

TITLE 620 OCCUPATIONAL SAFETY STANDARDS COMMISSION

ARTICLE 1. HEALTH AND SAFETY STANDARDS

Rule 1. Jurisdiction; Filing; Parties; Pleadings; Conduct of Hearings; Settlement

620 IAC 1-1-1 Recordkeeping requirements; construction industry; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 1. The Indiana Occupational Safety Standards Commission adopted the following rules and regulations for employers operating within the State of Indiana:

Recordkeeping Requirements Under the Williams-Steiger Occupational Safety and Health Act of 1970, U. S. Department of Labor, Occupational Safety and Health Administration. (Available from U. S. Department of Labor, Bureau of Labor Statistics, Washington, D. C. 20212.)

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; National Consensus Standards and Established Federal Standards, Part 1910, Federal Register, Vol. 36, No. 105, Part II, May 29, 1971, pp. 10466 to 10714.

(Available from Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.)

Safety and Health Regulations for Construction, 29 CFR 1518, Federal Register, Vol. 36, No. 75, April 17, 1971, pp. 7340 to 7410.

Safety and Health Regulations for Construction, Correction, 29 CFR 1518, Federal Register, Vol. 36, No. 101, May 25, 1971.

Safety and Health Regulations for Construction; Light Residential Construction; Effective Date, 29 CFR 1518, Federal Register, Vol. 36, No. 158, August 14, 1971, pp. 15437, 15438.

Safety and Health Regulations for Construction; Light Residential Construction and Certain Other Construction; Effective Date, 29 CFR 1910, Federal Register, Vol. 36, No. 158, August 14, 1971, pp. 15437, 15438.

Safety and Health Regulations for Construction; Miscellaneous Amendments, 29 CFR 1518, Vol. 36, No. 159, August 17, 1971, p. 15533.

Safety and Health Regulations for Construction; Notice of Proposed Rulemaking, 29 CFR 1518, 1910, Vol. 36, No. 188, September 28, 1971, pp. 19083 to 19089.

Safety and Health Regulations for Construction; Clarification of Notice of Proposed Rule Making, 29 CFR 1518, 1910, Federal Register, Vol. 36, No. 191, October 1, 1971, p. 19266.

Safety and Health Standards for Construction (Proposed Rulemaking) Rollover Protective Structures and Overhead Protection; Access Roads and Grades, 29 CFR 1518, Federal Register, Vol. 36, No. 209, October 29, 1971, pp. 20772 to 20779.

(Available from Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Dec 6, 1972, 3:15 pm: Unpublished*)

620 IAC 1-1-2 Construction industry; guarding operation of machinery; air-contaminants; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 2. The Indiana Occupational Safety Standards Commission [*sic.*] adopted the following Standards, Deletions, Revisions, Corrections and/or Amendments as published in the Federal Register:

(1) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Construction, Part 1926, Federal Register, Part II, Vol. 39, No. 122, pp. 22801 to 22893.

(2)(A) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards, Part 1910, Federal Register, Vol. 39, No. 125, Part II, June 27, 1974, pp. 23502 to 23828.

(B) Amendment of Table Z-1 of Section 1910.1000; as published on page 27394. [*43 Fed. Reg. 27394 (1978)*]

(3) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Steel Erection; Flooring Requirements, Part 1926, Federal Register, Vol. 39, July 2, 1974, p. 24360.

(4) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Deletion of Standard Concerning Exposure to Pesticides, Part 1910, Federal Register, Vol. 39, No. 156, August 12, 1974, p. 28878.

(5) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Standard

OCCUPATIONAL SAFETY STANDARDS COMMISSION

- for Exposure to Vinyl Chloride, Part 1910, Federal Register, No. 39, No. 194, October 4, 1974, pp. 35890 to 35898.
- (6) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Mechanical Power Presses, Part 1910, Federal Register, Vol. 39, No. 233, December 3, 1974, pp. 41841 to 41848.
- (7) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Standard for Exposure to Vinyl Chloride; Corrections, Part 1910, Federal Register, Vol. 39, No. 233, December 3, 1974, p. 41848.
- (8)(A) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Mechanical Power Presses; Corrections, Part 1910, Federal Register, Vol. 40, No. 18, January 27, 1975, p. 3982.
- (B) Corrections to Section 1910.217 Mechanical Power Presses; as published in Federal Register, Volume 45, No. 28-Friday, February 8, 1980, on page 8594.
- (9) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Standard for Exposure to Vinyl Chloride; Effective Date, Part 1910, Federal Register, Vol. 40, No. 58, March 25, 1975, p. 13211.
- (10) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Telecommunications; Vehicle-Mounted Elevating and Rotating Platforms; and Helicopters, Part 1910, Federal Register, Vol. 40, No. 59, March 26, 1975, pp. 13436 to 13450.
- (11) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture; Roll-over Protective Structures for Agricultural Tractors, Parts 1910 and 1928, Federal Register, Vol. 40, No. 81, April 25, 1975, pp. 18254 to 18268.
- (12) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Deletion of Standard Concerning Number of Lavatories for Industrial Employment, Part 1910, Vol. 40, No. 82, April 28, 1975, pp. 18445, 18446.
- (13) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture; Roll-over Protective Structures for Agricultural Tractors; Correction, Parts 1910 and 1928, Federal Register, Vol. 40, No. 96, May 16, 1975, p. 21474.
- (14)(A) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Safety and Health Regulations for Construction; Recodification of Air Contaminant Standards, Parts 1910 and 1926, Federal Register, Vol. 40, No. 103, May 28, 1975.
- (B) Addition of a new paragraph (f) to Section 1910.19; as published on page 27394. [*43 Fed. Reg. 27394 (1978)*]
- (15) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Correction, Part 1910, Federal Register, Vol. 40, No. 106, June 2, 1975, p. 3982.
- (16) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Corrections, Part 1910, Federal Register, Vol. 40, No. 106, June 2, 1975, p. 23743.
- (17) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Recodification of Air Contaminant Standards; Correction, Parts 1910 and 1926, Federal Register, Vol. 40, No. 107, June 3, 1975, p. 23847.
- (18) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Ventilation for Dry Grinding, Dry Polishing and Buffing Operations, Part 1910, Federal Register, Vol. 40, No. 111, June 9, 1975, p. 24521.
- (19) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Industrial Slings, Part 1910, Federal Register, Vol. 40, No. 125, June 24, 1975, p. 27368.
- (20) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Industrial Slings; Correction, Part 1910, Vol. 40, No. 145, July 28, 1975, p. 24598.
- (21) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture; Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins, Part 1928, Federal Register, Part IV, Vol. 41, No. 47, March 9, 1976, pp. 10190 to 10197.
- (22) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture; Correction, Part 1928, Federal Register, Vol. 41, No. 52, March 16, 1976, p. 11022.
- (23) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Standard for Exposure to Asbestos, Part 1910, Federal Register, Vol. 41, No. 55, March 19, 1976, pp. 11504, 11505.
- (24) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Industrial Slings; Deletion of Requirement Prohibiting Knots and Wire Rope Clips, Part 1910, Federal Register, Vol. 41, No. 62, March 30, 1976, pp. 13352, 13353.

(Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Jun 24, 1976, 4:10 pm: Rules and Regs. 1977, p. 229; filed Aug 8, 1980, 2:55 pm: 3 IR 1502; filed Aug 14, 1980, 10:45 am: 3 IR 1504*)

620 IAC 1-1-3 Forging machine dies; adoption of federal standard

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 3. The Indiana Occupational Safety Standards Commission adopted the following amendment to 29 CFR 1910.218(h)(5)–Forging Machines:

(5) Changing dies. When dies are being changed, maintenance performed, or any work done on the machine, the power to the upsetter shall be locked out and an adequate method be provided to insure that the fly wheel shall be at rest.

(*Occupational Safety Standards Commission; filed Aug 10, 1976, 4:09 pm: Rules and Regs. 1977, p. 228*)

620 IAC 1-1-4 Maritime operations; carcinogens; agricultural machinery; coke oven emissions; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 4. The Indiana Occupational Standards Commission adopted the following Occupational Safety Standards, Deletions, Revisions, Corrections, and/or Amendments as published in the Federal Register:

(1) Maritime Safety and Health Regulations:

(A) Part 1915–Safety and Health Regulations for Ship Repairing: 1915.43 Guarding of Deck Openings and Edges; 1915.47 Working Surfaces; 1915.84 Lifesaving Equipment, Federal Register, Vol. 39, No. 85, May 1, 1974, pp. 15124, 15125.

(B) Part 1916–Safety and Health Regulations for Shipbuilding: 1916.43 Guarding of Deck Openings and Edges; 1916.47 Working Surfaces; 1916.84 Lifesaving Equipment, Federal Register, Vol. 39, No. 85, May 1, 1974, p. 15125.

(C) Part 1917–Safety and Health Regulations for Shipbreaking: 1917.47 Working Surfaces; 1917.84 Lifesaving Equipment, as published in the Federal Register, Vol. 39, No. 85, May 1, 1974, p. 15125.

(D) Part 1918–Safety and Health Regulations for Longshoring: Part 1918.106 Protection Against Drowning, Federal Register, Vol. 39, No. 85, May 1, 1974, p. 15125.

(2) Part 1910–Occupational Safety and Health Standards: National Fire Protection Association Mailing Address Change, Federal Register, Vol. 40, No. 82, April 28, 1975, p. 18426.

(3) Part 1910–Occupational Safety and Health Standards: Carcinogens: Deletion of Vacated Laboratory Provisions; Deletion of Vacated Standard for Occupational Exposure to 4,4' Methylenebis (2-Chloroaniline), Federal Register, Vol. 41, No. 163, August 20, 1976, p. 35184.

(4) Part 1928–Occupational Safety and Health Standards for Agriculture: Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins; Deferral of Effective Date, Federal Register, Vol. 41, No. 109, June 4, 1976, p. 22561.

(5) Part 1928–Occupational Safety and Health Standards for Agriculture: Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins; Nonsubstantive Editorial Amendments, Federal Register, Vol. 41, No. 206, October 22, 1976, p. 40598.

(6) Part 1910–Occupational Safety and Health Standards; Exposure to Coke Oven Emissions, Federal Register, Part III, Vol. 41, No. 206, October 22, 1976, pp. 46742 to 46790.

(*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Jan 26, 1977, 2:24 pm: Rules and Regs. 1978, p. 613*)

620 IAC 1-1-5 Ground-fault protection; coke oven emissions; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 5. The Indiana Occupational Safety Standards Commission adopted the following Occupational Safety Standard and

revised standard as published in the Federal Register:

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards: National Electrical Code; Ground Fault Protection, Part 1910; Safety and Health Regulations for Construction; General Requirements; Ground-Fault Protection, Part 1926. Federal Register, Part VIII, Vol. 41, No. 246, Dec. 21, 1976, pp. 55696 to 55704.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards, Part 1910; Safety and Health Regulations for Construction, Part 1926; Ground-Fault Protection; Correction, Federal Register Vol. 42, No. 10, January 14, 1977, p. 2956.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Exposure to Coke Oven Emissions; Corrections, Part 1910, Federal Register, Vol. 42, No. 12, January 18, 1977, p. 3304.

(Available from: Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Jun 8, 1977, 1:59 pm: Unpublished*)

620 IAC 1-1-6 Diving and marine operations; agricultural safety; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 6. The Indiana Occupational Safety Standards Commission adopted the following Occupational Safety Standards, Deletions, Revisions, Corrections, and/or Amendments as published in the Federal Register, July 22, 1977:

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards, Subpart T-Commercial Diving Operations, Part 1910, Federal Register, Vol. 42, No. 141, July 22, 1977, pp. 37668 to 37673.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Ship Repairing, Part 1915, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37673.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Shipbuilding, Part 1916, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37673.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Shipbreaking, Part 1917, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37673.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Longshoring, Part 1918, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37673.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Regulations for Construction, Part 1926, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37674.

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture, Part 1928, Federal Register, Vol. 42, No. 141, July 22, 1977, p. 37674.

(Available from: Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Oct 17, 1977, 11:11 am: Rules and Regs. 1978, p. 631*)

620 IAC 1-1-7 Agricultural safety; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 7. The Indiana Occupational Safety Standards Commission adopted the following amendments to the Indiana Occupational Safety and Health Administration Standards:

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards for Agriculture; Applicability of General Industry Standards to Agriculture; Correction, Part 1928, Federal Register, Vol. 42, No. 146, July 29, 1977, pp. 38568, 38569.

(Available from: Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Nov 21, 1977, 9:34 am: Rules and Regs. 1978, p. 633*)

620 IAC 1-1-8 DBCP exposure; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 8. The Indiana Occupational Safety Standards Commission adopted the following Occupational Safety Standards, Deletions, Revisions, Corrections and/or Amendments as published in the Federal Register:

Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Occupational Exposure to 1, 2-Dibromo-3-Chloropropane (DBCP), Part 1910, Federal Register, Vol. 43, No. 53, March 17, 1978, pp. 15414 to 11526.

(Available from: Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Jul 7, 1978, 3:25 pm: 1 IR 382*)

620 IAC 1-1-9 Inorganic arsenic and cotton dust exposure; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 9. The Indiana Occupational Safety Standards Commission adopted the following Occupational Safety Standards, Deletions, Revisions, Corrections and/or Amendments as published in the Federal Register:

(1) Occupational Safety and Health Administration, Department of Labor, Occupational Safety and Health Standards; Occupational Exposure to Inorganic Arsenic, Part 1910, Federal Register, Vol. 43, No. 88, May 5, 1978, pp. 19584 to 19631.

(2)(A) Addition of a new Section 1910.1043 and Appendices A, B, C, and D; as published on pages 27394 through 27418. [29 CFR 1910.1043, as amended 43 Fed. Reg. 27394 (1978)]

(B) Corrections to Section 1910.1043; as published in Federal Register, Volume 43, No. 127, Friday, June 30, 1978; on page 28474.

(C) Corrections to Section 1910.1043; as published in Federal Register, Volume 43, No. 153, Tuesday, August 8, 1978; on page 35035.

(D) Corrections to Section 1910.1043; as published in Federal Register, Volume 43, No. 234, Tuesday, December 5, 1978; on page 56893.

(E) Corrections to Section 1910.1043; as published in Federal Register, Volume 45, No. 39, Tuesday, February 26, 1980; on page 12417.

(Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.) (*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Sep 29, 1978, 11:15 am: 1 IR 864; filed Aug 14, 1980, 10:45 am: 3 IR 1504; filed Aug 14, 1980, 10:45 am: 3 IR 1506*)

620 IAC 1-1-10 Lead exposure; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 10. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts amendments to Part 1910 of Title 29 Code of Federal Regulations, as follows:

(1) Addition of a new paragraph (g) to Section 1910.19; as published in the Federal Register, Volume 43, No. 220-Tuesday, November 14, 1978, on page 53007.

(2) A deletion in Section 1910.1000; as published in the Federal Register, Volume 43, No. 220-Tuesday, November 14, 1978, on page 53007.

(3) Addition of a new Section 1910.1025 Lead; as published in the Federal Register, Volume 43, No. 220-Tuesday, November 14, 1978, on pages 53007 through 53014.

(*Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Mar 6, 1979, 3:35 pm: 2 IR 476*)

620 IAC 1-1-11 Acrylonitrile exposure; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 11. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts amendments to Part 1910 of Title 29 Code of Federal Regulations, as follows:

(1) Revision of Paragraph (C) of Section 1910.19; as published on page 45809 of the Federal Register, Volume 43, No. 192-

Tuesday, October 3, 1978.

(2) A deletion in Section 1910.1000; as published on Page 45809 of the Federal Register, Volume 43, No. 192-Tuesday, October 3, 1978.

(3) Revision of Section 1910.1045; as published on pages 45809 through 45819.

(Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Mar 6, 1979, 3:35 pm: 2 IR 477)

620 IAC 1-1-12 Corrections to revocations of adopted federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 12. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts amendments to Part 1910 of Title 29 Code of Federal Regulations, as follows; as were published in the Federal Register, Volume 43, No. 216-Tuesday, November 7, 1978:

(1) Corrections to Revocation of Selected General Safety and Health Standards; as published on page 51759.

(2) Correction to Revocation of Selected Special Safety and Health Standards; as published on page 51760.

(Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Mar 6, 1979, 3:35 pm: 2 IR 477)

620 IAC 1-1-13 Revocation of federal standards; adoption by reference

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 13. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts amendments to Part 1910 of Title 29 Code of Federal Regulations, as follows; as were published in the Federal Register, Volume 43, No. 206-Tuesday, October 24, 1978:

(1) Revocation to Selected General Safety and Health Standards; as published on pages 49744 through 49751.

(2) Revocation to Selected Special Industry Safety and Health Standards; as published on pages 49764 through 49767.

(Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Mar 6, 1979, 3:35 pm: 2 IR 478)

620 IAC 1-1-14 Inorganic arsenic exposure; corrections to federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 14. (1910.1018) (Corrected). (1) On page 19626 the heading for Table II is corrected to read "Table II-Respiratory protection for inorganic arsenicals (such as arsenic trichloride² and arsenic phosphide) with significant vapor pressure".

(2) On page 19626, third column, the first line is corrected to read "perform a quantitative face fit test at".

(3) On page 19626, third column, 1910.1018(h)(5)(i), line 9, "no" is corrected to "not".

(4) On page 19626, third column, 1910.1018(h)(5)(iii), the second line is corrected to read "pmployee required to wear air-purifying respirators".

(5) On page 19626, third column, before 1910.1018(j), the following line is inserted, "(i) (Reserved.)".

(6) On page 19626, third column, 1910.1018(j)(1), second line of text, the word "form" is corrected to "from".

(7) On page 19627, 1910.1018(j)(1)(iii) first column, the second line is corrected to read "ments of 1910.133(a)(2)-(a)(6); and".

(8) On page 19627, first column, 1910.1018(j)(2), seventh line, the word "exposure" is corrected to "exposures".

(9) On page 19627, first column, 1910.1018(j)(2)(vii), ninth line, the colon is corrected to a period.

(10) On page 19627, first column, 1910.1018(j)(2)(vii), the twelfth line is corrected to read "local, state or Federal regulations."

(11) On page 19628, first column, 1910.1018(n)(5)(i), the second line is corrected to read "appendices;"

(12) On page 19628, second column, 1910.1018(o)(1)(ii)(A), the second line is corrected to read "Appendix A;"

(13) On page 19628, second column, 1910.1018(o)(2)(i), fourth and fifth lines, the word "appendixes" is changed to read "appendices".

(14) On page 19628, third column, 1910.1018(q), the fourth line is corrected to read "record of all monitoring required by".

(15) On page 19628, third column, 1910.1018(q)(1)(ii)(E), third line, the word "employees" is corrected to read "employee's".

(16) On page 19629, first column, 1910.1018(q)(3)(i), the fourth line is corrected to read "paragraph (q) of this section to the".

(17) On page 19629, second column, 1910.1018(t), first line, the word "Appendixes" is corrected to read "Appendices".

(18) On page 19629, second column, 1910.1018(u)(4), the third line is corrected to read "(g)(2) as a result of initial monitoring".

(19) On page 19629, third column, 1910.1018(u)(6), fifteenth line, after the sentence "Completion of compliance plan." the words "Optional use of powered air-purifying respirators." are inserted.

(20) On page 19631, first column, appendix C, paragraph II. B., seventh line, the word "construction" is corrected to "constriction". (*Occupational Safety Standards Commission; PT 1910, 1910.1018; filed Feb 1, 1979, 3:39 pm: 2 IR 309; filed Aug 9, 1979, 9:35 am: 2 IR 1220*) NOTE: Correction of Part 1910.1018 of Occupational Exposure to Inorganic Arsenic, published in *Federal Register, Vol 43, Jun 30, 1978, page 28472.*

620 IAC 1-1-15 Asbestos dust; vinyl chloride; acrylonitrile; inorganic arsenic; cotton dust; applicability of exposure standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 15. (1910.19) Special provisions for air contaminants. (a) Asbestos dust. Section 1910.1001 shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(b) Vinyl chloride. Section 1910.1017 shall apply to the exposure of every employee to vinyl chloride in every employment and place of employment covered by 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16 in lieu of any different standard on exposure to vinyl chloride which would otherwise be applicable by virtue of any of those sections.

(c) Acrylonitrile. Section 1910.1045 shall apply to the exposure of every employee to acrylonitrile in every employment and place of employment covered by 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to acrylonitrile which would otherwise be applicable by virtue of any of those sections.

(d) Inorganic arsenic. Section 1910.1018 shall apply to the exposure of every employee to inorganic arsenic in every employment covered by 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16, in lieu of any different standard on exposure to inorganic arsenic which would otherwise be applicable by virtue of any of those sections.

(e) Cotton dust. Section 1910.1043 shall apply to the exposure of every employee to cotton dust in every employment covered by 1910.12, in lieu of any different standard on exposure to cotton dust which would otherwise be applicable by virtue of that section. (*Occupational Safety Standards Commission; PT 1910, 1910.19; filed Feb 1, 1979, 3:39 pm: 2 IR 310; filed Aug 9, 1979, 9:35 am: 2 IR 1220; filed Jul 25, 1984, 2:19 pm: 7 IR 2379*) NOTE: Part 1910.19, special provisions for air contaminants, published in *Federal Register, Vol 43, Jun 30, 1978, page 28473.*

620 IAC 1-1-16 Employee exposure and medical records; preservation; inspection

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 16. Subpart C—General Safety and Health Provisions. (1910.20) Preservation of records. (a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions. "Employee exposure record" means a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

"Employee medical record" means a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

- (1) The results of medical examinations and tests;
- (2) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and
- (3) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual

medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Commissioner of Labor, for Indiana Occupational Safety and Health Administration, Indiana Division of Labor, or a designee, all employee medical records for examination and copying. (*Occupational Safety Standards Commission; Subpart C, 1910.20; filed Feb 1, 1979, 3:39 pm: 2 IR 309; filed Aug 9, 1979, 9:35 am: 2 IR 1220*)

620 IAC 1-1-17 Air contaminants tables; corrections to federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 17. Corrections to the Air Contaminants Tables. 1910.1000 [Amended]

I. Title 29 CFR, 1910.1000 is corrected as follows:

(A) Table Z-1:

(1) The asterisks (single or double) in front of the entries "C Allylglycidyl ether (AGE)"; "Ammonia"; "Butyl mercaptan"; "Camphor"; "Chlorine"; "Octane"; "Oil mist, mineral"; "Pentane"; and "Stoddard solvent" are deleted.

(2) The entry "Bisphenol A, see Diglycidyl ether" is deleted.

(3) In the entry for "Camphor," the number "2" is deleted under the heading "ppm" and the number "2" is added under the heading "mg/M³".

(4) In the entry for "Chlorine," the notation "C" is added before the word, "Chlorine."

(5) In the entry for "DDVP," the words "See Dichlorvos" are deleted, and the notation "Skin" is added; the number "1" is added under the heading "mg/M³".

(6) The entry "Dichlorvos (DDVP)-Skin" is deleted.

(7) The entry "Dibutyl phosphate" is added in the substance column after "diborane"; the number "1" is entered in the "p.p.m." column, and "5" is entered in the "mg/M³" column.

(8) The entry "Ethylene Dibromide, see 1,2-Dibromoethane: is deleted.

(9) The entry "Ethylene dichloride, see 1,2-Dichloroethane" is deleted.

(10) In the entry for "Nitrogen dioxide," the notation "C" is added before the word, "Nitrogen."

(11) In the entry for "Nitroglycerin," the notation "C" is added before the word, "Nitroglycerin."

(12) In the entry for "Oil mist," the footnote is deleted from the column "mg/M³".

(13) In the entry for "Parathion," the number under the heading "mg/M³" is corrected to "0.1".

(14) The entry "Propargyl alcohol-Skin-1" is deleted.

(15) The entry "RDX-Skin-1.5" is deleted.

(16) In the entry for "Ronnel," the number under the heading "mg/M³" is corrected to "15".

(17) In the entry for "Stoddard solvent," the number under the heading "mg/M³" is corrected to "2,900."

(18) The entry "Tetrachloroethylene, see Perchloroethylene" is deleted.

(19) In the entry for "Tetramethyl lead," the number under the heading "mg/M³" is corrected to "0.075".

(20) The footnote to Table Z-1, "*1970 Addition" is deleted.

(21) The footnote to Table Z-1, "e As sampled by method that does not collect vapor" is deleted.

(22) The footnote to Table Z-1, "For control at general room air, biologic monitoring is essential for personnel control," is deleted.

(B) Table Z-2:

(1) In the entry for "Cadmium fume," the entry under the heading "acceptable ceiling concentration" is corrected to read "0.3 mg/M³".

(2) In the entry for "Formaldehyde," the words "10 ppm" which appear directly after "5 ppm" in the "Acceptable ceiling concentration" column are moved to the column headed "Concentration."

(3) In the entry for "Methylene chloride," the source document is corrected to "Z37.23-1969."

(4) Table Z-2 is rearranged so that the substances appear in alphabetical order. The term "do," standing for "ditto," is deleted wherever it appears in Table Z-2 and the appropriate numerical value is substituted.

(C) Table Z-3: The footnote to Table Z-3, "j As determined by the membrane filter method at 430X phase contrast

magnification," is deleted.

1910.1500 [Amended]

II. Title 29 CFR, 1910.1500 is corrected as follows:

In 29 CFR 1910.1500, the reference "National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210" is deleted.

(Occupational Safety Standards Commission; PTS 1910.1000 and 1910.1500; filed May 9, 1979, 1:40 pm: 2 IR 701)

620 IAC 1-1-18 Lead exposure; corrections to federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 18. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts amendments to Part 1910 of Title 29 Code of Federal Regulations (CFR), as follows:

(1) Corrections to Section 1910.1025-Lead; as published in the Federal Register, Volume 44, No.19-Friday, January 26, 1979, on pages 5447 through 5448.

(Occupational Safety Standards Commission; Adoption of Federal Register Standards; filed Jun 19, 1979, 2:06 pm: 2 IR 1127)

620 IAC 1-1-19 Lead exposure; exemption from federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 19. The Indiana Occupational Safety Standards Commission adopts amendment to Part 1910 of Title 29 of the Code of Federal Regulations (CFR) by correction to text, as follows:

Paragraph (a)(2) of 29 CFR 1910.1025-Is Amended to Read as follows:

(2) This section does not apply to the construction industry or to agricultural operations covered by 29 CFR Part 1928.

(Occupational Safety Standards Commission; PT. 1910.1025; filed Jul 1, 1980, 11:00 am: 3 IR 1381) NOTE: IAC citation in Indiana Register is incorrectly cited as 620 IAC 1-1-20.

620 IAC 1-1-20 Servicing multi-piece rim wheels; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 20. The Indiana Occupational Safety Standards Commission of the Indiana Occupational Safety and Health Administration (IOSHA), adopts an amendment to Part 1910 of Title 29 Code of Federal Regulations, as follows, as was published in the Federal Register, Volume 45, No. 20, January 29, 1980:

(1) Addition of a new Section 1910.177; Servicing Multi-Piece Rim Wheels; as published on pages 6713 through 6716. [45 Fed. Reg. 20 (1980)]

(Occupational Safety Standards Commission; PT 1910.177; filed Aug 8, 1980, 2:55 pm: 3 IR 1502) NOTE: IAC citation in Indiana Register is incorrectly cited as 620 IAC 1-1-21.

620 IAC 1-1-21 Fire protection; floor and wall openings; inspection of records; toxic and hazardous substances; air contaminants; adoption of federal standards

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 21. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the rules of the Indiana Occupational Safety Standards Commission:

(1) Amendments to 29 CFR 1910.35, 45 Fed. Reg. 60703 (September 12, 1980);

(2) Revision to 29 CFR 1910.37, 45 Fed. Reg. 60703 (September 12, 1980);

(3) Addition of 29 CFR 1910.38, 45 Fed. Reg. 60703 (September 12, 1980);

(4) Amendment to 29 CFR 1910.107, 45 Fed. Reg. 60704 (September 12, 1980);

OCCUPATIONAL SAFETY STANDARDS COMMISSION

- (5) Three amendments to 29 CFR 1910.108, 45 Fed. Reg. 60704 (September 12, 1980);
- (6) Amendment to 29 CFR 1910.109 to 45 Fed. Reg. 60704 (September 12, 1980);
- (7) Renumbering of 29 CFR 1910.156 to 29 CFR 1910.155 and revision, 45 Fed. Reg. 60704 (September 12, 1980);
- (8) Renumbering of 29 CFR 1910.164 to 29 CFR 1910.156 and revision, 45 Fed. Reg. 60706 (September 12, 1980); as corrected 46 Fed. Reg. 24557 (May 1, 1981);
- (9) Revision to 29 CFR 1910.157, 45 Fed. Reg. 60708 (September 12, 1980); as corrected 46 Fed. Reg. 24557 (May 1, 1981);
- (10) Revision to 29 CFR 1910.158, 45 Fed. Reg. 60710 (September 12, 1980);
- (11) Revision to 29 CFR 1910.159, 45 Fed. Reg. 60710 (September 12, 1980); as corrected 46 Fed. Reg. 24557 (May 1, 1981);
- (12) Revision to 29 CFR 1910.160, 45 Fed. Reg. 60711 (September 12, 1980);
- (13) Revision to 29 CFR 1910.161, 45 Fed. Reg. 60712 (September 12, 1980);
- (14) Addition of a new 29 CFR 1910.162, 45 Fed. Reg. 60712 (September 12, 1980); as corrected 46 Fed. Reg. 24557 (May 1, 1981);
- (15) Revision of 29 CFR 1910.163, 45 Fed. Reg. 60712 (September 12, 1980);
- (16) Addition of a new 29 CFR 1910.164, 45 Fed. Reg. 60713 (September 12, 1980);
- (17) Revision of 29 CFR 1910.165, 45 Fed. Reg. 60713 (September 12, 1980);
- (18) Revocation of 29 CFR 1910.165a and 29 CFR 1910.165b, 45 Fed. Reg. 60714 (September 12, 1980);
- (19) Addition of Appendices to Subparts E and L of 29 CFR 1910, 46 Fed. Reg. 60714 (September 12, 1980); as corrected 46 Fed. Reg. 24557 (May 1, 1981);
- (20) Numbering correction of paragraph (c)(4) in 29 CFR 1910.423, 45 Fed. Reg. (June 20, 1980);
- (21) Numbering correction of paragraph (5) in 29 CFR 1910.423, 45 Fed. Reg. (June 20, 1980);
- (22) Amendment to 29 CFR 1926.500, 45 Fed. Reg. 75625 (November 14, 1980);
- (23) Amendment to 29 CFR 1926.502, 45 Fed. Reg. 75626 (November 14, 1980);
- (24) Addition of a new Appendix A to Subpart M for 29 CFR 1926.500(g)(1), 45 Fed. Reg. 75626 (November 14, 1980);
- (25) Amendment to Appendix A of 29 CFR 1910.1043, 45 Fed. Reg. 67340 (October 10, 1980);
- (26) Revision of 29 CFR 1910.20, 45 Fed. Reg. 35277 (May 23, 1980); as corrected 45 Fed. Reg. 54333 (August 15, 1980); with the exception of 29 CFR 1910.20(e)(3) which is replaced with the following provision:
 - (3) IOSHA access. (i) Each employer shall, upon request, assure the immediate access of representatives [*sic.*] of the Commissioner of Labor to employee exposure and medical records and to analyses using exposure or medical records subject to the rules of agency practice and procedure governing IOSHA access to employee medical records as promulgated by the Commissioner of Labor.
 - (ii) Whenever IOSHA seeks access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to the rules promulgated by the Commissioner of Labor, the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.
- (27) Revision to Appendix A to 29 CFR 1910.20, 45 Fed. Reg. 35280 (May 23, 1980);
- (28) Revision to Appendix B to 29 CFR 1910.20, 45 Fed. Reg. 35280; as corrected 45 Fed. Reg. 54333 (August 15, 1980);
- (29) Amendment of 29 CFR 1910.440, 45 Fed. Reg. 35281 (May 23, 1980);
- (30) Amendment of 29 CFR 1910.1001, 45 Fed. Reg. 35281 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (31) Amendment to 29 CFR 1910.1003, 45 Fed. Reg. 35281 (May 23, 1980);
- (32) Amendment to 29 CFR 1910.1004, 45 Fed. Reg. 35281 (May 23, 1980);
- (33) Amendment to 29 CFR 1910.1006, 45 Fed. Reg. 35281 (May 23, 1980);
- (34) Amendment to 29 CFR 1910.1007, 45 Fed. Reg. 35281 (May 23, 1980);
- (35) Amendment to 29 CFR 1910.1008, 45 Fed. Reg. 35282 (May 23, 1980);
- (36) Amendment to 29 CFR 1910.1009, 45 Fed. Reg. 35282 (May 23, 1980);
- (37) Amendment to 29 CFR 1910.1010, 45 Fed. Reg. 35282 (May 23, 1980);
- (38) Amendment to 29 CFR 1910.1011, 45 Fed. Reg. 35282 (May 23, 1980);
- (39) Amendment to 29 CFR 1910.1012, 45 Fed. Reg. 35282 (May 23, 1980);
- (40) Amendment to 29 CFR 1910.1013, 45 Fed. Reg. 35282 (May 23, 1980);
- (41) Amendment to 29 CFR 1910.1014, 45 Fed. Reg. 35282 (May 23, 1980);
- (42) Amendment to 29 CFR 1910.1015, 45 Fed. Reg. 35282 (May 23, 1980);

- (43) Amendment to 29 CFR 1910.1016, 45 Fed. Reg. 35282 (May 23, 1980);
- (44) Amendment of 29 CFR 1910.1017, 45 Fed. Reg. 35282 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (45) Amendment to 29 CFR 1910.1018, 45 Fed. Reg. 35282 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (46) Amendment to Appendix A to 29 CFR 1910.1025, 45 Fed. Reg. 35283 (May 23, 1980);
- (47) Amendment of 29 CFR 1910.1025, 45 Fed. Reg. 35282 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (48) Amendment of 29 CFR 1910.1028, 45 Fed. Reg. 35282 (May 23, 1980); as corrected 45 Fed. Reg. 54333 (August 15, 1980);
- (49) Amendment to Appendix A to 29 CFR 1910.1028, 45 Fed. Reg. 35283 (May 23, 1980);
- (50) Amendment of 29 CFR 1910.1029, 45 Fed. Reg. 35283 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (51) Amendment of 29 CFR 1910.1043, 43 Fed. Reg. 35283 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (52) Amendment of 29 CFR 1910.1044, 43 Fed. Reg. 35283 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (53) Amendment of 29 CFR 1910.1045, 43 Fed. Reg. 35283 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980);
- (54) Amendment of 29 CFR 1910.1046, 43 Fed. Reg. 35283 (May 23, 1980); as corrected, 45 Fed. Reg. 54333 (August 15, 1980).

(Occupational Safety Standards Commission; 620 IAC 1-1-21; filed Jun 17, 1981, 3:10 pm: 4 IR 1496; filed Jun 17, 1981, 3:15 pm: 4 IR 1495; filed Jun 17, 1981, 3:20 pm: 4 IR 1495; filed Jun 17, 1981, 3:30 pm: 4 IR 1494; filed Aug 10, 1981, 3:30 pm: 4 IR 1826; errata, 5 IR 105; filed Jan 20, 1982, 10:55 am: 5 IR 551)

620 IAC 1-1-22 Electrical installations; noise exposure; adoption of federal standards

Authority: IC 22-8-1.1-7
 Affected: IC 22-8-1.1-15

Sec. 22. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the rules of the Indiana Occupational Safety Standards Commission:

- (1) Revision of 29 CFR 1910.301, Introduction, 46 FR 4056 (January 16, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (2) Revision of 29 CFR 1910.302, Electrical Utilization Systems, 46 FR 4056 (January 16, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (3) Revision of 29 CFR 1910.303, General Requirements, 46 FR 4057 (January 16, 1981); corrected 46 FR 40185 (August 7, 1981);
- (4) Revision of 29 CFR 1910.304, Wiring Design and Protection, 46 FR 4058 (January 16, 1981); corrected 46 FR 40185 (August 7, 1981);
- (5) Revision of 29 CFR 1910.305, Wiring Methods, Components and Equipment for General Use, 46 FR 4061 (January 16, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (6) Revision of 29 CFR 1910.306, Specific Purpose Equipment and Installations, 46 FR 4065 (January 15, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (7) Revision of 29 CFR 1910.307, Hazardous (Classified) Locations, 46 FR 4067 (January 15, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (8) Revision of 29 CFR 1910.308 Special Systems, 46 FR 4068 (January 15, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (9) Revision of 29 CFR 1910.399, Definitions Applicable to 29 CFR Subpart S-Electrical Standards, 46 FR 4070 (January 15, 1981); as corrected 46 FR 40185 (August 7, 1981);
- (10) Revision of Appendix A to 29 CFR Subpart S-Reference Documents, 46 FR 4075 (January 15, 1981); as corrected 46 FR 40185 (August 7, 1981).
- (11) Amendment to remove 29 CFR 1910.95(b)(3) concerning Occupational Noise Exposure, 46 FR 4161 (January 16, 1981);

(12) Amendment to 29 CFR 1910.95 to add paragraphs (c) through (s) and Appendix A through I concerning Occupational Noise Exposure, 46 FR 4161 (January 16, 1981); provided, however, that those provisions of the January 16, 1981 amendment stayed at 46 FR 42632 (August 21, 1981) shall not be effective until further action of the Occupational Safety Standards Commission. Accordingly only those provisions of the January 16, 1981 amendment found at 46 FR 42633 (August 21, 1981), as corrected at 46 FR 45334 (September 11, 1981), shall become effective as of thirty (30) days from the date and time filed with the Indiana Secretary of State.

(13) Amendments to 29 CFR 1910.95 including amendments to Appendix A, C, E, G and I concerning Occupational Noise Exposure, described as "Technical Amendments" at 46 FR 42632 (August 21, 1981).

(Occupational Safety Standards Commission; 620 IAC 1-1-22; filed Jul 17, 1981, 3:45 pm: 4 IR 1825; errata, 5 IR 106; filed Jan 20, 1982, 10:55 am: 5 IR 553; filed Jan 20, 1982, 10:55 am: 5 IR 554)

620 IAC 1-1-23 Adoption by reference from Federal Register, Volume 47

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 23. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the Indiana occupational safety standards commission:

(1) the amendments to Title 29 Code of Federal Regulations; Part 1910 General Industry Standards concerning Flammable and Combustible Liquids as published in the Federal Register, Volume 47, No. 173, on this day September 7, 1982, on page 29164;

(2) amendments to 29 CFR 1910.1025(f)(3) concerning Occupational Exposure to Lead: Respirator Fit Testing, as published in the Federal Register, Volume 47, No. 219, Friday, November 12, 1982, on pages 51117 through 51119, and;

(3) publisher's corrections to the final rule concerning Occupational Exposure to Lead: Respirator Fit Testing, as published in the Federal Register, Volume 48, No. 46, Tuesday, March 8, 1983, on pages 9641 through 9642.

(Occupational Safety Standards Commission; 620 IAC 1-1-23; filed Mar 16, 1983, 3:35 pm: 6 IR 916; filed Jun 2, 1983, 2:53 pm: 6 IR 1239)

620 IAC 1-1-24 Adoption by reference from Federal Register, Volume 48

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 24. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the Indiana Occupational Safety Standards Commission:

(1) the amendments to Title 29 Code of Federal Regulations; Part 1910.95 concerning occupational noise exposure; hearing conservation amendment as published in the Federal Register, Volume 48, No. 46, Tuesday, March 8, 1983 on pages 9776 through 9785 by revising paragraphs (c) through (p) and appendices A through I;

(2) the amendments to Title 29 Code of Federal Regulations; Part 1910.95 concerning occupational noise exposure; hearing conservation amendments as published in the Federal Register, Volume 48, No. 125, Tuesday, June 28, 1983 on page 29687 by revising paragraphs (c) through (p) and appendices E and F;

(3) the amendments to Title 29 Code of Federal Regulations; Part 1910.1200 concerning hazard communication as published in the Federal Register, Volume 48, No. 228, Friday, November 25, 1983, on pages 53340 through 53348.

(Occupational Safety Standards Commission; 620 IAC 1-1-24; filed Jul 13, 1983, 2:21 pm: 6 IR 1729; emergency rule filed Nov 29, 1983, 4:30 pm: 7 IR 393, eff Dec 29, 1983 until Jun 29, 1984; filed Dec 14, 1983, 2:57 pm: 7 IR 575; filed May 21, 1984, 2:30 pm: 7 IR 1716) NOTE: Noncode provisions affecting 620 IAC 1-1-24 were added by Emergency Rule, LSA Document #83-138, filed Nov 29, 1983, at 7 IR 393. Effectiveness was from Dec 29, 1983 until Jun 29, 1984, but was administratively stayed upon filing. The emergency rule expired without being replaced by a permanent standard.

620 IAC 1-1-25 Adoption by reference from Federal Register, Volume 49

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 25. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the Indiana Occupational Safety Standards Commission:

- (1) the amendments to Title 29, Code of Federal Regulations; Part 1910.411 concerning commercial diving operations as published in the Federal Register, Volume 49, No. 4, Friday, January 6, 1984 on pages 881–882;
- (2) the amendments to Title 29, Code of Federal Regulations; Part 1910.177 concerning servicing of single piece and multi-piece rim wheels as published in the Federal Register, Volume 49, No. 24, Friday, February 3, 1984 on pages 4350–4352;
- (3) the amendments to Title 29, Code of Federal Regulations; Part 1910 concerning the revocation of advisory and repetitive standards as published in the Federal Register, Volume 49, No. 29, Friday, February 10, 1984 on pages 5321–5324;
- (4) the amendments to Title 29, Code of Federal Regulations; Part 1910.19 concerning special provisions for air contaminants as published in the Federal Register, Volume 49, No. 122, Friday, June 22, 1984 on page 25796 by adding a new paragraph (h);
- (5) the amendments to Title 29, Code of Federal Regulations; Part 1910.1000 concerning the revision of Table Z-1 as published in the Federal Register, Volume 49, No. 122, Friday, June 22, 1984 on page 25796;
- (6) the amendments to Title 29, Code of Federal Regulations; Part 1910.1047 concerning exposure to ethylene oxide as published in the Federal Register, Volume 49, No. 122, Friday, June 22, 1984 on pages 25796–25809.

(Occupational Safety Standards Commission; 620 IAC 1-1-25; filed Jul 25, 1984, 2:17 pm: 7 IR 2378; filed May 21, 1985, 10:44 am: 8 IR 1301)

620 IAC 1-1-26 Adoption by reference from Federal Register, Volume 50

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 26. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the Indiana Occupational Safety Standards Commission:

- (1) the amendments to Title 29, Code of Federal Regulations; Part 1910.243(e)(1)(i), (e)(3)(vii), and (e)(4)(vi) concerning guarding of portable power tools as published in the Federal Register, Volume 50, No. 22, Friday, February 1, 1985 on pages 4648 and 4649;
- (2) the amendments to Title 29, Code of Federal Regulations; Part 1910.1047 concerning occupational exposure to ethylene oxide; change in effective date and approval of information collection requirements as published in the Federal Register, Volume 50, No. 48, Tuesday, March 12, 1985 on pages 9800–9801;
- (3) the amendments to Title 29, Code of Federal Regulations; Part 1910, Subpart T concerning commercial diving operations; adding Appendix B as published in the Federal Register, Volume 50, No. 6, Wednesday, January 9, 1985 on pages 1046–1050;
- (4) the amendments to Title 29, Code of Federal Regulations; Part 1910.1029 concerning coke oven emissions to conform to the decision of the United States Court of Appeals for the Third District as published in the Federal Register, Volume 50, No. 178, Friday, September 13, 1985 on pages 37352–37354 [*sic.*, 37352–37354];
- (5) the amendments to Title 29, Code of Federal Regulations; Part 1910.1047(j)(1)(i)(A) and (j)(1)(iii) concerning labeling requirements for ethylene oxide and change in effective date as published in the Federal Register, Volume 50, No. 198, Friday, October 11, 1985 on pages 41491–41494;
- (6) the amendments to Title 29, Code of Federal Regulations; Part 1910.1200 to publish as an interim final rule in response to the U.S. Court of Appeals for the Third Circuit an order with regard to the hazard communication standard's trade secret definition and access of employees and their representatives to trade secrets, published in the Federal Register, Volume 50, No. 229, Wednesday, November 27, 1985 on pages 48750–48759;
- (7) the amendments to Title 29, Code of Federal Regulations; Part 1910.1043 concerning occupational exposure to cotton dust as published in the Federal Register, Volume 50, No. 240, Friday, December 13, 1985 on pages 51120–51179.

(Occupational Safety Standards Commission; 620 IAC 1-1-26; filed Oct 15, 1985, 11:46 am: 9 IR 513; errata, 9 IR 524; filed Nov 13, 1985, 11:12 am: 9 IR 718; filed Nov 22, 1985, 4:29 pm: 9 IR 718; filed Mar 6, 1986, 3:00 pm: 9 IR 1582; filed Mar 25, 1986, 10:39 am: 9 IR 1968; filed Aug 4, 1986, 10:45 am: 9 IR 2201; errata, 9 IR 3093)

620 IAC 1-1-27 Adoption by reference from Federal Register, Volume 51

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

OCCUPATIONAL SAFETY STANDARDS COMMISSION

Sec. 27. The following standards, deletions, revocations, revisions, republications, corrections and amendments are incorporated by reference into the Indiana Occupational Safety Standards Commission:

- (1) the amendment to Title 29, Code of Federal Regulations; Part 1926, Subpart K concerning the clarification and updating of electrical safety standards for construction as published in the Federal Register, Volume 51, No. 133, Friday, July 11, 1986 on pages 25294–25335;
- (2) the corrections to Title 29, Code of Federal Regulations; Part 1910.1047 concerning occupational exposure to ethylene oxide as published in the Federal Register, Volume 51, No. 132, Thursday, July 10, 1986 on page 25053;
- (3) the corrections to Title 29, Code of Federal Regulations; Part 1910.1043 concerning occupational exposure to cotton dust as published in the Federal Register, Volume 51, No. 128, Thursday, July 3, 1986 on pages 24324 and 24325;
- (4) the amendment to Title 29, Code of Federal Regulations; Parts 1910 and 1926 concerning occupational exposure to asbestos, tremolite, anthophyllite, and actinolite as published in the Federal Register, Volume 51, No. 119, Friday, June 20, 1986 on pages 22612–22790 as revised in the Federal Register, Volume 51, No. 201, Friday, October 17, 1986 on pages 37002–37007;
- (5) the corrections to Title 29, Code of Federal Regulations; Parts 1910 and 1915 concerning recordkeeping requirements for tests, inspections, and maintenance checks as published in the Federal Register, Volume 51, No. 188, Monday, September 29, 1986 on pages 34552–34562;
- (6) the corrections to Title 29, Code of Federal Regulations; Part 1910.1200 concerning definition of trade secret and disclosure of trade secrets to employees, designated representatives and nurses as published in the Federal Register, Volume 51, No. 189, Tuesday, September 30, 1986 on pages 34590–34597;
- (7) the corrections to Title 29, Code of Federal Regulations; Part 1910.430, paragraph (e)(1) concerning commercial diving standards on compressed gas cylinders and equipment as published in the Federal Register, Volume 51, No. 181, Thursday, September 18, 1986 on pages 33033 and 33034;
- (8) the amendment to Title 29, Code of Federal Regulations; Part 1910.145, paragraph (f) concerning performance criteria for tag design and construction of accident prevention tags as published in the Federal Register, Volume 51, No. 182, Friday, September 19, 1986 on pages 33251–33261;
- (9) the amendments to Title 29, Code of Federal Regulations; Part 1910, Subpart H concerning employee protection requirements for workers engaged in hazardous waste operations including emergency response to hazardous substance incidents as published in the Federal Register, Volume 51, No. 244, Friday, December 19, 1986 on pages 45654–45675.

(Occupational Safety Standards Commission; 620 IAC 1-1-27; filed Oct 27, 1986, 10:30 am: 10 IR 429; filed Oct 27, 1986, 10:30 am: 10 IR 429; filed Oct 27, 1986, 10:30 am: 10 IR 430; errata, 10 IR 445; filed Dec 22, 1986, 9:30 am: 10 IR 1081; filed Feb 16, 1987, 2:00 pm: 10 IR 1385; filed Feb 17, 1987, 2:00 pm: 10 IR 1385; filed Apr 1, 1987, 9:15 am: 10 IR 1698; filed Apr 1, 1987, 9:15 am: 10 IR 1699; errata, 10 IR 1884; filed May 22, 1987, 12:30 pm: 10 IR 2296)

620 IAC 1-1-28 Adoption by reference from 52 Federal Register

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 28. The following standards, deletions, revocations, revisions, republications, corrections, and amendments are incorporated by reference into the rules of the Indiana occupational safety standards commission *[this title]*:

- (1) The extension of the partial administrative stay of the amendment to 29 C.F.R. 1910 and 1926 concerning occupational exposure to asbestos, tremolite, anthophyllite, and actinolite and the minor conforming amendments to the notes of the affected standards as published in 52 Fed. Reg. 83, Thursday, April 30, 1987, on pages 15722 through 15723.
- (2) The corrections to 29 C.F.R. 1910.120, an interim final rule, concerning hazardous waste operations and emergency response as published in 52 Fed. Reg. 85, Monday, May 4, 1987, on pages 16241 through 16243.
- (3) The corrections to the preamble of the final rules for occupational exposure to asbestos, tremolite, anthophyllite, and actinolite and the technical amendments to 29 C.F.R. 1910 and 1926 as published in 52 Fed. Reg. 91, Tuesday, May 12, 1987, on pages 17752 through 17756.
- (4) The addition of 29 C.F.R. 1928.110 concerning field sanitation as published in 52 Fed. Reg. 84, Friday, May 1, 1987, on pages 16095 through 16096.
- (5) The revision of the hazard communication standard (HCS) (29 C.F.R. 1910.1200) and additions of 1915.99, 1917.28, 1918.90, and 1926.59 and amendment of 1928.21 to cover all employers with employees exposed to hazardous chemicals in

their workplaces.

(6) The amendment of 29 C.F.R. 1910.177 concerning servicing single piece and multipiece rim wheels within marine terminals.

(7) The addition of 29 C.F.R. 1910.1028 concerning occupational exposure to benzene, and amendments of 29 C.F.R. 1910.1000, Table Z-2.

(8) The amendment of 29 C.F.R. 1926 concerning construction industry test and inspection records as published in 52 Fed. Reg. 187, Monday, September 28, 1987, on pages 36378 through 36382.

(9) The amendments to 29 C.F.R. 1910.268(c) concerning record keeping requirements in the training provisions of the telecommunications standard as published in 52 Fed. Reg. 187, Monday, September 28, 1987, on pages 36384 through 36387.

(10) The amendments to 29 C.F.R. 1910.1048 concerning occupational exposure to formaldehyde as published in 52 Fed. Reg. 233, Friday, December 4, 1987, on pages 46291 through 46312.

(11) Grain Handling Facilities; Final Rule, 29 C.F.R. 1910.272 concerning minimum requirements for the control of fires, grain dust explosions, and other safety hazards associated with grain handling facilities as defined in the standard published in 52 Fed. Reg. 251, Thursday, December 31, 1987, on pages 49625 through 49631.

(Occupational Safety Standards Commission; 620 IAC 1-1-28; filed Aug 27, 1987, 2:30 p.m.: 11 IR 91; filed Aug 27, 1987, 2:30 p.m.: 11 IR 91; filed Aug 27, 1987, 2:30 p.m.: 11 IR 92; filed Jan 15, 1988, 1:55 p.m.: 11 IR 1784; filed Feb 5, 1988, 2:50 p.m.: 11 IR 1785; filed Feb 5, 1988, 2:51 p.m.: 11 IR 1786; filed Mar 15, 1988, 3:00 p.m.: 11 IR 2865; filed Mar 15, 1988, 2:55 p.m.: 11 IR 2866; filed Mar 15, 1988, 2:56 p.m.: 11 IR 2867; filed Mar 29, 1990, 4:45 p.m.: 13 IR 1399)

620 IAC 1-1-29 Adoption by reference from 53 Federal Register

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 29. The following standards, deletions, revocations, revisions, republications, corrections, and amendments are incorporated by reference into the rules of the Indiana occupational safety standards commission:

(1) The amendment to 29 CFR 1910.217(O), concerning the use of presence sensing devices to initiate the stroke on certain types of power presses as published in 53 FR 49, Monday, March 14, 1988, on pages 8353 through 8365.

(2) The amendment to 29 CFR 1910.1047(Z), concerning the adoption of an excursion limit for ethylene oxide of five (5) parts ethylene oxide per million parts of air average over a sampling period of fifteen (15) minutes as published in 53 FR 66, Wednesday, April 6, 1988, on pages 11437 through 11438.

(3) The amendment to 29 CFR 1910, concerning the deletion of the names Underwriters Laboratories Inc. and Factory Mutual Research Corporation from twenty-three (23) testing related standards in the OSHA "general industry" standards. OSHA is substituting the term "nationally recognized testing laboratory" and is providing a new definition for this term with the exception of "of" in 29 CFR 1910.7(b)(2)(i) as published in 53 FR 70, Tuesday, April 12, 1988, on pages 12120 through 12125.

(4) The amendment to 29 CFR 1926(Q), concerning the rule revisions to correct problems related to the existing regulations, including ambiguities, redundancies, and gaps in coverage. In addition, reference to the American National Standard A10.9 - 1970; "Safety Requirement for Concrete Construction and Masonry Work", has been removed and the applicable requirements from this standard and the more recent ANSI standard for Concrete and Masonry Work, ANSI A10.9 - 1983, have been evaluated and used in developing this rule which was published in 53 FR 116, Thursday, June 16, 1988, on pages 22643 through 22646.

(5) The amendment to 29 CFR 1926.550 by adding a new paragraph (g), to prohibit the use of cranes and derricks to hoist personnel except in the situation where no safe alternative is possible, and as long as the requirements for such hoisting set out in paragraph (g) are satisfied as published in 53 FR 14, Tuesday, August 2, 1988, on pages 29139 through 29141.

(6) Listed below are the new amendments to the existing 29 CFR 1910.20 standards concerning Access to Employee Exposure and Medical Records: (I) first aid records and medical records of short-term employees are exempted from records retention requirements; (II) the microfilm storage of all employee x-rays except chest x-rays is permitted; (III) employer trade secrets are provided additional protection and are made to conform with OSHA's new Hazard Communication standard; (IV) union representatives are required to show an occupational health need for requested records when seeking unconsented access to employee exposure records; and (V) no industries are treated separately with respect to trade secret disclosure as published in 53 FR 189, Thursday, September 29, 1988, on pages 38162 through 38168.

(7) The amendments to 29 CFR 1910.177 concerning the rim wheel servicing standard has revised the charts which provide information for employers and employees who service multipiece or single piece rim wheels and is also amending the standard to indicate the availability of these revised charts as published in 53 FR 174, Thursday, September 8, 1988, on page 34737.

(8) The amendment of 29 CFR 1910.1001 and 29 CFR 1926.58 concerning an excursion limit for asbestos, tremolite, anthophyllite, and actinolite of 1 f/cc average over a sample period of thirty (30) minutes as published in 53 FR 178, Wednesday, September 14, 1988, on pages 35625 through 35629.

(9) The amendment of 29 CFR 1910.1048 concerning the requirement that written materials for employee training be updated within two (2) months after the effective date of the standard as published in 53 FR 41, Wednesday, March 2, 1988, on page 6629.

(Occupational Safety Standards Commission; 620 IAC 1-1-29; filed Apr 28, 1989, 5:00 p.m.: 12 IR 1746; filed May 12, 1989, 9:30 a.m.: 12 IR 1866; filed May 16, 1989, 11:00 a.m.: 12 IR 1867; filed May 16, 1989, 11:15 a.m.: 12 IR 1867; filed May 16, 1989, 10:40 a.m.: 12 IR 1868; errata filed Jul 18, 1989, 9:45 a.m.: 12 IR 2286; filed Jan 16, 1991, 11:33 a.m.: 14 IR 1281)

620 IAC 1-1-30 Adoption by reference from 54 Federal Register

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 30. The following standards deletions, revocations, revisions, republications, corrections, and amendments are incorporated by reference into the rules of the Indiana occupational safety standards commission:

(1) The amendment to 29 C.F.R. 1910.1000 concerning exposure to air contaminants at new permissible exposure levels (PEL's) for four hundred twenty-eight (428) chemicals already regulated by federal OSHA with revised tables Z-1-A, Z-2, and Z-3 as published in 54 Fed. Reg. 12, Thursday, January 19, 1989, on pages 2920 through 2983.

(2) Hazardous Waste Operations and Emergency Response; Final Rule, 29 C.F.R. 1910.120 concerning work practices on hazardous waste sites as defined in the scope of the standard and emergency response operations for hazardous substances without regard to location as published in 54 Fed. Reg. 42, Monday, March 6, 1989, on pages 9317 through 9336.

(3) Underground Construction; Final Rule, 29 C.F.R. 1926.800 concerning safety and health regulations, clarifies the existing standard, covers hazards not effectively addressed previously, and reflects the current technology and methods used in underground construction as published in 54 Fed. Reg. 105, Friday, June 2, 1989, on pages 23850 through 23857.

(4) Powered Platforms for Building Maintenance; Final Rule, 29 C.F.R. 1910.66 concerning standards to allow the use of alternative stabilization systems on platforms due to different building facades. Also, it includes updates to existing requirements, coverage of interior installations, requirements for emergency planning, employee training, and personal fall protection for employees using power platforms as published in 54 Fed. Reg. 144, Friday, July 28, 1989, on pages 31456 through 31477.

(5) Occupational Exposure to Formaldehyde, 29 C.F.R. 1910.1048 to extend the administrative stay concerning formaldehyde warning signs and possible incorporation into the hazard communication standard (29 C.F.R. 1910.1200) as published in 54 Fed. Reg. 166, Tuesday, August 29, 1989, on page 35639.

(6) Control of Hazardous Energy Source (Lockout/Tagout); Final Rule, 29 C.F.R. 1910.147 to establish guidelines covering the use of lockout/tagout procedures on hazardous energy sources, such as electrical, steam, hydraulic, and pneumatic systems as published in 54 Fed. Reg. 169, Friday, September 1, 1989, on pages 36687 through 36696.

(7) Occupational Safety and Health Standards – Excavations; Final Rule, 29 C.F.R. 1926, Subpart P and includes 29 C.F.R. 1926.650, 29 C.F.R. 1926.651, 29 C.F.R. 1926.652, Appendix A Soil Classification, Appendix B Sloping and Benching, Appendix C Timber Shoring for Trenches, Appendix D Aluminum Hydraulic Shoring for Trenches, Appendix E Alternative to Timber Shoring, and Appendix F Selection of Protective Systems. The revised standard uses performance criteria where possible, rather than specification requirements; consolidates and simplifies many of the existing provisions; adds and clarifies definitions; reformats the standard to eliminate duplicate provisions and ambiguous language; provides a consistent method of soil classification; and gives employers added flexibility in providing protection for employees as published in 54 Fed. Reg. 209, Tuesday, October 31, 1989, on pages 45959 through 45991.

(8) Air Contaminants – Permissible Exposure Limits, 29 C.F.R. 1910.1000 to grant petitions for reconsideration of three (3) exposure limits and partial stays of effective dates for four (4) substances as published in 54 Fed. Reg. 170, Tuesday, September 5, 1989, on pages 36767 through 36768 and Table Z-1-A.

(9) Air Contaminants – Permissible Exposure Limits, 29 C.F.R. 1910.1000 to correct the entry in the Substance column, "Iron

oxide dust and fume (as Fe) total particulate" is corrected to read "Iron oxide fume" as published in 54 Fed. Reg. 219, Wednesday, November 15, 1989, on page 47513.

(10) Occupational Exposure to Formaldehyde, 29 C.F.R. 1910.1048 to correct typographical errors, include information inadvertently omitted, and correct inconsistencies in the preamble and regulatory text as published in 54 Fed. Reg. 133, Thursday, July 13, 1989, on pages 29545 through 29546.

(11) Occupational Exposure to Formaldehyde, 29 C.F.R. 1910.1048 to correct in Table 1, in the first column, in the heading, in the second line, "of" should read "or" as published in 54 Fed. Reg. 146, Tuesday, August 1, 1989, on page 31765.

(12) Occupational Exposure to Formaldehyde, 29 C.F.R. 1910.1048 to administratively stay the formaldehyde standards cancer warning label requirements for a second nine (9) month period to June 13, 1990, as published in 54 Fed. Reg. 166, Tuesday, August 29, 1989, on page 35639.

(13) Occupational Exposure to Formaldehyde, 29 C.F.R. 1910.1048 to correct in the first column, in the SUMMARY, in the eleventh line, "December 18, 1988" to read "December 13, 1988" as published in 54 Fed. Reg. 174, Monday, September 11, 1989, on page 37531.

(14) Concrete and Masonry Construction Safety Standards, 29 C.F.R. 1926.704 to correct the word "should" in 29 C.F.R. 1926.704(b) to the word "shall" as published in 54 Fed. Reg. 192, Thursday, October 5, 1989, on page 41088.

(15) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, 29 C.F.R. 1910.1001, 29 C.F.R. 1910.1101, and 29 C.F.R. 1926.58 to extend the partial administrative stay for general industry and construction industry insofar as they apply to occupational exposure to nonasbestiform tremolite, anthophyllite, and actinolite to November 30, 1990, as published in 54 Fed. Reg. 139, Friday, July 21, 1989, on pages 30704 through 30705.

(16) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, 29 C.F.R. 1910.1001, 29 C.F.R. 1910.1101, and 29 C.F.R. 1926.58 to (1) remove the ban on the spraying of asbestos-containing materials; (2) change the regulatory text to clarify when construction employers must resume periodic monitoring; and (3) explain why OSHA is not amending the regulatory text at this time to clarify the limited exemption for "small-scale, short-duration operations" in the construction industry standard, to amend 29 C.F.R. 1910.1001 by removing paragraph (f)(1)(vii), to amend 29 C.F.R. 1926.58 by redesignating paragraph (f)(4), termination of monitoring, as paragraph (f)(4)(i), adding a new paragraph (f)(4)(ii), and removing paragraph (g)(2)(iii) as published in 54 Fed. Reg. 243, Wednesday, December 20, 1989, on pages 52027 through 52028.

(17) Control of Hazardous Energy (Lockout/Tagout), 29 C.F.R. 1910.147 to suspend the effective date until January 2, 1990, as published in 54 Fed. Reg. 213, Monday, November 6, 1989, on page 46610.

(18) Occupational Safety and Health Standards – Excavations, 29 C.F.R. 1926, Subpart P to delay the effective date until March 5, 1990, as published in 54 Fed. Reg. 247, Wednesday, December 27, 1989, on page 53055.

(Occupational Safety Standards Commission; 620 IAC 1-1-30; filed Aug 9, 1989, 5:20 p.m.: 12 IR 2263; filed Nov 8, 1989, 3:00 p.m.: 13 IR 387; filed Nov 8, 1989, 3:00 p.m.: 13 IR 387; filed Mar 29, 1990, 4:45 p.m.: 13 IR 1400; errata filed Jul 9, 1990, 2:14 p.m.: 13 IR 2005; filed Nov 30, 1990, 4:42 p.m.: 14 IR 664; filed Nov 30, 1990, 4:45 p.m.: 14 IR 666; errata filed Feb 8, 1991, 2:33 p.m.: 14 IR 1287)

620 IAC 1-1-31 Adoption by reference from 55 Federal Register

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 31. The following standards, deletions, revocations, revisions, republications, corrections, and amendments are incorporated by reference into the rules of the Indiana occupational safety standards commission:

(1) Occupational Exposure to Lead, 29 CFR 1910.1025 to amend engineering controls for large nonferrous foundries (twenty (20) or more employees) to fifty (50) micrograms per cubic meter and small nonferrous foundries (fewer than twenty (20) employees) to seventy-five (75) micrograms per cubic meter as found in 55 FR 20, Tuesday, January 30, 1990, on pages 3166 through 3167.

(2) Occupational Exposure to Lead, 29 CFR 1910.1025 to delete in Appendix B, in "VIII. Medical Surveillance–Paragraph (J)," in the eighth paragraph, the seventh sentence, which reads "This multiple physician review mechanism, however, has been temporarily delayed by the Court of Appeals." as published in 55 FR 30, Tuesday, February 13, 1990, on page 4999.

(3) Occupational Exposures to Hazardous Chemicals in Laboratories, 29 CFR 1910, Subpart Z to amend by adding Section 1910.1450, the final rule for occupational exposures to hazardous chemicals in laboratories, as applied to all laboratories that

use hazardous chemicals in accordance with the definition of laboratory use and laboratory scale provided in the standard. Covered laboratories are obliged to maintain employee exposures at or below the permissible exposure limits specified in 29 CFR 1910, Subpart Z through the formulation and implementation of a chemical hygiene plan, employee training and information, medical consultation and examinations, hazard identification, respirator use, and record keeping. To the extent possible, the standard allows a large measure of flexibility in compliance methods as published in 55 FR 21, Wednesday, January 31, 1990, on pages 3327 through 3335.

(4) Occupational Exposures to Hazardous Chemicals in Laboratories, 29 CFR 1910.1450 to correct typographical errors as published in 55 FR 44, Tuesday, March 6, 1990, on page 7967.

(5) Occupational Exposures to Hazardous Chemicals in Laboratories, 29 CFR 1910.1450 to correct typographical errors as published in 55 FR 62, Friday, March 30, 1990, on pages 12110 through 12111.

(6) Air Contaminants, 29 CFR 1910.1000 to stay the effective date until April 1, 1990, of the new exposure limits for nitroglycerin and ethylene glycol dinitrate for the explosives industry as published in 55 FR 24, Monday, February 5, 1990, on page 3724.

(7) Air Contaminants, 29 CFR 1910.1000 to stay the effective date until April 27, 1990, for the new exposure limits for nitroglycerin and ethylene glycol dinitrate for the explosives industry as published in 55 FR 67, Friday, April 6, 1990, on page 12819.

(8) Occupational Exposure to Asbestos, 29 CFR 1910.1001 and 29 CFR 1926.58 to respond to U.S. Court of Appeals for the District of Columbia's second group of remand issues expanding its ban on workplace smoking and adding training requirements covering the availability of smoking control programs; explaining how and why OSHA's respirator requirements will result in employee risk being reduced below that remaining at the PEL; and adding a requirement that employers ensure that employees working in or contiguous to regulated areas comprehend required warning signs, and provide training programs that specifically instruct employees about the content and presence of signs and labels as published in 55 FR 24, Monday, February 5, 1990, on pages 3731 through 3732.

(9) Occupational Exposure to Lead, 29 CFR 1910.1025 to correct a typographical error as published in 55 FR 30, Tuesday, February 13, 1990, on page 5118.

(10) Hazardous Waste Operations and Emergency Response, 29 CFR 1910.120 to correct typographical errors, incorrect citations, and certain ambiguities in both the standard and preamble as published in 55 FR 72, Friday, April 13, 1990, on pages 14073 through 14075.

(11) Safety and Health Standards: Welding, Cutting, and Brazing, 29 CFR 1910.252 to redesignate and reorganize as 29 CFR 1910.252 - 1910.255, which does not alter the substance of the present welding, cutting, and brazing standards in any way, nor affect the standard's present scope and application, and to amend the standards with certain minor, nonsubstantive changes as published in 55 FR 70, Wednesday, April 11, 1990, on pages 13696 through 13711.

(12) Air Contaminants, 29 CFR 1910.1000 to grant a petition for reconsideration of the final rule limit for nitroglycerin (NG) of one-tenth (0.1) milligrams per cubic meters and final rule STEL for ethylene glycol dinitrate (EGDN) of two-tenths (0.2) milligrams per cubic meters for civilian manufacture and distribution of explosives and propellants for civilian use, and stays the final rule limit STEL for NG for manufacture for military and space use of explosives and propellants until November 1, 1990, as published in 55 FR 90, Wednesday, May 9, 1990, on pages 19258 through 19259.

(13) Air Contaminants, 29 CFR 1910.1000 to revise a paragraph which appears in the preamble relating to carbon disulfide to follow the technical terminology used in sponge and cellophane manufacturing as published in 55 FR 111, Friday, June 8, 1990, on pages 23433 through 23434.

(14) Occupational Exposure to Formaldehyde, 29 CFR 1910.1048 to administratively stay the formaldehyde standards cancer warning label requirements for an additional sixty (60) days to August 13, 1990, as published in 55 FR 114, Wednesday, June 13, 1990, on page 24070.

(15) Nationally Recognized Testing Laboratories: MET Electrical Testing Company, Inc., to expand the recognition of National Recognized Testing Laboratory MET Electrical Testing Company, Inc. under 29 CFR 1910.7 to include the product categories listed within 55 FR 110, Thursday, June 7, 1990, on pages 23311 through 23312.

(16) Nationally Recognized Testing Laboratories: American Gas Association Laboratories, to expand the recognition of National Recognized Testing Laboratory American Gas Association Laboratories under 29 CFR 1910.7 for the equipment or materials listed within 55 FR 110, Thursday, June 7, 1990, on pages 23312 through 23316.

(17) Welding, Cutting, and Brazing, 29 CFR 1910.110 and 1910.272 to reflect new welding, cutting, and brazing designations as published in 55 FR 119, Wednesday, June 20, 1990, on page 25094.

OCCUPATIONAL SAFETY STANDARDS COMMISSION

(18) Electrical Safety Related Work Practices, 29 CFR 1910.331 through 29 CFR 1910.335 to adopt new standards mandating qualified personnel, personnel training requirements, safeguards for personnel, the selection and use of safe work practices and equipment, and corresponding amendments:

- (A) 29 CFR 1910.26;
- (B) 29 CFR 1910.67;
- (C) 29 CFR 1910.68;
- (D) 29 CFR 1910.94;
- (E) 29 CFR 1910.103;
- (F) 29 CFR 1910.106;
- (G) 29 CFR 1910.110;
- (H) 29 CFR 1910.178;
- (I) 29 CFR 1910.179;
- (J) 29 CFR 1910.180;
- (K) 29 CFR 1910.181;
- (L) 29 CFR 1910.252;
- (M) 29 CFR 1910.261;
- (N) 29 CFR 1910.265;
- (O) 29 CFR 1910.266;
- (P) 29 CFR 1910.304;
- (Q) 29 CFR 1910.399; and

(R) the authority provisions of Subparts D, F, G, H, N, Q, R, and S;

as published in 55 FR 151, Monday, August 6, 1990, on pages 32014 through 32020.

(19) Occupational Exposure to Formaldehyde, 29 CFR 1910.1048 to stay paragraphs (m)(1)(i) through (m)(4)(ii) until December 11, 1990, as published in 55 FR 155, Friday, August 10, 1990, on page 32616.

(20) Control of Hazardous Energy Sources (Lockout/Tagout), 29 CFR 1910.147 to correct grammatical and typographical errors as published in 55 FR 183, Thursday, September 20, 1990, on pages 38685 through 38687.

(21) Concrete and Masonry Construction Safety Standards; Lift Slab Construction Operations:

- (A) 29 CFR 1926.705 to revise the standard to require:
 - (i) a registered professional engineer to design and plan the lifting operation;
 - (ii) proper demarcation; and
 - (iii) safe work practices;
- (B) 29 CFR 1926.305 to remove and reserve paragraph (b);
- (C) 29 CFR 1926.700 to add a new paragraph (b)(9); and
- (D) 29 CFR 1926 Subparts I and Q to amend the authority citations;

as published in 55 FR 202, Thursday, October 18, 1990, on pages 42328 through 42329.

(22) Electrical Safety-Related Work Practices, 29 CFR 1910.252, 29 CFR 1910.331, 29 CFR 1910.333, 29 CFR 1910.334, and 29 CFR 1910.399, to correct errors and inaccuracies of the final standard (published at 55 FR 151) as published in 55 FR 212, Thursday, November 1, 1990, on pages 46052 through 46054.

(23) Air Contaminants, 29 CFR 1910.1000, Table Z-1A, to stay the carbon monoxide ceilings for blast furnaces, vessel blowing at basic oxygen furnaces and sinter plants until Eleventh Circuit Court of Appeals makes a decision in case of Courtaulds Fibers, Inc. vs. Department of Labor; and to change various effective dates for implementation of nitroglycerin STEL and engineering controls used in manufacturing of military and space explosives and propellants, as published in 55 FR 217, Thursday, November 8, 1990, on pages 46949 through 46950.

(24) Safety Standards for Stairways and Ladders Used in the Construction Industry, 29 CFR 1926 Subpart X, to revise the standard by revising and relocating existing provisions in Subparts L and M into Subpart X as published in 55 FR 220, Wednesday, November 14, 1990, on pages 47687 through 47691.

(25) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, 29 CFR 1926.58 and 29 CFR 1910.1001 to extend the administrative stay as published in 55 FR 237, Monday, December 10, 1990, on pages 50686 to 50687.

(26) Occupational Exposure to Formaldehyde, 29 CFR 1910.1048 to stay paragraphs (m)(1)(i) through (m)(4)(ii) until March 11, 1991, as published in 55 FR 242, Monday, December 17, 1990, on page 51699.

(Occupational Safety Standards Commission; 620 IAC 1-1-31; filed Dec 12, 1990, 1:50 p.m.; 14 IR 1051; filed Jan 22, 1991, 5:00

p.m.: 14 IR 1282; filed Oct 23, 1991, 5:00 p.m.: 15 IR 229)

620 IAC 1-1-32 Adoption by reference from 56 Federal Register

Authority: IC 22-8-1.1-7

Affected: IC 22-8-1.1-15

Sec. 32. The following standards, deletions, revocations, revisions, republications, corrections, and amendments are incorporated by reference into the rules of the Indiana occupational safety standards commission:

(1) Safety Standards for Stairways and Ladders Used in the Construction Industry, 29 CFR 1926.1050, 29 CFR 1926.1051, and 29 CFR 1926.1053 to correct typographical errors as published in 56 FR 15, Wednesday, January 23, 1991, on page 2585.

(2) Safety Standards for Stairways and Ladders Used in the Construction Industry, 29 CFR 1926.1052 to correct typographical errors as published in 56 FR 26, Thursday, February 7, 1991, on page 5061.

(3) Occupational Exposure to Formaldehyde, 29 CFR 1910.1048 to stay paragraphs (m)(1)(i) through (m)(4)(ii) until June 9, 1991, as published in 56 FR 48, Tuesday, March 12, 1991, on page 10378; subsequently extended until August 8, 1991, as published in 56 FR 113, Wednesday, June 12, 1991, on page 26909; subsequently extended until November 6, 1991, as published in 56 FR 153, Thursday, August 8, 1991, on page 37651.

(4) Hazardous Waste Operations and Emergency Response, 29 CFR 1910.120 to correct and further clarify paragraphs (a)(3) and (e)(9) as published in 56 FR 75, Thursday, April 18, 1991, on pages 15832 through 15833.

(5) Occupational Exposure to Lead, 29 CFR 1910.1025 to make administrative corrections and amendments as published in 56 FR 105, Friday, May 31, 1991, on page 24686.

(6) Safety Standards for Stairways and Ladders Used in the Construction Industry, 29 CFR 1926.1052 and 29 CFR 1926.1053 to clarify some inadvertent errors in the requirements for stairrails and handrails and in the requirements for spacing ladder rungs as published in 56 FR 164, Friday, August 23, 1991, on page 41794.

(7) Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite, 29 CFR 1910.1001 and 29 CFR 1926.58 to extend the partial administrative stay until February 28, 1992, and to make minor conforming amendments to notes to the affected standards as published in 56 FR 171, Wednesday, September 4, 1991, on page 43700.

(Occupational Safety Standards Commission; 620 IAC 1-1-32; filed Dec 4, 1991, 9:30 a.m.: 15 IR 558; filed Dec 4, 1991, 9:30 a.m.: 15 IR 559; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1006; filed Mar 25, 1992, 1:00 p.m.: 15 IR 1388; filed Mar 25, 1992, 1:00 p.m.: 15 IR 1389)

Rule 2. Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions (Repealed)

(Repealed by Occupational Safety Standards Commission; filed Jul 16, 1987, 3:50 pm: 10 IR 2680)

Rule 3. Procedures Governing Permanent and Temporary Variances

620 IAC 1-3-1 Purpose

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1; IC 22-8-1.1-20.1

Sec. 1. The purpose of this rule (620 IAC 1-3) is to establish administrative provisions concerning permanent and temporary variances under IC 22-8-1.1-19.1 and IC 22-8-1.1-20.1. *(Occupational Safety Standards Commission; 620 IAC 1-3-1; filed Jul 16, 1987, 3:50 pm: 10 IR 2676; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA)*

620 IAC 1-3-2 Definitions

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-7; IC 22-8-1.1-8

Sec. 2. (a) "Affected employee" means an employee who would be affected by the granting or denying of a permanent or temporary variance, or any one of his authorized representatives, such as his collective bargaining agent.

(b) "Commission" refers to the occupational safety standards commission as established by IC 22-8-1.1-7.

(c) "Commissioner" refers to the Indiana commissioner of labor or his duly designated representative.

(d) "Secretary" means the commissioner acting in his capacity as secretary to the commission under the provisions of IC 22-8-1.1-8. (*Occupational Safety Standards Commission; 620 IAC 1-3-2; filed Jul 16, 1987, 3:50 pm: 10 IR 2676; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-3 Temporary variances; grounds for issuance

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1

Sec. 3. The commission shall grant a temporary variance from a standard when an employer, following the procedures stated in 620 IAC 1-3, establishes that:

- (1) it is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date;
- (2) it is taking all available steps to safeguard its employees against the hazards covered by the standard; and
- (3) it has an effective program for coming into compliance with the standard as quickly as practicable.

(*Occupational Safety Standards Commission; 620 IAC 1-3-3; filed Jul 16, 1987, 3:50 pm: 10 IR 2676; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-4 Permanent variances; grounds for issuance

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-20.1

Sec. 4. The commission shall grant a permanent variance from a standard when an employer, following the procedures stated in 620 IAC 1-3, establishes that the conditions, practices, means, methods, operations, or processes it uses or proposes to use will be as safe and healthful to employees as those which would prevail if it complied with the standard. (*Occupational Safety Standards Commission; 620 IAC 1-3-4; filed Jul 16, 1987, 3:50 pm: 10 IR 2676; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-5 Applications for temporary variances

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1

Sec. 5. (a) If an employer wishes to seek a temporary variance, it shall apply for it by providing the information required by subsection (b) of this section on a form provided by the secretary or a reasonable facsimile.

(b) An application for a temporary variance shall include the following information:

- (1) The name and address of the applicant.
- (2) The address(es) of the place or places of employment involved.
- (3) Identification, by specific citation, of the standard or portion thereof from which the applicant seeks a temporary variance.
- (4) Specific identification of machinery or equipment covered by the request for a temporary variance including brand name and model name or number, and serial number or other identifying means.
- (5) A representation by the applicant supported by representations from qualified persons having firsthand knowledge of the facts represented, that it is unable to comply with the standard or portion thereof by its effective date and a detailed statement of the reasons therefor.
- (6) A statement of the steps the applicant has taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard.
- (7) A statement of when the applicant expects to be able to comply with the standard and of what steps it has taken and will take, along with specific dates where appropriate, to come into compliance with the standard.
- (8) A statement of the facts the applicant would show to establish that:

(A) the applicant is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because

- necessary construction or alteration of facilities cannot be completed by the effective date;
- (B) it is taking all available steps to safeguard his employees against the hazards covered by the standard; and
- (C) it has an effective program for coming into compliance with the standard as quickly as practicable.
- (9) Where the application for a temporary variance concerns a state standard or portion thereof, identical in requirements and substance to a federal standard, the applicant shall:
- (A) Identify the identical federal standard.
- (B) Certify whether the applicant has filed for such a variance, on the same facts, with the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor.
- (C) Certify whether any citations for violations of the identical federal standard, or portion thereof, have been issued to the applicant by the Federal Government. If such citations have been issued, identification shall be included.
- (10) Any photographs, drawings, diagrams and similar information which the applicant believes may aid the commission in its consideration of the application for a temporary variance.
- (11) A statement that the applicant has informed his affected employees of the application for a temporary variance by:
- (A) giving a copy thereof to their authorized representative;
- (B) posting the application, or a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted; and
- (C) other appropriate means.

The applicant shall also state the date(s) these actions were taken.

(c) The application and any other paper which may be filed with the commission concerning the temporary variance applications shall be signed by the employer, and authorized representative of the employer if the employer is not an individual, or the employer's attorney. (*Occupational Safety Standards Commission; 620 IAC 1-3-5; filed Jul 16, 1987, 3:50 pm: 10 IR 2677; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-6 Applications for permanent variances

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-20.1

Sec. 6. (a) If an employer wishes to seek a permanent variance, it shall apply for it by providing the information required by subsection (b) of this section on a form provided by the secretary or a reasonable facsimile.

- (b) An application for a permanent variance shall include the following information:
- (1) the name and address of the applicant;
- (2) the address(es) of the place or places of employment involved;
- (3) identification, by specific citation, of the standard or portion thereof from which the applicant seeks a permanent variance;
- (4) specific identification of machinery or equipment covered by the request for a permanent variance including brand name and model name or number, and serial number or other identifying means;
- (5) a description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;
- (6) a statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;
- (7) where the application for permanent variance concerns a state standard or portion thereof, identical in requirements and substance to a federal standard, the applicant shall:
- (A) identify the identical federal standard;
- (B) certify whether the applicant has filed for such a variance, on the same facts, with the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor;
- (C) certify whether any citations for violations of the identical federal standard, or portion thereof, have been issued to the applicant by the Federal Government. If such citations have been issued, identification shall be included.
- (8) any photographs, drawing, diagrams and similar information which the applicant believes may aid the commission in its consideration of the application for a permanent variance; and
- (9) a certification that the applicant has informed the employees of the application by:
- (A) giving a copy thereof to their authorized representative;

- (B) posting the application or a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and
- (C) other appropriate means.

The applicant shall also state the date(s) these actions were taken.

(c) The application and any other paper which may be filed with the commission concerning the permanent variance application shall be signed by the employer, an authorized representative of the employer if the employer is not an individual, or the employer's attorney. (*Occupational Safety Standards Commission; 620 IAC 1-3-6; filed Jul 16, 1987, 3:50 pm: 10 IR 2677; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-7 Interim orders

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 4-21.5-3-5; IC 22-8-1.1-19.1; IC 22-8-1.1-20.1

Sec. 7. (a) The commission may grant an interim order to be effective until the commission renders a decision on an application for a permanent or temporary variance.

(b) An application for an interim order may be made concurrent with, or subsequent to, the variance application. It may include a statement of facts and arguments as to why the interim order should be granted. The commission may rule ex parte upon the application.

(c) If an application for an interim order is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(d) If an interim order is granted, a copy of the order shall be served upon the applicant and any person entitled to notice under the provisions of IC 4-21.5-3-5. It shall be a condition of the interim order that the employer shall give notice thereof to affected employees by the same means to be used to inform them of the application for the variance. (*Occupational Safety Standards Commission; 620 IAC 1-3-7; filed Jul 16, 1987, 3:50 pm: 10 IR 2678; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-8 Consideration of applications

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 4-21.5-3; IC 22-8-1.1-19.1; IC 22-8-1.1-20.1

Sec. 8. (a) If any application for a temporary or permanent variance appears to comply with the applicable requirements of 620 IAC 1-3-5 and 620 IAC 1-3-6, the secretary shall issue notice to the employer and any person entitled to notice under the provisions of IC 4-21.5-3-5 of a nonevidentiary hearing to be held by the commission. Such notice shall be issued at least fifteen (15) days prior to the date of the hearing. Such nonevidentiary hearings shall normally be scheduled for the first regularly scheduled commission meeting to be held more than twenty-five (25) days after receipt of the application, but may be sooner as long as the fifteen (15) day notice requirement is met and may be later, if appropriate. The employer shall give notice of the nonevidentiary hearing to affected employees by the same means to be used to inform them of the application for the variance.

(b) If an application for a temporary or permanent variance appears not to comply with the applicable requirements of 620 IAC 1-3-5 and 620 IAC 1-3-6, the secretary shall not schedule a nonevidentiary hearing, but instead shall bring the application to the commission at its next meeting. The commission then may either deny the variance on the basis of an inadequate application or, if it concludes that the application is adequate, may schedule a nonevidentiary hearing for a future commission meeting. Notice shall be given as provided for by subsection (a) of this section.

(c) At the nonevidentiary hearing the employer, any affected employee, and the commissioner shall be given an opportunity to present any facts or arguments concerning the variance application. Other interested persons may submit written data, views or arguments regarding the application prior to the nonevidentiary hearing; however, any participation on their part at the nonevidentiary hearing shall be at the discretion of the commission.

(d) The order granting or denying the variance shall be issued following the requirements of IC 4-21.5-3-5. If a petition for review is subsequently granted under IC 4-21.5-3-7 that order shall be deemed merely to have been a preliminary determination. Proceedings conducted subsequent to the granting of a petition for review and those conducted subsequent to a request for reconsideration of the denial of a petition for review shall be conducted under the applicable provisions of IC 4-21.5-3.

(e) The employer shall notify affected employees of the order granting or denying the variance by the same means used to

inform them of the application for the variance. (*Occupational Safety Standards Commission; 620 IAC 1-3-8; filed Jul 16, 1987, 3:50 pm: 10 IR 2678; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-9 Consolidation of proceedings

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1; IC 22-8-1.1-20.1

Sec. 9. The commission on its own motion or that of an employer, affected employees or the commissioner may consolidate or contemporaneously consider two (2) or more variance proceedings which involve the same or closely related issues. (*Occupational Safety Standards Commission; 620 IAC 1-3-9; filed Jul 16, 1987, 3:50 pm: 10 IR 2679; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-10 Requirements for temporary variances

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1

Sec. 10. (a) Any temporary variance issued under 620 IAC 1-3 shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while it is in effect and shall state in detail the employer's program for coming into compliance with the standard.

(b) No temporary variance may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one (1) year, whichever is shorter, except that such a temporary variance may be renewed not more than twice, so long as the requirements in 620 IAC 1-3 for temporary variances are met and an application for renewal is filed at least ninety (90) days prior to the expiration date of the temporary variance. (*Occupational Safety Standards Commission; 620 IAC 1-3-10; filed Jul 16, 1987, 3:50 pm: 10 IR 2679; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-11 Requirements for permanent variances

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-20.1

Sec. 11. Any permanent variance issued under 620 IAC 1-3 shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which the employer must adopt and utilize to the extent they differ from the standard in question. (*Occupational Safety Standards Commission; 620 IAC 1-3-11; filed Jul 16, 1987, 3:50 pm: 10 IR 2679; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-12 Renewal of temporary variance

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-19.1

Sec. 12. (a) An employer may apply for a renewal of a temporary variance by filing, no later than ninety (90) days prior to the expiration date of the temporary variance, an application meeting the requirements of 620 IAC 1-3-5.

(b) The commission shall consider applications for renewals of temporary variances in the same manner and following the same criteria for the original issuance of temporary variances.

(c) No temporary variance may be renewed more than twice. (*Occupational Safety Standards Commission; 620 IAC 1-3-12; filed Jul 16, 1987, 3:50 pm: 10 IR 2679; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-13 Modification or revocation of permanent variances

Authority: IC 4-21.5-3-35; IC 22-8-1.1-48.1

Affected: IC 4-21.5-3; IC 22-8-1.1-20.1

OCCUPATIONAL SAFETY STANDARDS COMMISSION

Sec. 13. (a) The commission may modify or revoke a permanent variance previously issued at any time after six (6) months from its issuance.

(b) If the commission desires to modify or revoke a permanent variance, it shall do so following the provisions of IC 4-21.5-3-6. Said notice shall be served upon the commissioner, the employer and affected employees. The employer shall immediately post the notice for affected employees. The employer, affected employees and the commissioner may petition for review within thirty (30) days of the issuance of the order modifying or revoking the permanent variance. Consideration of granting or denying a petition for review shall be done following the provisions of IC 4-21.5-3-7 and any further proceedings shall be conducted under the applicable provisions of IC 4-21.5-3.

(c) An application for the modification or revocation may be made by an employer, affected employees or the commissioner.

(d) Applications for the modification or revocation of a permanent variance shall contain:

(1) The name and address of the applicant.

(2) A description of the relief which is sought.

(3) A statement setting forth with particularity the grounds for relief.

(4) If the applicant is an employer, a certification that the applicant has served the commissioner and has informed his affected employees of the application by:

(A) giving a copy thereof to their authorized representative;

(B) posting at the place or places where notices to employees are normally posted; the application or a statement giving a summary of the application and specifying where a copy of the full application may be examined (or in lieu of the summary, posting the application itself); and

(C) other appropriate means.

The applicant shall also state the date(s) these actions were taken.

(5) If the applicant is an affected employee or the commissioner, a certification that a copy of the application has been furnished to the employer, and the date this was done.

(6) If the applicant is the commissioner, the employer shall immediately notify affected employees in the manner provided for by subdivision (4) of this subsection and certify that it took this action and the date it was taken.

(7) Any request for a hearing under subsection (e) of this section.

(e) If a request for hearing is made within thirty (30) days of the date of the application by either the commissioner, the employer or affected employees, or if the commission desires a hearing, a nonevidentiary hearing shall be conducted.

(f) Subsequent to the nonevidentiary hearing or after the time for one to be requested has passed if none is requested, the commission shall grant or deny the modification or revocation.

(g) If the modification or revocation was requested by the employer, or if it was requested by the commissioner or affected employees and the decision is to deny the modification or revocation, the order granting or denying it shall be issued following the requirements of IC 4-21.5-3-5. If a petition for review is subsequently granted under IC 4-21.5-3-7 that order shall be deemed merely to have been a preliminary determination. Proceedings conducted subsequent to the granting of a petition for review and those conducted subsequent to a request for reconsideration of the denial of a petition for review shall be conducted under the applicable provisions of IC 4-21.5-3.

(h) If the modification or revocation was requested by the commissioner or affected employees and the commission desires to grant it, the provisions of IC 4-21.5-3-8 apply. (*Occupational Safety Standards Commission; 620 IAC 1-3-13; filed Jul 16, 1987, 3:50 pm: 10 IR 2679; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

620 IAC 1-3-14 Notice in Indiana Register

Authority: IC 22-8-1.1-48.1

Affected: IC 4-22-7-7; IC 22-8-1.1-19.1; IC 22-8-1.1-20.1

Sec. 14. If it so decides, the commission may publish notice of the granting of a permanent or temporary variance, the granting of an interim order or the modification or revocation of a permanent variance in the Indiana Register. (*Occupational Safety Standards Commission; 620 IAC 1-3-14; filed Jul 16, 1987, 3:50 pm: 10 IR 2680; readopted filed Nov 20, 2001, 9:27 a.m.: 25 IR 1305; readopted filed Nov 28, 2007, 2:00 p.m.: 20071226-IR-620070597RFA*)

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