

Dear Senators PATRICK, Martin, Schmidt, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Building Safety:

IDAPA 07.08.01 - Idaho Minimum Safety Standards and Practices for Logging–General Provisions -
Proposed Rule (Docket No. 07-0801-1601);

IDAPA 07.08.02 - Idaho Minimum Safety Standards and Practices for Logging–Health, Safety, and
Sanitation - Proposed Rule (Docket No. 07-0802-1601);

IDAPA 07.08.03 - Idaho Minimum Safety Standards and Practices for Logging–Explosives and
Blasting - Proposed Rule (Docket No. 07-0803-1601);

IDAPA 07.08.04 - Minimum Safety Standards and Practices for Logging–Garages, Machine Shops,
and Related Work Areas - Proposed Rule (Docket No. 07-0804-1601).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/31/2016. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/30/2016.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Research Analyst - Ryan Bush

DATE: October 12, 2016

SUBJECT: Division of Building Safety

IDAPA 07.08.01 - Idaho Minimum Safety Standards and Practices for Logging--General Provisions - Proposed Rule (Docket No. 07-0801-1601)

IDAPA 07.08.02 - Idaho Minimum Safety Standards and Practices for Logging--Health, Safety, and Sanitation - Proposed Rule (Docket No. 07-0802-1601)

IDAPA 07.08.03 - Idaho Minimum Safety Standards and Practices for Logging--Explosives and Blasting - Proposed Rule (Docket No. 07-0803-1601)

IDAPA 07.08.04 - Minimum Safety Standards and Practices for Logging--Garages, Machine Shops, and Related Work Areas - Proposed Rule (Docket No. 07-0804-1601)

(1) 07.08.01 - Idaho Minimum Safety Standards and Practices for Logging--General Provisions - Proposed Rule (Docket No. 07-0801-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.01 - Idaho Minimum Safety Standards and Practices for Logging--General Provisions. The Division states that many of its rules are outdated, no longer applicable or confusing and that these changes for clarification, to provide updated references and citations to applicable standards and regulations and to replace outdated or unclear illustrations related to common logging practices. Specifically, this rule change provides for compliance with the Public Records Act, provides an additional reference for the definition of logging terms, clarifies the scope of the Division's authority in interpreting and applying rules and updates the general requirements of the employer's and employee's responsibility to ensure safe operations.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(2) 07.08.02 - Idaho Minimum Safety Standards and Practices for Logging--Health, Safety, and Sanitation - Proposed Rule (Docket No. 07-0802-1601)

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.02 - Idaho Minimum Safety Standards and Practices for Logging--Health, Safety, and Sanitation. The Division states that many of its rules are outdated, no longer applicable or confusing and that these changes for clarification, to provide updated references and citations to applicable standards and regulations and to replace outdated or unclear illustrations related to common logging practices. Specifically, this rule change clarifies the reference to rule provisions that govern an appeal of a decision made by the Division related to logging, identifies practices related to the provision of first aid and contents of first aid kits and amends provisions related to safety and fire equipment and personal protective equipment.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(3) 07.08.03 - Idaho Minimum Safety Standards and Practices for Logging--Explosives and Blasting - Proposed Rule (Docket No. 07-0803-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.03 - Idaho Minimum Safety Standards and Practices for Logging--Explosives and Blasting. This rule change repeals the chapter of rules related to the use, handling, transportation and storage of explosive and blasting agents. The Division states that this chapter is outdated because the majority of loggers no longer engage in the practice of explosives and blasting but instead contract such work out to professionals.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

(4) 07.08.04 - Minimum Safety Standards and Practices for Logging--Garages, Machine Shops, and Related Work Areas - Proposed Rule (Docket No. 07-0804-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.04 - Minimum Safety Standards and Practices for Logging--Garages, Machine Shops, and Related Work Areas. The Division states that it is making minor editorial revisions to ensure clarity. Specifically, this rule change lists the office locations and hours, clarifies the proper reference to rule provisions that govern an appeal of a decision made by the Division related to logging and provides additional references for the definition of logging terms.

The Division states that negotiated rulemaking was conducted and that notice was published in the December 2015 edition of the Idaho Administrative Bulletin, Vol. 15-12, pages 1-2. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory authority granted to the Division in Section 67-2601A, Idaho Code.

cc: Division of Building Safety
Steve Keys

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0801-1601

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 67-2601A(3), 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 19, 2016.

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:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Many of the provisions contained therein the rules are outdated, no longer applicable, or confusing to the logging industry. Accordingly, many of the amendments contained in the rulemaking are either administrative in nature to clarify rule provisions, provide updated references and citations to applicable standards or regulations, or replace outdated or unclear illustrations related to common logging practices. Through the negotiated rulemaking process, the logging industry requested most of the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters, as well as update key definitions related to logging safety practices. The rulemaking also identifies the Division's role in administering the logging rules, as well as clarifying the scope of the Division's authority in interpreting and applying the logging rules. Finally, the rulemaking clarifies and updates the general requirements of both the employer's and employee's responsibility to ensure safe logging operations.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

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 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0801-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt *reasonable* rules for affecting the purposes *of the Workers' Compensation Act* therein. (7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

~~There are no provisions for administrative appeal of these rules.~~ The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (7-1-97)()

004. ~~(RESERVED)~~ INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

~~005. INCLUSIVE GENDER.~~

~~For all sections and subsections of these rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate.~~ (7-1-97)

~~006. SEVERABILITY.~~

~~The sections and subsections of these rules are severable. If any rule, or part thereof, or the application of such rule, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion.~~ (7-1-97)

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

007. DEFINITIONS.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. In addition to the terms defined in this section, refer to IDAPA 07.08.18, "Commonly Used Logging Terms" for additional definitions of logging terms. (7-1-97)()

- 01. Administrator.** The Administrator of the Division of Building Safety. (7-1-97)()
- 02. Approved.** The term approved shall mean approved by the Division of Building Safety. (7-1-97)
- 03. Division.** The Division of Building Safety. (7-1-97)
- 054. Equipment.** The term as used shall mean and include all machines, machinery, tools, devices, safeguard, and protective facilities used in connection with the logging operations ~~and maintenance of an establishment~~ regardless of ownership. (7-1-97)()
- 05. Exposed to Contact.** Shall mean the location of a hazardous object is so accessible that a workman may, in the course of his employment, come into contact with the object. (7-1-97)
- 06. Guarded.** Guarded shall mean, covered, shielded or railed so as to remove the liability possibility of dangerous contact or approach by employees or objects. It shall further mean construction of guards to ensure protection from flying objects where applicable. (7-1-97)()
- 07. Hazard.** Hazard as used in these standards shall mean any condition or circumstance which may cause injury to an employee. (7-1-97)
- 08. It is Recommended, or Should.** When these terms are used they shall indicate provisions which are not mandatory. (7-1-97)
- 09. Log or Logs.** When the word log or logs is used, it includes poles, piling, pulpwood, skids, etc. (7-1-97)
- 10. Safety Factor or Factor of Safety.** This term as used is the ratio of the ultimate breaking strength of a member or piece of material to the actual working stress or to the maximum permissible (safe load) stress. For Example: When a safety factor of six (6) is required, the structure, lines, hoists, or other equipment referred to shall be such as to provide a strength sufficient to support a load equal to six (6) times the total weight or stress to be imposed on it. (7-1-97)()
- 11. Shall, ~~Must~~, Will.** Is compulsory or mandatory. (7-1-97)()
- 12. Standard Safeguard.** Shall mean a device designed and constructed with the object of removing the hazard of an accident incidental to the machine, appliance, tool, building or equipment to which it is attached. (7-1-97)()
- 13. Substantial.** Shall mean constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand normal wear, shock and usage. (7-1-97)
- 008. INTERPRETATION AND APPLICATION OF ~~THIS~~ THESE RULES.**
- 01. Scope.** ~~This rule is a~~ These rules are part of the state of Idaho industrial accident prevention program and hasve the full force and effect of law. (7-1-97)()
- 02. Jurisdiction.** In accordance with the laws of the state of Idaho, every employer and every employee working in the state of Idaho shall conform comply with the rules ~~and regulations of this rule~~ contained herein. (7-1-97)()
- 03. Enforcement.** The enforcement of all rules ~~and regulations~~ of this rule chapter and the right of inspection and examination, at any time, shall rest with the Division. (7-1-97)()

04. Issues Not Covered. Where specific standards in ~~this~~ these rules fail to provide a rule or standard applicable to the operation in question, and other state of Idaho codes or standards are applicable, those codes or standards shall apply. (7-1-97)()

05. Interpretations. Should any controversy develop as to the intent or application of any standard or rule as set forth in ~~this~~ these rules, or the interpretation of any standard or rule set forth in ~~this~~ these rules, such controversy shall be called to the direct attention of the ~~Administrator Division, who will~~ which shall render a decision as the applicability of such rule or standard. Any appeal from this decision shall be directed to the ~~Division Administrator.~~ (7-1-97)()

06. Additional Standards. It is recognized that a definite, positive safety standard cannot anticipate all contingencies. The Division, after due notice and opportunity to be heard, may require additional standards and practices to insure adequate safety at any place of any employment, and, on its own motion or upon application of any employer, employee, group, or organization, may modify any provision of this rule. (7-1-97)

07. Exceptions. In exceptional cases where the rigid application or compliance with a requirement can only be accomplished to the detriment and serious disadvantage of an operation, method, or process, exception to the requirement will be considered upon written application to the Division. After thorough investigation, the Division may grant an exception ~~or may apply or devise another applicable rule,~~ if human life and physical well being will not be endangered by such exception. (7-1-97)()

08. Existing Buildings, Structures, and Equipment. Nothing contained in this rule for ~~l~~ogging safety shall prevent the use of existing buildings, structures, and equipment during their lifetime when maintained in good safe condition, and properly safeguarded, ~~and or require~~ conformance to with the applicable safety standards required by Idaho Safety Codes effective prior to the effective date of this rule, ~~and~~ provided that replacements and alterations shall conform with all provisions of ~~this Code~~ these rules. (7-1-97)()

009. EMPLOYER'S RESPONSIBILITY.

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

a. Every employer subject to these rules shall furnish employment and maintain places of employment ~~which~~ that 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~~ that are adequate to render such employment and place of employment safe. (7-1-97)()

i. Employers shall place highly visible "LOGGING AHEAD" or similar-type warning signs at the entrances of active logging jobs. Employers shall also place "TRUCKS AHEAD," "TRUCKS ENTERING," "TREE FALLING," and "CABLES OVERHEAD" whenever applicable (3-29-10)()

ii. Every employer shall furnish to its crew a Company Emergency Rescue Plan. (3-29-10)()

c. Every employer should insure that ~~Material~~ Safety Data Sheets (MSDS) are reasonably accessible for every hazardous material. (3-29-10)()

d. Every employer shall post and maintain in a conspicuous place or places in and about his place or places of business a written notice stating the fact that he has complied with the worker's compensation law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of Idaho law. Such notice shall contain the name and address of the surety, as applicable, with which the employer has secured payment of compensation. Such notice shall also be readily available on the site where logging operations are occurring, and available for inspection by Division officials upon request. ()

de. Every employer shall do ~~every~~ all other things ~~necessary within the framework of this Rule as~~ required by these rules to protect the life and safety of employees. (7-1-97)()

ef. No employer shall require any employee to go or be in any place of employment ~~which~~ that does

not meet the minimum safety requirement of ~~this Rule~~ these rules, except for the purpose of meeting such requirements. (7-1-97)()

fg. 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 all other things ~~necessary within the framework of this Rule~~ as required by these rules to protect the life and safety of employees. (7-1-97)()

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

hi. 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~~ all other things as required by these rules to protect the life and safety of employees. (7-1-97)()

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

ji. 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~~ activities 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 of~~ motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking ~~in 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 movable equipment. (7-1-97)()

jk. 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 Division to determine by examining the record, the injury rate of the employee force for the period covered by the report. (7-1-97)

kl. 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~~ Employers shall promptly take any required action ~~thus found~~ to ~~be advisable~~ correct the situation. 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 m~~Management ~~must~~ shall 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~~ **shall** 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~~ **shall** have the full cooperation of employers and the Division.

(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~~ **that** 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~~ **ensure** 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~~ **Additional** 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 **of every accident regardless of severity** 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~~ **impaired by** intoxicants **or legal or illegal drugs** and shall not use intoxicants **or such drugs** 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~~ **impaired** by intoxicants **or drugs**. Employers shall be responsible for the actions of any employee known to be in an intoxicated **or impaired** 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.g. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer **upon** termination of employment. (7-1-97)()

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

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

h.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)()

h.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)()

h.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)

h.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)()

h.o. The employee shall learn first aid ~~to be applied on the job, in the home, or anywhere else.~~ (3-29-10)()

h.p. The employee should keep physically fit, and obtain sufficient rest. (7-1-97)

h.q. The employee should be certain, ~~after receiving instructions,~~ that **they all instructions received** are understood completely before starting the work. (7-1-97)()

h.r. The employee should actively participate in safety programs. (7-1-97)

h.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)

h.t. The employee should advise inexperienced fellow-employees of safe ways to ~~do~~ **perform** their work and warn them of dangers to be guarded against. (7-1-97)()

h.u. It is the employer's responsibility to ~~see that~~ **ensure compliance with** the foregoing provisions ~~are complied with.~~ (7-1-97)()

011. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.02 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- HEALTH, SAFETY, AND SANITATION

DOCKET NO. 07-0802-1601

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 67-2601A(3), 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 19, 2016.

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:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Many of the provisions contained therein the rules are outdated, no longer applicable, or confusing to the logging industry. Accordingly, many of the amendments contained in the rulemaking are either administrative in nature to clarify rule provisions, provide updated references and citations to applicable standards or regulations, or replace outdated or unclear provisions related to common logging practices. Through the negotiated rulemaking process, the logging industry requested most of the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. The rulemaking identifies practices related to the provision of first aid and the proper contents of first aid kits. The rulemaking also amends provisions related to safety and fire equipment and the use of personal protective equipment.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

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 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986 / Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0802-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt reasonable rules for affecting the purposes of the Workers' Compensation Act therein. (7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code. (7-1-97)()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

~~007.~~ -- 008. (RESERVED)

009. DEFINITIONS.

For definitions, refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging – General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms." (7-1-97)()

010. FIRST AID.

01. Transportation. (7-1-97)

a. Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. (7-1-97)

- b. Transportation shall be of a nature to render reasonable comfort to an injured employee. (7-1-97)
- c. Each crew bus, or similar vehicle, shall be equipped with at least one (1) ~~ten-unit~~ first aid kit with the required contents as indicated in Subsection 010.06 of these rules. (7-1-97)()
- 02. Communication.** (7-1-97)
 - a. Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall ~~work out a definite~~ establish an emergency action plan ~~of action~~ to be taken in the event of serious injury to any employee. (7-1-97)()
 - b. Instructions covering ~~this~~ the emergency action plan ~~of action~~ shall be made available to all work crews. (7-1-97)()
 - c. When ~~practical~~ practicable, a poster shall be ~~fastened and maintained either~~ displayed on, or ~~in~~ near the cover of each first aid cabinet ~~and at or near all~~ phones, ~~plainly stating. The poster shall display~~ the phone numbers of applicable emergency services. The use of the ~~Boise~~ Idaho State EMS Communication Center is recommended. The number is 1-800-632-8000 or 208-846-7610. (7-1-97)()
 - d. Every employer shall obtain their specific job location (longitude and latitude preferred) and furnish such to crew for emergency evacuation. (3-29-10)()
- 03. Attendance for Seriously Injured.** (7-1-97)
 - a. Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. (7-1-97)
 - b. Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. (7-1-97)
 - c. Caution shall be used in removing a helpless or unconscious person from the scene of an accident to prevent further injury. (7-1-97)
- 04. First Aid Training.** All woods workers shall be required to complete an approved course in first-aid and have a current card. (3-29-10)
- 05. Stretcher or Spine Board.** A ~~stretcher or~~ spine board (designed for ~~and~~ or adaptable to the work location and terrain) and two blankets ~~kept~~ maintained in sanitary and serviceable condition shall be available where such conditions ~~are a factor in~~ require the use of such to provide for the proper transportation ~~of~~ and first aid to an injured workman. (7-1-97)()
- 06. First Aid Kits.** (7-1-97)
 - a. The employer shall provide first aid kits at each work site where trees are being felled, at each active landing, and in each employee transport vehicle. (3-29-10)
 - b. The following list sets forth the minimally acceptable number and type of first-aid supplies for required first-aid kits. The contents of the first-aid kits ~~should~~ shall be adequate for small work sites, consisting of approximately two (2) to three (3) employees. When larger operations or multiple operations are being conducted at the same location, additional first-aid kits ~~should~~ shall be provided at the work site or additional quantities of supplies ~~should~~ shall be included in the first-aid kits:

TABLE 010.06 SUGGESTED <u>REQUIRED</u> CONTENTS	
1.	Gauze pads (at least 4 x 4 inches)

TABLE 010.06 SUGGESTED REQUIRED CONTENTS	
2.	Two (2) large gauze pads (at least 8 x 10 inches)
3.	Box adhesive bandages (band-aids)
4.	One (1) package gauze roller bandage (at least two (2) inches wide)
5.	Two (2) triangular bandages
6.	Wound cleaning agent such as sealed moistened towelettes
7.	Scissors
8.	At least one (1) blanket
9.	Tweezers
10.	Adhesive tape
11.	Latex gloves
12.	Resuscitation equipment such as resuscitation bag, airway, or pocket mask
13.	Two (2) elastic wraps
14.	Splint
15.	Directions for requesting emergency assistance

(~~3-29-10~~)()

c. Special kits, or the equivalent, shall be provided and approved for special hazards peculiar to any given work location. (7-1-97)

d. ~~These~~ All kits, as applicable, shall be readily available and kept supplied. (~~7-1-97~~)()

e. First aid kits shall be in metal, or other sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. (7-1-97)

011. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

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

a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. (7-1-97)

b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. (7-1-97)

c. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials ~~which~~ that are irritating to the skin. (~~7-1-97~~)()

02. Inspection, Maintenance and Sanitizing. (7-1-97)

a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. (7-1-97)

b. Air line equipment shall have a necessary regulator and shall be inspected before each use. (~~7-1-97~~)()

- c. Workers shall check their equipment at the beginning of each shift. (7-1-97)
- 03. Eye Protection.** (7-1-97)
- a. Where workers are subject to eye hazards (flying particles, dusts, hazardous liquids, gases, mists or vapors, or injurious light rays) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes and Respiratory protection. (7-1-97)
- b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation is such that they will furnish equivalent protection. (7-1-97)
- c. Clean water in ample quantities shall be immediately available where materials are handled that are caustic or corrosive to the eyes. (7-1-97)
- 04. Foot and Leg Protection.** (7-1-97)
- a. Employees shall wear footwear suitable for the work conditions. (7-1-97)
- b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping. (7-1-97)
- c. Special types or designs of shoes, or foot guards, ~~may~~ **shall** be required to be worn where conditions exist that make their use necessary for the safety of the workers. (7-1-97)()
- d. Leggings or high boots of leather, rubber or other suitable material ~~should~~ **shall** be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. (7-1-97)()
- e. Employees whose duties require them to operate a chain saw shall wear ballistic nylon or equivalent protection covering each leg from upper thigh to boot top, except when working as a climber or working from a bucket truck. (3-29-10)
- 05. Hand Protection.** (7-1-97)
- a. Hand protection suitable for the required usage ~~should~~ **shall** be worn wherever the nature of the work requires extra protection for the hands. (7-1-97)()
- b. Gloves shall not be worn where their use would create a hazard. (7-1-97)
- 06. Head Protection.** (7-1-97)
- a. Persons required to work where falling or flying objects, overhead structures, exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. (7-1-97)
- b. Employees working in locations which present a ~~hair~~ catching or fire hazard ~~to hair~~ shall wear caps or other head ~~covering~~ **protection which that** completely covers the hair. (7-1-97)()
- 07. Life Jackets, Vests and Life Rings.**
- NOTE:* Where ~~buoyant protective~~ **personal buoyancy** equipment is provided, it shall be of a design and shall be worn in a manner that will ~~tend to~~ maintain the wearer's face above water. It shall be capable of floating a sixteen (16) pound weight for three (3) hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect. (7-1-97)()
- a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all

times while working on or over water, as follows: (7-1-97)

- i. On floating pontoons, rafts and floating stages. (7-1-97)
- ii. On open decks of floating plants (such as dredges, pile-drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines. (7-1-97)
- iii. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. (7-1-97)
- iv. Working alone at night where there are potential drowning hazards regardless of other safeguards provided. (7-1-97)
- v. On floating logs, boom sticks or unguarded walkways. (7-1-97)

b. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, ~~should~~ shall be provided with a means of rendering them visible.

NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. (~~7-1-97~~)()

08. Life Lines -- Safety Belts. (7-1-97)

a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of two thousand five hundred (2,500) pounds. (7-1-97)

b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. (7-1-97)

c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. (7-1-97)

09. Work Clothing. (7-1-97)

a. Clothing shall be worn which is appropriate to work performed and conditions encountered. (7-1-97)

b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. (7-1-97)

c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. (7-1-97)

d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. (7-1-97)

e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. (7-1-97)

10. Respiratory Equipment. (7-1-97)

a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. (7-1-97)

b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. (7-1-97)

c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. (7-1-97)

d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain. Such filter shall be maintained in efficient working condition. (7-1-97)

e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. (7-1-97)

11. Hearing Protection. Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. (7-1-97)

12. Additional Information and Requirements. Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Safety and Health Standards *for Places of Public Employment*, established in IDAPA 07.09.01, “Safety and Health Rules for Places of Public Employment.” (7-1-97)()

012. FIRE PREVENTION, PROTECTION AND SUPPRESSION.

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

a. Additional Standards pertinent to the storage, distribution, and use of liquefied petroleum gases and other flammables or combustibles may be obtained by reference to regulations of the Idaho Department of Law Enforcement State Fire Marshal and the National Fire Protective Association pamphlets. (7-1-97)()

b. Fire fighting equipment, suitable for the hazards involved, shall be provided for the protection of workmen. Such equipment shall be readily accessible, and shall be plainly labeled as to its character and method of operation. Locations of such equipment shall be conspicuously posted. (7-1-97)

c. All equipment and apparatus for fire protection and fire fighting shall be regularly inspected and be maintained in good and serviceable condition at all times. A record of the date of the latest inspection shall be kept with each portable fire extinguisher. This includes all automatic sprinkler systems and hose lines. (7-1-97)

d. Fire extinguishers, whether portable or automatic, shall comply with appropriate current standards as published by the National Fire Protection Association. Portable fire extinguishers shall also be subject to an annual maintenance inspection by the Division. They must also be visually inspected by the employer each month, and such inspections documented. (7-1-97)()

e. Electrical lights, apparatus, and wiring used in locations where flammable or explosive gases, vapors, mists, or dusts are present shall be of the type accepted by the State adopted Electrical Code for the State of Idaho. (7-1-97)()

f. Smoking while refueling equipment is prohibited. (7-1-97)

g. All fuel storage tanks, service tanks, etc., shall be bonded for ground for fueling purposes. (7-1-97)

h. When lights are used in enclosed rooms, vaults, manholes, tanks or other containers which may contain flammable or explosive vapors, mists, gases, or dusts, such lights shall be of the approved vapor proof types. (7-1-97)

i. No torch, flame, arc, spark, or other source of ignition shall be applied to any tank or container that has contained or does contain flammable or explosive vapors or materials until such container has been made to be inerted or otherwise purged of flammable or explosive vapors or materials, except that “hot tapping” on tanks may be done providing that: (7-1-97)()

- i. There shall be at least four (4) feet of liquid above the point of the “hot tap”; and (7-1-97)
- ii. ~~That~~ The work shall be carried out under the direction of a supervisor experienced in this type of work. (7-1-97)()

NOTE: A test for flammability or explosiveness of the interior of such vessels shall be made using a device which will determine the concentration of flammable vapors for this purpose. Unless the percentage of flammable vapors is found to be less than twenty percent (20%) of its lower explosive limit, no source of ignition shall be permitted. (7-1-97)

j. Frequent testing for determining the concentration of flammable and explosive vapors shall be made, and if the concentration is found to exceed twenty percent (20%) of its lower explosive limit, sources of ignition shall be extinguished or removed immediately. Fire extinguishing equipment adequate to cope with possible hazards shall be maintained close at hand. (7-1-97)

k. Smoking, the use of open flames, tools which are not approved for such areas, and other sources of ignition are prohibited in locations where flammable or explosive gases, vapors, mists, or dusts are present. Warning signs shall be conspicuously posted in such areas. (7-1-97)

l. Where salamanders and other fuel-burning heating devices are used, they shall be provided with adequate means for preventing the emission of sparks or other sources of ignition. ~~They~~ Such devices shall be insulated or placed a sufficient distance from combustible structures and materials to prevent causing fires. Adequate ventilation shall be provided. (7-1-97)()

m. When welding or cutting is done special precautionary measures ~~should~~ shall be exercised before, during and after the job is finished to eliminate any possibility of ~~serious~~ immediate or delayed fires. (7-1-97)()

02. Flammable Liquids. (7-1-97)

a. For the purpose of this ~~S~~section of the Rule, “Flammable Liquids” shall mean any liquid having a flash point below one hundred forty (140) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit. (7-1-97)()

b. All flammable liquids shall be stored in approved containers suitable for their particular contents, and such approved containers shall be stored in areas removed from any direct source of ignition. (7-1-97)

c. Flammable liquids shall be kept in approved covered containers when not in actual use. (7-1-97)

d. The name of the flammable liquid contained therein shall be placed on all stock containers, and whenever such liquids are taken from the stock containers and put into other approved containers for use ~~in the plant~~, it shall be the responsibility of the employer to ~~see~~ ensure that these containers (except small containers of flammable liquids which are scheduled for immediate use and disposal) also bear the name of the flammable liquid contained therein. (7-1-97)()

e. Flammable liquids shall not be used indoors to clean or wash floors, walls, any part of ~~the a~~ building structure, furniture, equipment, machines or machine parts, unless sufficient ventilation is provided to bring and maintain the concentration of explosive vapors in the atmosphere below twenty percent (20%) of its lower explosive limit.

NOTE: The use of flammable liquids may create toxic contaminants in the atmosphere above permissible threshold limit values. (7-1-97)()

03. Transferring Flammable Liquids and Powdered Materials. In transferring flammable liquids or finely divided flammable or explosive materials from one ~~(+)~~ metal container to another, the containers shall be in firm contact with each other or be continuously bonded throughout the transfer so as to prevent the accumulation of static charges. Where portable tanks, mixers, or processing vessels are used for flammable liquids or flammable or explosive compounds, they shall be bonded and grounded while being filled or emptied. (7-1-97)()

04. Transportation of Flammable Liquids. (7-1-97)

a. When transporting gasoline or other flammable liquids ~~in six and one-half (6 1/2) gallon quantities or more~~, approved containers shall be used. (7-1-97)()

b. If tank truck service is not available or used, gasoline and other flammable liquids ~~in quantities exceeding six and one-half (6 1/2) gallons~~ shall be transported in approved containers. Bungs shall be tight and containers shall be secured to prevent movement. (7-1-97)()

c. It may be permissible to transport gasoline or other flammable liquids on passenger vehicles if in approved, closed safety containers of not more than six and one-half (6 1/2) gallon capacity, provided such containers are carried in a suitable and safe location outside the passenger compartment. (7-1-97)

013. DESIGNATED LOGGING CAMPS.

A camp used in a logging operation shall comply with the following requirements: (7-1-97)

01. Trees and Snags. Trees and snags ~~which~~ that may constitute a hazard to persons in the camp area shall be felled. (7-1-97)()

02. Sanitation. The Idaho Department of Environmental Quality rules for sanitation must be observed as to water, toilets, washrooms, refuse, etc. (7-1-97)

014. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.03 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- EXPLOSIVES AND BLASTING

DOCKET NO. 07-0803-1601 (CHAPTER REPEAL)

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 67-2601A(3), 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 19, 2016.

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:

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. The provisions contained therein the rules related to explosives and blasting are outdated, and no longer applicable to the logging industry as the overwhelming majority of loggers do not engage in the practice, but instead contract such work out to professionals who are properly trained and qualified to do so. Through the negotiated rulemaking process, the logging industry requested most of the proposed amendments set forth in the rulemaking.

This rulemaking would repeal IDAPA 07.08.03 from the logging safety rules related to the use, handling, transportation, and storage of explosive and blasting agents and practices related thereto.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the December 2, 2015 Idaho Administrative Bulletin under Docket No. 07-0800-1501, [Vol. 15-12, pages 1-2](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

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 26, 2016.

DATED this 2nd day of September, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-8986 / Fax: (877) 810-2840

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.04 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS

DOCKET NO. 07-0804-1601

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 67-2601A(3), 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 19, 2016.

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

During the 2015 legislative session the authority to perform safety inspections and issue safety orders, as well as conduct safety training programs was statutorily transferred from the Idaho Industrial Commission to the Division of Building Safety. The minimum standards and practices for conducting logging operations in Idaho have not been substantively updated since their initial promulgation as administrative rules in 1997. Several of the provisions required minor editorial revisions to ensure clarity. Through the negotiated rulemaking process, the logging industry expressed support for the proposed amendments set forth in the rulemaking.

This rulemaking would clarify the proper reference to statutory and rule provisions which govern any appeals process of decisions by the Division related to logging safety matters. This rulemaking also makes several minor edits to clarify several provisions related to the use of garages and machine shops in support of logging operations.

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

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: N/A

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0804-1601
(Only Those Sections With Amendments Are Shown.)**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 67-2601A, Idaho Code, the Division of Building Safety has the authority to promulgate and adopt *reasonable* rules for affecting the purposes *of the Workers' Compensation Act* therein.
(7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEALS.

~~There are no provisions for administrative appeal of these rules.~~ The procedure for appeals in logging safety matters is prescribed by IDAPA 07.08.16, "Idaho Minimum Safety Standards and Practices for Logging – Recommended Safety Program," and Title 67, Chapter 52, Idaho Code.
(7-1-97)()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Division of Building Safety, Logging Safety Program, is at the Division office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

0047. -- 008. (RESERVED)

009. DEFINITIONS.

For definitions refer to IDAPA 07.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," Section 007, and IDAPA 07.08.15, "Idaho Minimum Safety Standards and Practices for Logging – Commonly Used Logging Terms."
(7-1-97)()

010. GARAGES AND MACHINE SHOPS AND RELATED AREAS.

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

a. Machine shops and other structures where workers are employed shall be constructed, ventilated, lighted and maintained in a safe working condition. (7-1-97)

b. Engines, pulleys, belts, gears, sprockets, collars and other moving parts of machinery shall be properly guarded. (7-1-97)

c. Grinding wheels shall have proper and adequate eye guards or hoods. Face shields shall be worn by employees while grinding. (7-1-97)

- d.** Machines shall be in good repair and good housekeeping shall be maintained. (7-1-97)
- e.** Proper goggles or hoods shall be made available and used in grinding and cutting, acetylene welding, electric arc and other types of welding. (7-1-97)
- f.** Tools shall be kept in good condition and care shall be taken in the handling- and storing of all tools and materials so as to minimize chances for injury. ~~(7-1-97)~~()
- g.** An approved screen shall be provided, and used, to protect other workers from welding flashes. (7-1-97)