

Exhibit 6

Periodic Monitoring (§ 1910.1048(d)(3))

If the initial monitoring results are at or above the AL (0.5 ppm), the employer must monitor airborne formaldehyde at least once every six months. Employers must monitor at least once a year under worst-case conditions if exposure-monitoring results are at or above the STEL. An employer may discontinue periodic exposure monitoring if the results of two consecutive measurements taken seven days apart show that airborne formaldehyde is below the AL and the STEL. Periodic exposure monitoring allows employers to determine if changes in processes, materials, or environmental conditions result in increased levels of airborne formaldehyde, and to evaluate the effectiveness of control methods. In addition, periodic monitoring reminds both the employer and employees of the continuing need to protect against the hazards that could result from employee overexposure.

Employee Notification of Monitoring Results (§ 1910.1048(d)(6))

If employers conduct exposure monitoring, they must notify each employee included in the monitoring of the results within 15 days after receiving the results. Employers must notify employees either individually in writing, or by posting the monitoring results in an appropriate location that is accessible to the employees. In addition, if the exposure-monitoring results show that an employee's exposure exceeds the PELs, the employer must develop and implement a written plan to reduce the employee's exposure to or below the PELs, and provide the employee with written notice of the corrective action the employer is taking to prevent overexposure to formaldehyde. Notification provides employees with information about the effectiveness of the employer's engineering and work-practice controls, as well as the efforts the employer is taking to lower their exposures and to furnish them with a safe and healthful workplace as required by section 8(c)(3) of the Act.

Regulated Areas (§ 1910.1048(e))

Respirator Program (Including Respirator Fit Testing) (§ 1910.1048(g)(2))

If employers use respirators to control employee exposures to formaldehyde, they must establish a respiratory-protection program in accordance with 29 CFR 1910.134, paragraphs (b) through (d) (except (d)(1)(iii), (d)(3)(iii)(B)(1), and (2)), and (f) through (m). Paragraph (c) of 29 CFR 1910.134 requires employers to develop and implement a written respiratory-protection program with worksite-specific procedures, as well as elements for respirator use. The purpose of these requirements is to ensure that employers establish a standardized procedure for selecting, using, and maintaining respirators for each workplace requiring respirator use. Developing written procedures ensures that employers implement the required respirator program in an effective and reliable manner that address the unique characteristics (including chemical hazards) of the workplace. The Agency accounts for the burden hours and cost resulting from these program requirements under the Information Collection Request (ICR) for its Respiratory Protection

Standard (29 CFR 1910.134), Office of Management and Budget (OMB) Control Number 1218-0099.

Maintenance of Protective Equipment and Clothing (§ 1910.1048(h)(2))

If an employer ventilates formaldehyde-contaminated clothing and equipment, that employer must establish a storage area that minimizes employee exposure. The storage area, as well as any containers used for contaminated clothing and equipment, must have labels and signs that read: "DANGER. FORMALDEHYDE-CONTAMINATED [CLOTHING] EQUIPMENT. AVOID INHALATION AND SKIN CONTACT." These signs and labels warn employees of the formaldehyde hazard, and how to prevent exposure to the hazard.

This provision also requires employers to notify laundry personnel who clean or repair formaldehyde-contaminated protective clothing or equipment of the potentially harmful effects of formaldehyde, and of procedures for safely handling this clothing and equipment. This information allows laundry personnel to protect themselves from formaldehyde exposure.

Housekeeping (§ 1910.1048(j))

Employers must place waste and debris contaminated by formaldehyde leaks or spills in sealed containers warning of formaldehyde's presence and the hazards associated with formaldehyde exposure. These labels warn employees of the dangers associated with formaldehyde exposure, and allows them to protect themselves from such exposure.

Medical Surveillance (§ 1910.1048(l))

Employees Covered, Examination by a Physician, Medical Disease Questionnaire, Medical Examinations, and Examinations for Employees Exposed in an Emergency (§ 1910.1048(l)(1) through (l)(5))

Employers must implement a medical-surveillance program for employees: Exposed to formaldehyde at concentrations at or above the AL or above the STEL, and during emergencies; and who develop signs and symptoms of overexposure to formaldehyde. In addition, a physician must perform or supervise the required medical procedures, including administration of the medical-disease questionnaire.

Employers must ensure that employees complete a medical-disease questionnaire: Prior to assignment to jobs having formaldehyde exposures at or above the AL or above the STEL, and annually thereafter for the duration of such an assignment; and promptly after determining that an employee experiences signs and symptoms of potential formaldehyde overexposure. For this purpose, employers can administer either the medical-disease questionnaire provided by OSHA in Appendix D to the Standard or a questionnaire of their own design that obtains the same information. A physician also must determine, based on responses to the medical-disease

questionnaire, if a medical examination is necessary for each employee not required to wear respirators to reduce exposure to formaldehyde.

Employers must provide medical examinations: Prior to initial job assignment and annually thereafter to employees required to wear respirators to reduce formaldehyde exposure; and to any employee that the physician determines, based on the employee's responses to the medical-disease questionnaire, is at increased risk of health impairment from formaldehyde exposure. The medical examination must consist of: A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes; for employees who wear respirators, a laboratory examination consisting of baseline and annual pulmonary-function tests (at least forced vital capacity (FVC), forced expiratory volume in one second (FEV₁), and forced expiratory flow (FEF)); any other test that the physician considers necessary to complete the written opinion; and counseling employees with medical conditions directly or indirectly aggravated by formaldehyde exposure regarding their increased risk of health impairment.

Employees exposed to formaldehyde in an emergency must receive a medical examination as soon as possible after such exposure. The medical examination must include: A medical and work history, with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation; and any other procedure considered appropriate by the physician.

Documentation and maintenance of the medical-examination results required by the Standard provide a continuous record of employee health. Physicians use these records to determine the extent to which employees, since their last examination, experience health effects related to formaldehyde exposure. Additionally, if signs and symptoms of potential formaldehyde overexposure appear, the physician often needs information about an employee's previous medical conditions to make an accurate diagnosis of the presenting condition, ascertain its apparent cause, and identify a course of treatment. Medical records also permit employees to

determine whether or not they need treatment, or to evaluate the effectiveness of their employer's exposure-reduction program.

Information Provided to the Physician (§ 1910.1048(l)(6))

Employers must provide the physician with the following information: A copy of the Standard, including appendices A, C, D, and E; a description of the employee's job duties as they relate to the employee's formaldehyde exposure; the representative exposure level for the employee's job assignment; information concerning any personal-protective equipment and respiratory protection that the employee uses or is likely to use; and information from any previous medical examinations administered to the employee while working for the employer. If the medical examination is in response to an emergency exposure, the employer must provide to the

physician, as soon as possible, a description of how the emergency occurred and the employee's likely exposure.

Making this information available to physicians assists them in evaluating an employee's health and fitness for specific job assignments involving formaldehyde exposure. In the case of medical examinations administered in response to emergency exposures, the physician can use the exposure information to devise an appropriate treatment.

Physician's Written Opinion (§ 1910.1048(l)(7))

Within 15 days of receiving the physician's written opinion, the employer must provide a copy of it to the employee who was the subject of the medical examination. The physician's written opinion must contain the following information: (i) The results of the employee's medical examination and tests as these results relate to the employee's occupational exposure to formaldehyde; (ii) the physician's opinion concerning whether or not the employee has any medical conditions that would place the employee at increased risk of material impairment of health from exposure to formaldehyde; (iii) the physician's recommendations regarding limiting the employee's exposure to formaldehyde or the employee's use of protective clothing or equipment, including respirators; and (iv) a statement that the physician informed the employee of any medical conditions aggravated by formaldehyde exposure, including the extent to which these conditions resulted from past formaldehyde exposure or from exposure in an emergency, and the need for further examination or treatment.

The purpose of requiring the employer to obtain a physician's written opinion is to provide the employer with medical information to use in determining the employee's initial job assignment, and to assess the employee's ability to use protective clothing and equipment. The physician's written opinion will also provide information to the employer about whether or not the employee has a condition indicating overexposure to formaldehyde. The requirement that the physician's opinion be in writing will ensure that the information is available for future reference. Providing employees with a copy of the physician's written opinion will inform them of the medical-examination results so that they can determine the need for, and evaluate the effectiveness of, treatment or other interventions.

Medical Removal (§ 1910.1048(l)(8))

The employer must allow an employee to seek a determination by a physician as specified by paragraph (l)(3) of the Standard if the employee reports signs or symptoms of potential formaldehyde overexposure to the employer. In this regard, if the physician determines that a physical examination is unnecessary, then a two-week evaluation and remediation period will commence to allow the employer to ascertain whether or not the signs or symptoms subside untreated or with the use of creams, gloves, first-aid treatment, personal-protective equipment, or other measures that limit an employee's formaldehyde exposure. The employer must refer the employee to a physician immediately if the employee's condition worsens during this two-week

period; should the signs and symptoms not subside or remediate after the two-week period, a physician must examine the employee. The medical examinations provided by the employer must comply with the requirements of paragraph (l)(5) of the Standard.

The employer must comply promptly if the physician recommends that the employer control an employee's formaldehyde exposure through job restriction or job removal. If the employer removes an employee from the job, the employer must arrange for a follow-up medical examination within six months from the date of removal to make a final determination if the removal is to be permanent.

Medical removal prevents medical impairments induced or exacerbated by formaldehyde from becoming worse. In addition, medical removal allows employees who have these impairments an opportunity to recuperate and return to their jobs.

Multiple Physician Review (§ 1910.1048(l)(9))

If the employer selects the first physician to conduct any medical examination or consultation to determine whether or not medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the first physician and to perform such examinations, consultations, and laboratory tests the second physician deems necessary to evaluate the effects of formaldehyde exposure and to facilitate the review. The employer must promptly notify the employee of the right to seek a second medical opinion after the employer-selected physician conducts a medical examination or consultation for the purpose of medical removal or restriction.

Should the findings, determinations, or recommendations of the first and second physicians differ, the employer and employee must assure that the two physicians try to resolve the disagreement. If the two physicians are unable to quickly resolve their disagreement, a third physician who is a specialist in the field at issue must review the findings, determinations, or recommendation of the first two physicians, and conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians deemed necessary to resolve this disagreement.

The employer and employee or authorized employee representative, or the employer and employee through their respective physicians, must select the third physician. The employer must comply with the recommendations of the third physician unless the employer and employee reach an agreement that is consistent with the recommendations of at least one of the three physicians.

OSHA believes that multiple-physician review improves employee participation in an employer's medical-surveillance program, thereby increasing early detection and treatment formaldehyde-related medical conditions. In this regard, participation in the medical-surveillance program is strictly voluntary on the part of employees. If the medical opinion provided by the employer's physician could result in job removal or restriction, and no opportunity existed for employees to

obtain a second medical opinion, many of them would refuse to participate in the medical-surveillance program; such refusal could jeopardize their health and well-being.

Hazard Communication (§ 1910.1048(m))

General (§ 1910.1048(m)(1) and (m)(2))

Employers must provide hazard information for formaldehyde gas, mixtures or solutions having formaldehyde concentrations exceeding 0.1 percent, and materials capable of releasing formaldehyde into the air, under reasonably foreseeable conditions of use, at formaldehyde concentrations reaching or exceeding 0.1 ppm. At a minimum, an employer must address the following health hazards: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

Employers producing or importing formaldehyde or formaldehyde-containing products must use labels and material safety data sheets to inform other employers using or handling these products with an objective determination of the health hazards associated with these products under normal conditions and use; the employer must perform this determination as specified in paragraph (d) ("Hazard Determination") of OSHA's Hazardous Communication Standard (29 CFR 1910.1200).

Labels (§ 1910.1048(m)(3))

Employers must comply with the labeling requirements of paragraph (f) ("Labels and Other Forms of Warning") of the Hazard Communication Standard. Employers must affix labels to containers of material capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm; the labels must list the name and address of the responsible party, and state that physical- and health-hazard information is readily available from the employer and from material safety data sheets. For materials that are capable of releasing formaldehyde at levels above 0.5 ppm, labels must address hazards (including respiratory sensitization) as required by paragraph (d) ("Hazard Determination"), and appendices A and B ("Health Hazard Definitions" and "Hazard Determination," respectively) of the Hazard Communication Standard; the labels also must contain the words "Potential Cancer Hazard." As an alternative, employers may use warning labels required by other statutes, regulations, or ordinances that provide the same information as the warning labels required by this provision.

Warning labels assure that downstream employers and employees receive information about the hazards associated with formaldehyde, thereby allowing them to prevent hazardous exposures. In addition, the labels will alert these employers that formaldehyde is present in their workplace and that they must comply with the Standard.

Material Safety Data Sheets (§ 1910.1048 (m)(4))

Employers who use the formaldehyde-containing materials described in paragraph (m)(1) of the Standard must develop and update material safety data sheets (MSDSs) as specified in paragraph (g) ("Material Safety Data Sheets") of the Agency's Hazard Communication Standard. Manufacturers, importers, and distributors of these formaldehyde-containing materials must provide current MSDSs with the initial shipment, and updated MSDSs with the first shipment made after developing the updated version.

MSDSs are concise sources of information regarding the hazards associated with formaldehyde, and ensure that this information will be available to employees in a usable and readily accessible form. MSDSs also serve as the primary source of information to downstream employers and employees who use or handle manufactured products containing formaldehyde. In addition, MSDSs provide basic information on the hazards of formaldehyde that is essential to the training requirements of the Standard.

Written Hazard Communication Program (§ 1910.1048 (m)(5))

Employers must develop, implement, and maintain a written hazard-communication program at the workplace that addresses formaldehyde exposures among employees. At a minimum, this program must describe how the employer will meet the labeling, MSDS, and other warning requirements specified by the Standard, as well as its employee information and training provisions. Employers in multi-employer workplaces also must comply with the requirements of paragraph (e)(2) ("Multi-employer Workplaces") of OSHA's Hazard Communication Standard.

Employee Information and Training (§ 1910.1048(n))

Employers must provide employees with training: Prior to assigning them to work areas with airborne formaldehyde concentrations at or above 0.1 ppm; at least annually thereafter; and if the employer introduces a new exposure to formaldehyde to the work area. Training must consist of: A discussion of the Standard and the contents of the MSDS; an explanation of the purpose for, and a description of, the medical surveillance program; a description of the potential health hazards associated with, and the signs and symptoms of, formaldehyde exposure; instructions to the employees to immediately report to the employer any signs or symptoms related to formaldehyde exposure; a description of the operations occurring in the formaldehyde-contaminated work area, and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job; the purpose for, and proper use and limitations of, personal-protective clothing and equipment; instructions for handling of spills, emergencies, and clean-up procedures; an explanation of the importance of engineering and work-practice controls for employee protection, and any necessary instruction in the use of these controls; and a review of emergency procedures. In addition, employers must inform the employees of the location of written training materials, and make these materials readily available to the employees, as well as