Policy Act (NEPA)

OSHA has reviewed this proposed rule according to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), as amended by the Fiscal

Responsibility Act of 2023 (Pub. L. No. 118-5, § 321, 137 Stat. 10), and the Department of Labor's NEPA procedures (29 CFR part 11). OSHA has determined that this proposal would have no impact on the quality of the human environment.

D. Other Statutory and Executive Order Considerations

OSHA has considered its obligations under the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 et seq.) and the Executive Orders on Consultation and Coordination With Indian Tribal Governments (E.O. 13175, 65 FR 67249 (Nov. 6, 2000)), Federalism (E.O. 13132, 64 FR 43255 (Aug. 10, 1999)), and Protection of Children From Environmental Health Risks and Safety Risks (E.O. 13045, 62 FR 19885 (Apr. 23, 1997)). Given that this is a proposed deregulatory action, that OSHA does not foresee economic impacts of \$100 million or more, and that the action does not constitute a policy that has federalism or tribal implications, OSHA has determined that no further agency action or analysis is required to comply with these statutes and executive orders. Furthermore, OSHA has determined that this proposal is consistent with the policies and directives outlined in E.O. 14192, "Unleashing Prosperity Through Deregulation" and is an Executive Order 14192 deregulatory action.

List of Subjects in 29 CFR Part 1910

Assigned protection factors, Airborne contaminants, Health, Occupational safety and health, Respirators, Respirator selection.

VII. Authority and Signature

This document was prepared under the direction of Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order No. 8-2020 (85 FR 58393), and 29 CFR part 1911.

Dated: June 20, 2025.

Amanda Laihow,
Acting Assistant Secretary of Labor for Occupational Safety and Health.

VIII. Regulatory Text

Proposed Amendments

For the reasons set forth in the preamble, OSHA is amending 29 CFR part 1910 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart Z – Toxic and Hazardous Substances

1. The authority for 29 CFR 1910 subpart Z is revised to read as follows:

AUTHORITY: 33 U.S.C. 941; 29 U.S.C. 653, 655, 657; Secretary of Labor’s Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008); 5-2007 (72 FR 31160), 4-2010 (75 FR 55355), 1-2012 (77 FR 3912), or 8-2020 (85 FR 58393); 29 CFR part 1911; and 5 U.S.C. 553, as applicable.

All of subpart Z issued under 29 U.S.C. 655(b), except those substances that have exposure limits listed in Tables Z-1, Z-2, and Z-3 of §1910.1000. The latter were issued under 29 U.S.C. 655(a).

Section 1910.1000, Tables Z-1, Z-2 and Z-3 also issued under 5 U.S.C. 553, but not under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, cotton dust, and chromium (VI) listings.

Section 1910.1001 also issued under 40 U.S.C. 3704 and 5 U.S.C. 553.

Section 1910.1002 also issued under 5 U.S.C. 553, but not under 29 U.S.C. 655 or 29 CFR part 1911.

Sections 1910.1018, 1910.1029, and 1910.1200 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under Public Law 106-430, 114 Stat. 1901.

Section 1910.1201 also issued under 49 U.S.C. 1801-1819 and 5 U.S.C. 553.

2. § 1910.1048 is revised as follows:

- a. Revise and republish paragraph (g)(1)
- b. Remove paragraphs (g)(1)(i) through (iv)

The revisions and additions read as follows:

(g) * * *

(1) *General.* For employees who use respirators required by this section, the employer must provide each employee an appropriate respirator that complies with the requirements of this paragraph. Respirators must be used when the employer determines that they are necessary to protect the health of an employee as required under 29 CFR 1910.134(a)(2).

* * * * *

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