

IDAPA 17 - INDUSTRIAL COMMISSION

17.08.01 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - GENERAL PROVISIONS

DOCKET NO. 17-0801-0901

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 72-508, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2009.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed changes are necessary to update the Logging Safety Standards to meet OSHA's current requirements regarding logging signs and to make technical corrections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee or charge is being imposed by through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no impact to the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes are necessary to meet current OSHA requirements.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alvin Caine, (208) 332-7153.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2009.

DATED this 27th day of August, 2009.

Mindy Montgomery, Director
Industrial Commission
700 South Clearwater Lane
PO Box 83720
Boise, ID 83720-0041
Phone (208) 334-6000
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 17-0801-0901

009. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. (7-1-97)

a. Every employer shall furnish employment and maintain places of employment which are safe according to the standards as set forth herein. (7-1-97)

b. Every employer shall adopt and use practices, means, methods, operations and processes which are adequate to render such employment and place of employment safe. (7-1-97)

i. Employers shall place highly visible "LOGGING AHEAD" type warning signs at the entrances of active logging jobs. ()

ii. Every employer shall furnish to crew a Company Emergency Rescue Plan. ()

c. Every employer should insure that Material Safety Data Sheets (MSDS) are reasonably accessible for every hazardous material. (7-1-97)()

d. Every employer shall do every other thing necessary within the framework of this Rule to protect the life and safety of employees. (7-1-97)

e. No employer shall require any employee to go or be in any place of employment which does not meet the minimum safety requirement of this Rule, except for the purpose of meeting such requirements. (7-1-97)

f. No employer shall fail or neglect. (7-1-97)

i. To make available and use safety devices and safeguards as are indicated. (7-1-97)

ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. (7-1-97)

iii. To do every other thing necessary within the framework of this Rule to protect the life and safety of employees. (7-1-97)

g. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment which does not meet the minimum safety requirements of this Rule. (7-1-97)

h. No person, employer, employee, other than an authorized person, shall do any of the following. (7-1-97)

i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. (7-1-97)

ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. (7-1-97)

iii. No person shall fail or neglect to do everything necessary within the requirements of this Rule to protect the life and safety of employees. (7-1-97)

iv. The use of intoxicants while on duty is prohibited. Persons reporting for duty while under the influence of or affected by liquor shall not work until completely recovered. (7-1-97)

i. A definite procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or

audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators or motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking the men in at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of moveable equipment. (7-1-97)

j. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Commission and/or Department to determine by examining the record, the injury rate of the employee force for the period covered by the report. (7-1-97)

k. Every employer shall investigate or cause to be investigated every accident resulting in a disabling injury that his employees suffer in connection with their employment. He shall promptly take any action thus found to be advisable. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. (7-1-97)

02. Management Responsibility. (7-1-97)

a. Top management must take an active and interested part in the development and guidance of the operation's safety program, including fire safety. (7-1-97)

b. Management must apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of top management to assume full and definite responsibility. To attain these safety objectives, management must have the full cooperation of employers, Commission and Department. (7-1-97)

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. (7-1-97)

d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied. (7-1-97)

e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. (7-1-97)

010. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. (7-1-97)

a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity which creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. (7-1-97)

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall see that all guards, hoods, safety devices, etc., that are provided by the employer, are in proper place and properly adjusted. (7-1-97)

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. (7-1-97)

03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his

work. (7-1-97)

04. Employee Responsibilities. The responsibilities of an employee insofar as industrial safety is concerned shall be as follows. (7-1-97)

a. The employee shall report immediately, preferably in writing, to his foreman or safety committee member in his department of the plant, all known unsafe conditions and practices. (7-1-97)

b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. (7-1-97)

c. The employee shall not participate in practical jokes or horseplay. (7-1-97)

d. The employee shall make a prompt report to the foreman, first aid attendant, or person in charge, of every accident regardless of severity. (Such reports are required and are necessary for his protection in order that there may be a record of his injuries.) (7-1-97)

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or interfere in any way with the use thereof by any other person or interfere with the use of any method or process adopted for the protection of any employee in such employment or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. (7-1-97)

f. The employee shall not report to the job under the influence of intoxicants and shall not use intoxicants while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or affected by intoxicants. Employers shall be responsible for the actions of any employee known to be in an intoxicated condition while on the job. (Workers are reminded that intoxication on the job may result in forfeiture of compensation for injury to say nothing of the hazard created to fellow workers.) (7-1-97)

g. The employee shall not be permitted to work while under the influence of hallucinatory drugs or chemicals or other drugs covered by the Federal Narcotics Act, unless such drugs or chemicals are prescribed by a licensed Medical Doctor, provided the employee does not create a hazard to himself or his fellow workers. (7-1-97)

h. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer on termination of employment. (7-1-97)

i. Workers exposed to head hazards shall wear approved head protection. (7-1-97)

j. Proper eye protection shall be worn while doing work where a known eye hazard exists. (7-1-97)

k. The employee should consider the benefits of accident prevention to himself and to his job. (Safety-consciousness is the ability to anticipate accidents and a desire to prevent them.) (7-1-97)

l. The employee should make an effort to understand his job. (An efficient worker understands the job, and studies everything pertaining to it.) (7-1-97)

m. The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. (7-1-97)

n. The employee should be on the alert constantly for any unsafe condition or practice. (An employee's own knowledge and interest in the work makes the best possible safety inspector.) (7-1-97)

o. The employee ~~should~~ shall learn first aid to be applied on the job, in the home, or anywhere else. (7-1-97)(____)

- p.** The employee should keep physically fit, and obtain sufficient rest. (7-1-97)
- q.** The employee should be certain, after receiving instructions, that they are understood completely before starting the work. (7-1-97)
- r.** The employee should actively participate in safety programs. (7-1-97)
- s.** The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. (7-1-97)
- t.** The employee should advise inexperienced fellow-employees of safe ways to do their work and warn them of dangers to be guarded against. (7-1-97)
- u.** It is the employer's responsibility to see that the foregoing provisions are complied with. (7-1-97)