



Impact of 2009 AGCH TLV on DOE

***DOE and DOE Contractors Industrial Hygiene Meeting
in Conjunction with the
2009 American Industrial Hygiene Conference and
Exposition***

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Impact of New ACGIH TLV on DOE

- **No Direct Regulatory Impact On DOE**
- **Must Identify The Specific Version of a Standard During Rulemaking**
- **DOE incorporated the 2005 TLVs in 10 C.F.R. 851**
- **DOE Also Abides by OSHA's Rules**



Impact of New ACGIH TLV on DOE

- **New TLV is Lower Than 2005 TLV and OSHA**
- **DOE's Regulatory Level is Unchanged**



Impact of New ACGIH TLV on DOE

- **DOE Contractors May Have Commitments to “Current TLV”**
 - In the Contract and/or
 - In DOE-approved Worker Safety and Health Program per 10 C.F.R. 851



Impact of New ACGIH TLV on DOE

- **Contract Performance Subject to Fee Adjustments**
- **Worker Safety and Health Program per 10 C.F.R. 851 Compliance Subject to:**
 - Fee Adjustments if Not AEA Indemnified, or
 - Fee or Civil Penalties if Contractor is AEA Indemnified



- **(But Not Both)**

Impact of New ACGIH TLV on DOE

- **DOE Programs and Contractors May Revise:**
 - Contracts
 - 10 C.F.R. Worker Safety and Health Program



Impact of New ACGIH TLV on DOE

- **DOE Policy Staff is Aware ACGIH, and**
 - New TLV
 - ACGIH Policy
 - TLVs “Not Developed for Use as Legal Standards...”
 - User Must Recognize The Constraints And Limitations “

