

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 07.08.13 - Idaho Minimum Safety Standards and Practices for Logging–Log Dumps,
Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting,
Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer
Loading Hoists (Docket No. 07-0813-1601);

IDAPA 07.08.14 - Minimum Safety Standards and Practices for Logging–Helicopter Logging -
Proposed Rule (Docket No. 07-0814-1601);

IDAPA 07.08.15 - Idaho Minimum Safety Standards and Practices for Logging–Commonly Used
Logging Terms - Proposed Rule (Docket No. 07-0815-1601);

IDAPA 07.08.16 - Idaho Minimum Safety Standards and Practices for Logging–Recommended
Safety Program - Proposed Rule (Docket No. 07-0816-1601).

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 11/03/2016. 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 12/05/2016.

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 17, 2016

SUBJECT: Division of Building Safety

IDAPA 07.08.13 - Idaho Minimum Safety Standards and Practices for Logging--Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists (Docket No. 07-0813-1601)

IDAPA 07.08.14 - Minimum Safety Standards and Practices for Logging--Helicopter Logging - Proposed Rule (Docket No. 07-0814-1601)

IDAPA 07.08.15 - Idaho Minimum Safety Standards and Practices for Logging--Commonly Used Logging Terms - Proposed Rule (Docket No. 07-0815-1601)

IDAPA 07.08.16 - Idaho Minimum Safety Standards and Practices for Logging--Recommended Safety Program - Proposed Rule (Docket No. 07-0816-1601)

(1) 07.08.13 - Idaho Minimum Safety Standards and Practices for Logging--Log Dumps, Landing, Log Handling Equipment, etc. - Proposed Rule (Docket No. 07-0813-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.13 - Idaho Minimum Safety Standards and Practices for Logging--Log Dumps, Landing, Log Handling Equipment, etc. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and makes minor revisions related to log handling.

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) 07.08.14 - Minimum Safety Standards and Practices for Logging--Helicopter Logging - Proposed Rule (Docket No. 07-0814-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.14 - Minimum Safety Standards and Practices for Logging--Helicopter Logging. The Division states that this rule change

clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and makes minor revisions related to helicopter logging.

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) 07.08.15 - Idaho Minimum Safety Standards and Practices for Logging--Commonly Used Logging Terms - Proposed Rule (Docket No. 07-0815-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.15 - Idaho Minimum Safety Standards and Practices for Logging--Commonly Used Logging Terms. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and makes minor revisions to several commonly used 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.

(4) 07.08.16 - Idaho Minimum Safety Standards and Practices for Logging--Recommended Safety Program - Proposed Rule (Docket No. 07-0816-1601)

The Division of Building Safety submits notice of proposed rulemaking at IDAPA 07.08.16 - Idaho Minimum Safety Standards and Practices for Logging--Recommended Safety Program. The Division states that this rule change clarifies the proper reference to rule provisions that govern appeals of decisions made by the Division and clarifies provisions related to fire and safety policies and proper reporting of injuries and fatalities. This proposed rule also establishes procedures for the issuance of safety orders by the administrator and procedural rights for parties who object to a safety order and seek to contest the matter.

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

07.08.13 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND FOOT LOGS, POND BOATS AND TOW BOATS AND TRAILER LOADING HOISTS

DOCKET NO. 07-0813-1601

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. 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. The rulemaking also makes minor editorial revisions to several citations and other rule provisions related to log handling.

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
Phone: (208) 332-8986 / Fax: (877) 810-2840

1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0813-1601
(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. ()

00~~4~~7. -- 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. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. (7-1-97)

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machine~~ary~~ is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. (7-1-97)()

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. (7-1-97)

c. Substantial barriers or bulkheads ~~to~~ protecting the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled.

(7-1-97)()

d. A safe and adequate means of access to, and egress from, the operator's station shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained. (7-1-97)

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. (7-1-97)

f. Throttles and all power controls shall be maintained in good operating condition. (7-1-97)

g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. (7-1-97)

h. Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers, workers shall choose the safest approach. This is usually from the upper side of the log. (7-1-97)

i. Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. (7-1-97)

j. The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard hand signals, whistles, or other positive means of communication. (7-1-97)

k. Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. (7-1-97)

l. Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. (7-1-97)

m. Brakes shall be installed on all machine drums and maintained in effective working condition. (7-1-97)

n. Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. (7-1-97)

o. Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operators shall test brakes before lifting any load at the start of each shift. (7-1-97)()

p. In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of ~~C~~ranes, ~~S~~hovels, etc., into yarders shall be in conformity with these rules. Necessary guylines ~~and~~ or outriggers shall be provided and used to effectively prevent mast, A-frames, etc., from tipping or overturning. (7-1-97)()

q. The manufacturer's recommendations for line sizes, if in compliance with ~~this Code~~ these rules, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. (7-1-97)()

r. Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. (7-1-97)

s. Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. (7-1-97)

- t.** All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operator's exposure to such hazard. Grapple arms or other positive means of keeping logs on the forks shall be required on fork lift-type loading machines. (7-1-97)()
- u.** All workers shall be in the clear and in view of the machine operator before a lift is made. (7-1-97)
- v.** All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. (7-1-97)
- w.** Logs or loads shall not be swung over occupied equipment or workers and no ~~one~~ **person** shall ride the load or rigging. (7-1-97)()
- x.** While logs are being loaded, no ~~one~~ **person** shall remain on the chain deck or behind the truck cab protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. (7-1-97)()
- y.** An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. (7-1-97)
- z.** A-frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement. (7-1-97)
- aa.** When moving machines on sleds, etc., stumps shall be used, when available, in preference to trees. These stumps shall be carefully examined to make sure that they will safely withstand the strains imposed by moving. If there is any doubt, the stumps shall be tied back. Insecure trees used for holds shall be guyed. Workers shall stand in the clear while pulls are being made. When holds are being changed, the machine shall be secured with a separate line if there is danger of the machine sliding. When snubbing machines down steep grades, the main line shall be used for snubbing and the haul back for pulls. Only the operator and those required to assist him shall ride on the machine while it is being moved.
- NOTE: All lines, blocks, etc., and their use shall be in conformity with the applicable provisions of the "Rigging, Lines, Blocks, and Shackles" (IDAPA 07.08.09) of this Standard. (7-1-97)
- bb.** All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. (7-1-97)
- cc.** A limit stop which will prevent the lift arms from over-traveling shall be installed on all electric powered log unloaders. (7-1-97)
- dd.** Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. (7-1-97)
- ee.** All log handling equipment shall be **provided equipped** with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. (7-1-97)()
- ff.** Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. (7-1-97)
- gg.** A substantial log dump shall be constructed at each log pond or mill dumping ground. The road bed shall be of hard packed stone, heavy planking or equivalent material. (7-1-97)
- hh.** Where logs are dumped directly into water from truck or rail car, a substantial brow log eighteen

(18) inches or more in diameter shall be provided and securely anchored. (7-1-97)

ii. After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between **a** brow log and **a** truck or rail car. (7-1-97)()

jj. The use of plain end hooks without a bell is prohibited. Loading hooks shall be kept in good repair at all times. They shall be equipped with at least one half (1/2) inch diameter hand ropes in good condition and of sufficient length for workers to be in the clear. When carrying tongs, they shall not be rested on both shoulders with points around the neck. (7-1-97)

kk. Where there is danger of tongs or hooks pulling out of the logs, straps shall be used. (7-1-97)

ll. All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten (10) feet of any power line. (7-1-97)()

mm. Bunk logs shall extend not less than twelve (12) inches beyond the bunks, with the exception of non-oscillating bunks. (7-1-97)()

nn. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. (7-1-97)

oo. Binders shall be so placed that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. (7-1-97)

pp. Whenever loads consist of logs to be dumped at different landings, lots shall be separated with gut wrappers. Wrappers shall be used for the entire load, as required for single unit loads. Not more than two (2) lots shall be loaded on a single vehicle. (7-1-97)

qq. Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. (7-1-97)

rr. Loads or logs shall not be moved or shifted while binders are being applied or adjusted.

NOTE: For logs in transit see "Log Truck Transportation" (IDAPA 07.08.12, Section 010). (7-1-97)

ss. The unloading machine or lines shall be so positioned to securely hold the logs to keep them from rolling off on the side from which the wrappers, bunk blocks, or stake trips are being released, and they shall not be released until the machine is so placed. Signs to this effect shall be prominently posted at each landing or dump. An extra wrapper shall be placed to hold the logs if it becomes necessary to move a wrapper to prevent it from being fouled by the unloading machine. Stake finger trips shall be released by using rip chains. The use of hammers, peaveys, etc., is strictly prohibited. (7-1-97)

tt. All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. (7-1-97)

uu. Artificial log ponds, subject to stagnation, shall be drained and refilled at such intervals necessary to keep them in a sanitary condition. (7-1-97)

vv. Logs in storage decks shall be so arranged as to prevent logs from rolling off the face of the deck. (7-1-97)

ww. All log load wrappers shall be arranged so that they must be released in view of the unloader

operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. (7-1-97)

02. Log Ponds. (7-1-97)

- a. Pond walks shall be kept in good repair and free of protruding nails and obstructions. (7-1-97)
- b. Persons working on logs or around booms in water shall wear sharp calked shoes. When conditions such as snow and ice render calks ineffective, other types of shoes with "safety soles" may be worn. (7-1-97)
- c. Approved buoyant life vests or life jackets shall be worn and fastened by the persons working on water. (7-1-97)
- d. Pike poles shall be of metal, fiberglass, or continuous, straight-grained No. 1 wood material. Metal or conductive pike poles shall not be used around exposed electrical conductors. Defective poles, blunt or dull pikes shall not be used. They shall be restricted to the use for which they are intended. (7-1-97)

e. Sufficient walkways and floats shall be proved and securely anchored to insure the safe passage ~~of~~ of workers. (7-1-97)()

f. Decks of floats or other walkways shall be kept reasonably level and above the waterline at all times and shall be capable of supporting four (4) feet from log haul. (7-1-97)

g. Pond walkways shall be at least four (4) feet or more in width for a distance of at least forty (40) feet from log haul. (7-1-97)

h. Gaps between end of boom sticks or walkways shall not be over twenty four (24) inches. (7-1-97)

03. Booms-Rafting-Towing. (7-1-97)

a. Life ~~R~~ Rings with a minimum of fifty (50) feet of approved line attached shall be provided at convenient points where water is more than five (5) feet in depth. Life rings shall be maintained so as to retain their positive buoyancy. (7-1-97)()

b. Workmen, whose duties require them to work from boats or from floating logs, boom sticks, or walkways along or on water, shall be provided with and shall wear approved, positive, buoyant equipment while performing such duties. (7-1-97)

04. Stiff Booms. (7-1-97)

a. All stiff booms shall be made of not less than two (2) boom sticks. Width of stiff booms shall be not less than thirty-six (36) inches from outside to outside float logs. Float logs shall be fastened together with not less than four by six inch (4" x 6") cross ties, or equivalent, or cable lashings notched into float logs. All stiff booms and floating walkways shall be decked with not less than two by six inch (2" x 6") planking and kept free of snow and other debris. (7-1-97)

b. All sorting gaps shall have a substantial stiff boom on either side of gap. Stiff booms or walkways shall be planked over with not less than two by six inch (2" x 6") or wider planks and shall be kept free of tripping hazards. (7-1-97)

05. Boom Sticks and Foot Logs. (7-1-97)

a. All regular boom sticks and foot logs shall be made of sound straight timber and shall be free of protruding knots and bark, and shall be of a size to support two (2) workers above the water line. (7-1-97)

b. Boom sticks which have been condemned shall be marked with three (3) chopped crosses ten (10) feet from the butt end and shall not be reused as boom sticks. (7-1-97)

c. Gaps between ends of boom sticks shall not be over twenty four (24) inches. All wire shall be removed from boom sticks or boom chains before they are reused or stored. (7-1-97)

d. When power driven machinery is used on booms or sorting jacks, it shall be placed on raft or float with enough buoyancy to keep machine well above waterline. If electric power is used it shall be grounded in an approved manner. Electric powered hand tools shall not be used unless the tool has a positive ground. (7-1-97)

e. When dog lines become hazardous, they shall be discarded. (7-1-97)

f. Booms, ponds, sorting jacks or walkways, shall be provided with sufficient illumination for all employees to have clear vision at all points where work is being carried on. (7-1-97)

06. Pond Boats and Tow Boats. (7-1-97)

a. All persons whose duties require them to work from boats, floating logs, boom sticks, or floating walkways shall wear sharp calked shoes. When conditions render calks ineffective, other approved foot gear may be worn. (7-1-97)

b. All metal decks of pond boats or tow boats shall be covered with a material that will prevent slippage of calks. (7-1-97)

c. All boats used by workmen shall be provided with at least one (1) life ring with fifty (50) feet of approved line attached. (7-1-97)

d. All power boats shall be provided with one (1) or more approved fire extinguishers of five (5) B-C rating or more for each fifteen (15) feet in length. (7-1-97)

e. Power boats shall not be re-fueled while the motor is running. (7-1-97)

f. All powered boats shall be vented in accordance with U.S. Coast Guard Regulations. (7-1-97)

g. All powered boats shall conform to operating requirements of the U.S. Coast Guard where applicable. (7-1-97)

07. Trailer Loading Hoist/Sawmill Log Dump. (7-1-97)

a. The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. (7-1-97)

b. The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. (7-1-97)

c. Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable serviceability of the facility. (7-1-97)

011. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.14 - MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -

HELICOPTER LOGGING

DOCKET NO. 07-0814-1601

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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.

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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 minor editorial revisions to several of the requirements related to helicopter 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. 07-0814-1601
(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. GENERAL REQUIREMENTS.

Safety requirements are as follows: (7-1-97)

01. Briefings. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the daily plan of operation for the pilot and ground personnel. (7-1-97)

02. Personal Protective Equipment. Personal protective equipment for employees receiving the load shall consist of, as a minimum, consist of complete eye protection and hard hats secured by chinstraps. (7-1-97)()

03. Loose-Fitting Clothing. Loose-fitting clothing likely to flap in the downwash, and perhaps be snagged on the hoist line, shall not be worn. (7-1-97)

04. Reduced Visibility. When visibility is reduced by dust or other conditions, ground personnel shall keep clear of main and stabilizing rotors. (7-1-97)

05. Unauthorized Personnel. No unauthorized person shall be allowed to approach within fifty (50) feet of the helicopter when the rotor blades are turning. (7-1-97)

06. Approaching or Leaving Helicopter. All employees approaching or leaving a helicopter with blades rotating shall remain in full view of the pilot and remain in a crouched position. (7-1-97)

07. Areas to Avoid in Helicopter. Employees shall avoid the area from the cockpit or cabin rearward unless authorized to be there by the helicopter operator to be there. (7-1-97)()

08. Approach and Departure Zones. Helicopter approach and departure zones shall be designated and no equipment or personnel will occupy these areas during helicopter arrival or departure. (7-1-97)

09. External Loads. Helicopters with an external load shall not pass over areas where fallers are working. (7-1-97)

10. Open Fires. Open fires shall not be permitted in an area that could result in such fires being spread by rotor downwash. (7-1-97)

11. Compliance with FAA Regulations. Helicopter operations shall be expected to comply with any applicable regulation of the Federal Aviation Administration. (7-1-97)()

12. Protective Precautions. Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. (7-1-97)

011. SPECIFIC REQUIREMENTS.

01. Signal Systems. (7-1-97)

a. Signal systems between air crew and ground personnel shall be understood and checked before hoisting the load. This applies to either radio or hand signal systems. (7-1-97)

b. There shall be constant reliable communication between the pilot and a designated signalman during the period of loading and unloading. (7-1-97)

c. The helicopter shall be equipped with a siren to warn workers of hazardous situations. (7-1-97)

02. Loading Logs. (7-1-97)

a. It shall be the responsibility of the firm, supervisor, or person who is in charge of the actual loading operation to comply with the Section in provisions of these rules applicable to log loading. (7-1-97)()

b. The helicopter operator shall be responsible for the size, weight and manner in which loads are attached to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made. (7-1-97)

c. When employees are required to perform work under hovering aircraft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. (7-1-97)

d. Employees shall not work under hovering aircraft except while hooking or unhooking loads. (7-1-97)

e. The weight of an external load shall not exceed the manufacturer's rating. (7-1-97)

f. The hook-up crew shall not work on slopes below felled and bucked timber when an unsafe situation exists. Culls left, ~~that~~ **which** have a potential of rolling, should be moved to a safe position. ~~(7-1-97)~~()

03. Loading and Landing Areas. (7-1-97)

a. The minimum dimensions of a drop zone shall be determined by the length of the logs being hauled. All zones shall be at least one and one-half (1 1/2) times as long, and as wide as the length of the average log being harvested. (7-1-97)

b. Landing or loading machinery shall be a reasonable distance away from where logs are to be landed. (7-1-97)

c. Landing crew shall be in the clear before logs are landed. (7-1-97)

d. The approach to the landing shall be clear and long enough to prevent tree tops from being pulled onto the landing. (7-1-97)

e. Separate areas shall be designated for landing logs and fueling helicopters. (7-1-97)

f. Sufficient ground personnel shall be provided for safe helicopter loading and unloading operations. (7-1-97)

g. A clear area shall be maintained in all helicopter loading and unloading areas. (7-1-97)

h. Emergency landing areas for injured workers shall be located within a reasonable distance from all working areas. (7-1-97)

04. Hooks and Chokers. (7-1-97)

a. The electrical activating device of all electrically operated cargo hooks shall be designed and installed to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. (7-1-97)

b. Logs will be laid on the ground and the helicopter completely free of the chokers before workers approach the logs. (7-1-97)

c. One (1) end of all the logs in the turn shall be touching the ground and at an angle no greater than forty-five ~~(45)~~ degrees **(45°)** before the chokers are released. ~~(7-1-97)~~()

d. If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs. (7-1-97)

012. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.15 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - COMMONLY USED LOGGING TERMS

DOCKET NO. 07-0815-1601

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. Several of the commonly used logging terms 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. The rulemaking also makes minor editorial revisions to several commonly used logging terms.

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
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Phone: (208) 332-8986 / Fax: (877) 810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0815-1601
(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. ADDITIONAL DEFINITIONS.

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

010. DEFINITIONS.

01. A-Frame. A structure made of the independent columns (of wood or steel) fastened together at the top and separated a reasonable width at the bottom to stabilize the unit from tipping sideways. (7-1-97)

02. Arch. A piece of equipment attached to the rear of a vehicle, used for raising one end of logs to facilitate skidding. (7-1-97)()

03. Back Cut. The final falling cut. (7-1-97)

04. Barber Chair. Slab portion of tree remaining on the stump above the back cut due to improper falling. (7-1-97)

05. Bell or Cup Hook With Spike. A hook consisting of a cylindrical cup from whose center there projects a spike. (7-1-97)

06. Bight. The loop of a line, the ends being "gast" elsewhere, or the angle formed by a line running through a block. (7-1-97)

07. **Binder.** Chain, cable, or steel strap used for binding loads of logs. (7-1-97)
08. **Blasting Cap.** A metal shell containing a detonating compound. (7-1-97)
09. **Brailing.** One (1) section of flat log raft enclosed by boom sticks. To place logs end to end in a long flat raft or boom. (7-1-97)
10. **Brow Log.** A log placed parallel to any roadway at a landing or dump to protect vehicles while loading or unloading. (7-1-97)
11. **Bullbuck.** The supervisor over cutting crew. (7-1-97)
12. **Buckle Guy Line.** Line used to stiffen or support a tree, pole, or structure between the top guys and the base. (7-1-97)
13. **Bunk.** The cross support for logs on a logging car or truck. (7-1-97)
14. **Butt Hook.** Hook at the end of a haul-in line for attaching chokers to line. ~~(7-1-97)~~()
15. **Butt Rigging.** Arrangement at the end of main line for attaching chokers. ~~(7-1-97)~~()
16. **Capped Fuse.** A piece of fuse to which a blasting cap has been crimped. (7-1-97)
17. **Carriage Logging.** A type of high lead logging using gravity, haul back, or remote control carriages to yard logs. (Bullet carriage is one type). (7-1-97)
18. **Cat Road.** A tractor road. (7-1-97)
19. **Chaser.** The member of the yarding crew who unhooks the logs at the landing or fights hang-ups on skid road. (7-1-97)
20. **Chipper.** A machine which cuts materials into chips. (7-1-97)
21. **Chock (Bunk Block-Cheese Block).** A wedge that prevents logs from rolling off the bunks. (7-1-97)
22. **Cheater.** ~~An~~ Extension to bunk stakes. ~~(7-1-97)~~()
23. **Choker.** A wire rope with special attachments put around the log near the end for hauling or lifting. ~~(7-1-97)~~()
24. **Cold Deck.** Any pile of logs which is yarded and left for future removal. (7-1-97)
25. **Cold Shut.** A link for joining two (2) chains, the link being closed cold with a hammer, not a weld. (7-1-97)
26. **Connecting Wires.** ~~Means~~ f Those wires that connect the leg wire of one (1) electric blasting cap or with the leading wires, when blasting in series. ~~(7-1-97)~~()
27. **Crotch Line.** Two (2) short lines attached to a hoisting line by means of a ring or shackle, the lower ends being attached to loading hooks and used for loading or unloading. ~~(7-1-97)~~()
28. **Cutter.** A term used to designate faller or buckler. (7-1-97)
29. **D or Strap Socket.** A socket with a closed loop and arranged to be attached to the end of a line. It is used in place of a spliced eye. (7-1-97)

30. **Dead Man.** ~~A~~ Buried log or other object used as an anchor. (7-1-97)()
31. **Detonator.** ~~Means~~ A blasting cap, electric blasting cap, or delay electric blasting cap. (7-1-97)()
32. **Dog Line.** Any line used to tie logs together. (7-1-97)
33. **Donkey- (Short for "Donkey Engine")-** ~~z~~ Power equipment equipped with drum and cable for moving or transporting logs as in loading or yarding. (7-1-97)()
34. **Drag-Turn.** Any log or group of logs attached by some means ~~to~~ of power and moved from a point of rest. (7-1-97)()
35. **Explosive.** Any chemical compound or mechanical mixture ~~that is~~ commonly used that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, friction concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life or limb. (7-1-97)()
36. **Fair Lead.** A combination of a pair of sheaves or roller set transversely or vertically in a unit in front of another pair of sheaves to guide a line coming from any direction and leading it properly to a drum. (7-1-97)
37. **Gin Pole.** A raised pole properly guyed and used to support lines and blocks. (7-1-97)
38. **Grapple.** A device attached to ~~a~~ hoisting line for mechanically handling logs. (7-1-97)()
39. **Gut Wrapper.** ~~An~~ ~~f~~ intermediate binder for an individual tier of logs. (7-1-97)()
40. **Guy Lines.** The lines used to stay or support spar trees, booms, etc. (7-1-97)
41. **Haul Back.** A small wire line traveling between the power skidder and a pulley set near the logs. Used to return the main cable with tongs, chokers, or hooks to the next log. (7-1-97)
42. **Heel Block.** The block heel of boom. (7-1-97)
43. **Heel Boom.** A type of loading boom where one end of the log is pulled up against the boom. (7-1-97)
44. **Hook Tender, Hooker.** The worker who supervises the method of moving the logs from the woods to the place of loading. (7-1-97)
45. **Hazard.** Any condition or circumstance which may cause an accident or injury. (7-1-97)
46. **Jaggers.** Any projecting broken strand of cable. (7-1-97)
47. **Jammer.** A machine used for handling logs. (7-1-97)
48. **Jill Poke.** A projecting object out of its normal position. (7-1-97)
49. **Knob.** A metal ferrule arranged to be attached to the end of a line, used in place of a spliced eye. (7-1-97)
50. **Landing, Rollway.** Any place where logs are placed, after being yarded, awaiting loading or unloading. (7-1-97)
51. **Lang Lay Rope.** A wire rope, in which the wires in the strands of the rope are laid in the same direction. (7-1-97)

52. **Leading Wires.** Those wires between the “connecting wires” or “leg wires” and a portable generating devise or an approved type blasting battery in series blasting. (7-1-97)
53. **Leaners.** A live or dead leaning tree. (7-1-97)
54. **Loading Boom.** Any structure projecting from a pivot point to guide a log when lifted. (7-1-97)
55. **Log Stacker.** A machine with lift forks used to handle logs. (7-1-97)
56. **Magazine.** Any building or other structure used exclusively for the storage of explosives. (7-1-97)
57. **Operation (Show Woods Layout).** Any place where logging is being done. (7-1-97)
58. **Mainline.** A cable which pulls logs or trees to loading. (7-1-97)
59. **Pan (Skidding Pan).** A solid piece of metal placed behind a tractor on which one ~~(+)~~ end of logs rest. ~~(7-1-97)~~()
60. **Peeling Bar or Spud.** A tool for removing bark from trees or logs. (7-1-97)
61. **Pike, Pole.** A long pole whose end is shod with a sharp pointed steel spike, point, ~~and~~ or hook. ~~(7-1-97)~~()
62. **Portable Spar or Tower.** An engineered structure designed to be used in a manner similar to which a wooden spar tree would be used. (7-1-97)
63. **Powder.** Any explosive other than the detonating agent. (7-1-97)
64. **Primer.** A cartridge of explosive with a detonator inserted there in. (7-1-97)
65. **Reach.** An adjustable beam between a trailer and a motorized logging vehicle. ~~(7-1-97)~~()
66. **Receding Line.** The line on ~~which~~ a skidder or slack-line comparable to the haul back line on a yarder. ~~(7-1-97)~~()
67. **Reload.** Any area where logs are dumped and reloaded. (7-1-97)
68. **Running Line.** Any line which moves. (7-1-97)
69. **Sail Guy.** A guy which holds the outer end of a boom. (7-1-97)
70. **Sail Block.** A block hung inverted on the sail guy to hold the tong block in proper position. (7-1-97)
71. **Schoolmarm.** A crotched tree consisting chiefly of two (2) trunks. (7-1-97)
72. **Skids.** Any group of timbers spaced a short distance apart on which the logs are placed. (7-1-97)
73. **Side, Show, Chance.** That unit of a logging operation, including men and equipment that is sufficient to fall, buck, and load a given area ready for transportation of the logs to the mill. (7-1-97)
74. **Side Winders.** A piece of log, brush, or limb thrown up or sideways during skidding operation ~~A,~~ or a tree knocked down by another tree in falling. ~~(7-1-97)~~()
75. **Signalman, Whistle Punk.** The authorized worker who transfers signals from a given location to the operator. (7-1-97)
76. **Skidding.** Movement of logs on the ground. (7-1-97)

77. **Skyline.** The supporting line on various types of logging systems on which carriage, block, or bullet travels. (7-1-97)
78. **Slack Line.** A form of skyline where skyline is spooled on drum and can be raised or lowered. (7-1-97)
79. **Slack Puller.** Any device used to increase the movement of a line when its own weight is inadequate. (7-1-97)
80. **Snags.** Any dead standing trees. (7-1-97)
81. **Snubbing.** A method of retarding or controlling the movement of logs or machine by means of looping the line around a stationary object. (7-1-97)
82. **Spring Board.** A board with an iron tip used by fallers to stand on when they must stand above the ground level. (7-1-97)
83. **Strap.** Any short piece of line with an eye or "D" in each end. (7-1-97)
84. **Strawline.** A small line used for miscellaneous purposes. (7-1-97)
85. **Strip.** A definite location of timber allocated to a cutting crew. (7-1-97)
86. **Sweeper.** Unexpected and controlled lateral movement of a log, tree, etc., during skidding operations. (~~7-1-97~~) ()
87. **Swamp.** The falling or clearing of limbs and brush around or along a specific place. (7-1-97)
88. **Tag Line.** A line used to control movement during loading, unloading, or skidding operations. (7-1-97)
89. **Tail Hold.** Any anchor used for making fast any line. (7-1-97)
90. **Tell Tale.** A devise used to serve as a warning for overhead hazards. (7-1-97)
91. **Tight Line.** When power is exerted on both mainline and haul back at the same time. (7-1-97)
92. **Tongs.** A hooking device used to lift or skid logs. (7-1-97)
93. **Transfer.** Changing of a load of logs in a unit from one means of transportation to another. (7-1-97)
94. **Tree Plates.** Steel protectors spiked around a tree to prevent the lines from cutting into the trees. (7-1-97)
95. **Undercut.** A notch cut in the tree to guide and control the tree in falling. (7-1-97)
96. **Windfall.** A tree felled by the wind or other natural causes. (7-1-97)
97. **Widow Maker.** A loose limb, top, or piece of bark which may fall on a logger working beneath it. (7-1-97)
98. **Yarding.** Movement of logs or trees from the place they are felled (bucked) to a central loading or shipping point. (7-1-97)
011. -- 999. (RESERVED)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.08.16 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - RECOMMENDED SAFETY PROGRAM

DOCKET NO. 07-0816-1601

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, or replace outdated or unclear provisions related to common logging practices. Additionally, as authorized in statute, rules are established related to the process for the administrator to issue and enforce safety orders when inspection of logging operations reveals an unsafe condition or threat of serious bodily harm or loss of life. Through the negotiated rulemaking process, the logging industry indicated 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. It also provides various amendments to clarify and update provisions related to the scope of the rules, fire and safety policies, and the proper reporting of logging injuries and fatalities to appropriate authorities. Finally, the rulemaking establishes the administrative procedures related to the issuance of safety orders by the administrator, as well as the procedural rights afforded to responsible logging parties who may object to a safety order and seek to contest the matter.

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. 07-0816-1601
(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. ()

~~004.—~~007. (RESERVED)

008. 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)()

009. ABBREVIATIONS. (RESERVED)

For abbreviations, refer to IDAPA 07-08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions." (3-29-10)

010. INTRODUCTION.

01. Scope. (7-1-97)

a. ~~This Standard is a~~ **These rules are** part of the accident prevention program of the State of Idaho. This ~~book~~ **program** is dedicated to the safety and well-being of all workers in Idaho's logging industry. It has been ~~prepared and adopted~~ **established** according to the processes prescribed by law. ~~We make this book available to all persons concerned with the maintenance of safe working conditions in the logging industry.~~ (7-1-97)()

b. ~~This Standard~~ **These rules** contain~~s~~ the primary safety rules for the logging industry. However, other Idaho Safety Standards promulgated and adopted by the Industrial Commission shall be applicable to this industry where not inconsistent with the provisions herein, or where any particular activity which is being carried on is not specifically covered or regulated herein. (7-1-97)()

02. Enforcement. The enforcement of ~~the Standard becomes~~ **these rules is** the responsibility of the Division of Building Safety. ~~This Standard~~ **These rules** will not serve ~~its entire~~ **their** purpose if ~~its~~ **their** requirements are considered anything but a minimum for safe operation. So much variation exists in the logging industry that each operation should be judged, not by its compliance to the letter of this Standard, but according to a higher standard -- that of absolute safety under all conditions. (7-1-97)()

03. Accident Prevention. Accident prevention is ~~often~~ **often** a problem of organization and education. It does not ~~rest upon involved theory or~~ **succeed solely on** detailed safety codes but consists largely of the desire to institute a common sense safety program and determination to carry out the program effectively. Effective accident prevention embodies the following five (5) principles: management leadership; employee cooperation; effective organization; thorough training; and good supervision. (7-1-97)()

011. FIRE AND SAFETY POLICY.

01. Elements. The basic elements or management responsibility for fire and safety policy are enumerated in this section. (7-1-97)

02. Management Leadership. The ~~declaration~~ **establishment** of the safety policy should be made clear to all levels of supervision, purchasing, engineering, industrial and construction; and **communicated** to all employees that top management has approved the operation's safety program. (7-1-97)()

03. Planning. The program should be based on the following: accounting record of safety cost, accident recording system, accident investigation recommendations, operation inspection recommended corrections, employee suggestions, and job analysis to determine the work hazards. The hazard appraisal can be summarized as follows: mechanical and physical hazards; environmental hazards; and work procedure and practices. (7-1-97)

04. Management Discharge of Duty. (7-1-97)

a. If management is to discharge its duty in proper directing of the fire and safety program, it must organized a definite planned program of continuous supervision and leadership by all facets of the management organization. The very fact that safety must be woven into all operations and activities ~~with~~ **should** not require extra managerial time beyond the ordinary to operate a business successfully, i.e., if the entire management team will assume their safety responsibility. (7-1-97)()

b. The first ~~problem~~ **task** of management is to determine the operational hazards. Once these are ascertained and appraised, suitable corrective action can be initiated. If the working unit is operating, the following specific activities should be carried out to find the hazards. These are: job inspection; job analysis; accident investigation (near accident, non-disabling injuries) to determine necessary remedial action to prevent recurrence of the accident. (7-1-97)()

05. Hazard Appraisal. The partial list of terms covered by appraisals are summarized briefly as follows: mechanical and physical hazards; adequacy of mechanical guarding of machines and equipment; preventing the use of inferior manufactured and unsafe supplies, equipment, chain, cables, sheaves, tires, power saws, tractor canopy guards, approved head protection, fire extinguishers, solvents, mill saws, etc.; and physical exhaustion such as may be caused by excessive work hours by truck drivers and mill maintenance employees. (7-1-97)()

06. Environmental Hazards Inherent to the Operation. (7-1-97)

a. Personal protection devices (approved head protection, ear plugs, knee pads, proper eye protection, respirators, etc.) (7-1-97)

b. Storage and use of flammable liquids and gases (gasoline, diesel, acetone, acetylene, acids, etc.) (7-1-97)

c. All employees should be familiar with proper work signals (falling, blasting, high lead signals, loading, mill signals, operation fire signal, etc.) (7-1-97)

d. Noise and fatigue hazards that are inherent to the industry (planers, cutoff saws, jack hammers, etc.). (7-1-97)

07. Work Procedures and Practices. (7-1-97)

a. Hazards directly related to work practices should be carefully observed and evaluated. (7-1-97)

b. ~~A few of the important w~~Work practices ~~which that~~ should be investigated ~~are~~ include, but are not necessarily limited to: use, care and maintenance of hand and portable power tools; degree of supervision given the worker; the extent of job training provided; the safety indoctrination and training of new or transferred employees; the proper use of fire extinguishers; the use of personal protective devices (approved head protection, shoes, etc.); and the repair and maintenance of equipment with respect to machines, mechanical handling equipment, log loaders, yarding equipment, tractors, fork lifts, overhead cranes, headrigs, etc.; (7-1-97)()

08. Reporting of Injuries. (7-1-97)

a. The employer shall instruct all employees to report all job injuries ~~before the shift ends~~, to the supervisor at the time injuries occur. The employer shall ~~check~~ specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in used. (7-1-97)()

b. The employer is responsible for reporting all industrial lost time injuries to the Industrial Commission within forty-eight (48) hours. (3-29-10)

c. The employer is responsible for reporting all in-patient hospitalization, amputation, or the loss of an eye for any employee to the Occupational Safety and Health Administration (OSHA) and the Division of Building Safety Logging Safety Program within twenty-four (24) hours. ()

09. Fatalities. All work fatalities should be immediately reported to the County Sheriff or Coroner, the Division of Building Safety Logging Safety Program, and OSHA in accordance with the Code of Federal Regulations, 29 CFR 1904.39. (3-29-10)()

10. Management of Personnel. (3-29-10)

a. The recruiting and placing of a new worker on the job is a major responsibility of the management organization. Every effort should be made to match the qualifications of the worker with the demands of the job. (3-29-10)

b. The furnishing of first aid services, treatment of injuries, and inspection of working conditions is the employer's responsibility. (3-29-10)

11. Assignment of Responsibilities. (3-29-10)

a. Supervisors, purchasing agents, engineering personnel, safety directors, personnel directors, and employees have ~~certain~~ responsibilities ~~to ensure conformance with~~ the ~~organization's~~ fire and safety objectives in every operation. ~~(3-29-10)()~~

b. Management must accept the normal obligation for preventing accidents. In many operations it is a practice to delegate the actual administration of the safety program to a person who can devote full-time to it. In ~~the~~ smaller operations, safety administration may be a collateral duty carried on in conjunction with some other duties. The safety ~~administrator or safety man~~ ~~director~~ should function in a staff capacity. Because the safety director operates in a consultant capacity, ultimate responsibility for accident prevention rests with the workers' supervisor, the foreman and line production organization. There is no doubt that the foreman is the key person in every safety program. Safety is not something separate and apart from production. If the job is done right, it is done safely. ~~(3-29-10)()~~

c. Safety is an integral and important part of production, just as is quality and quantity, or meeting production schedules. (3-29-10)

d. All these duties are foreman or project superintendent duties, and the most important part of the line production organization. This obligation cannot be delegated. As the person in charge of production, the foreman is responsible for the safety of his people. This fact must be made clear and should be included in the statement of policy. (3-29-10)

12. Safety Director (Part-Time or Full-Time): (3-29-10)

a. Makes periodic inspections of the operations and suggests corrective measures to eliminate hazards. (3-29-10)

b. Should assist in investigation of all types of accidents to determine the cause, so as to prevent like accidents in the future. (3-29-10)

c. Aids foremen in developing safe work procedures and practices and assists foremen in training their workers. (3-29-10)

d. Keeps accident records and makes periodic reports to the proper official on the progress being made. Reports and records; report of accidents; accident investigation report; performance report (injury frequency ~~&~~ ~~and~~ severity); accident cost report; safety committee reports; report on degree of corrective action taken on different recommendations. ~~(3-29-10)()~~

e. Conducts or initiates safety training courses including first aid and fire fighting, where appropriate, and any other course inherent to the job (truck driver courses, power saw courses, welding, grinder usage, fork lift truck operator, etc.). (3-29-10)

f. Establishes safety committee. (3-29-10)

g. ~~Sees~~ ~~Ensures~~ that recommendations are promptly and properly implemented. ~~(3-29-10)()~~

h. Checks specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in use. (3-29-10)

i. He shall assist the safety committee in developing agendas for their meetings. (3-29-10)

13. Foreman Responsibilities. ~~No theorem~~ ~~It~~ is ~~more thoroughly proven and~~ widely accepted ~~than:~~ ~~that~~ the foreman is the key man in attaining proper work habits in any operation. It is the obligation of management to give the most careful attention to the selection, education, and training of foremen and train ~~him~~ ~~them~~ in the proper

way to train employees in correct and safe work methods to attain the best production in the safest way.

(7-1-97)()

14. First Aid Training. It shall be the responsibility of management to arrange to have all employees take a full course in first aid training. It is ~~a must~~ **required** that supervisory personnel shall take an approved ~~F~~ **first Aid** ~~C~~ course, and have a current ~~F~~ **first Aid** card. (3-29-10)()

15. ~~Accident~~ **Injury Record and Reporting System.** (7-1-97)()

a. ~~If an employer had ten (10) or fewer employees at all times during the last calendar year, it does not need to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs the employer in writing that it must keep records under OSHA regulations. However, as required by such regulations, all employers covered by the OSH Act must report to OSHA and the Division of Building Safety Logging Safety Program any workplace incident that results in a fatality or the hospitalization, the amputation of a limb, or the loss of an eye for any employee.~~ ()

a.b. ~~For those employers subject to the injury and illness recording requirements under OSHA, the employer shall~~ establishment, in ~~the its main Idaho~~ office ~~of the employer, of~~ an ~~accident injury~~ record and reporting system which ~~will definitely tie into nationally uniform~~ **is consistent with** reporting, record, and statistical requirements ~~United States American Standard Method of Recording and Measuring Work Injury Experiences (Z 16.1) of the Occupational Safety and Health Administration (OSHA).~~ (7-1-97)()

b. Injury frequency rates shall be calculated annually ~~on a calendar basis~~ commencing the first of January each year. These rates shall be kept on file in the office of the employer for at least four **(4)** years after the date of entry thereof, and shall be made available to the Division of Building Safety, upon request. (7-1-97)()

c. The injury frequency rate shall be the number of lost time injuries to all employees per one million (1,000,000) man hours of exposure. The frequency rate is computed by multiplying the number of lost time injuries by one million **(1,000,000)** (the standard of measurement) and dividing the product by the total number of man hours worked during the period. The formula is expressed as follows: Frequency equals the number of lost time injuries times one million (1,000,000) total man hours of exposure. (7-1-97)()

d. A lost time injury shall be the term applied to any injury, arising out of, and in the course of employment which makes it impossible for the injured person to return to an established regular job at the beginning of the next regular shift following the shift during which the injury occurred, or some future shift. (7-1-97)

e. Man hours of exposure shall be the total number of man hours actually worked by all personnel in the industrial unit during the period for which the rate is being computed. (7-1-97)

~~**f.** Translating the number of injuries in a plant or organization, into frequency rates serves as a standard measure which enables anyone to compare the industrial injury record of the plant with that of other industrial organizations or with national and state frequency rates for the same industry. The standards that shall be used are the United States American Standard Method of Recording and Measuring Work Injury Experiences (Z 16.1).~~ (7-1-97)

16. Training and Education. (7-1-97)

a. **Training and education includes:** ()

ai. Establishment of effective job training methods and safety education. (7-1-97)

bii. First **A**id courses, proper work signals and job hazard warnings. (7-1-97)()

ciii. Pamphlets, bulletin boards, safety meetings, posters, etc. (7-1-97)

a.b. The employer shall establish an adequate job training and safety education program. The relationship of safety to job quality and modern quantity production methods should be clearly understood. Good

work production is governed by careful planning and accurate control of all phases of the operation. Accidents are the result of inadequate planning of faulty operation. (7-1-97)

ec. Safety must be made an essential and integral part of every operation and integrated into the activity if the most successful quantity production is to be attained. The soundness of this statement has been proven many times by comparing the accident cost with the day by day curve of production. (7-1-97)

fl. It is the responsibility of management to train employees in all phases of the work ~~he is~~ they are assigned. The worker training should begin at the time of employment with a careful presentation of the general safety information ~~he~~ the employee must have to work on and in logging and lumbering or wood working operations. When the worker is placed on the job, the worker must be given detailed training on proper work methods for accomplishment of the job. The correct way is the safe way. Telling is not training. (7-1-97)()

ge. People learn to do things primarily through doing action. The employee's job training should be given ~~by~~ using the five (5) step job training method: (7-1-97)()

- i. Tell the employee; (7-1-97)
- ii. Show the employee; (7-1-97)
- iii. Have the employee do it; (7-1-97)
- iv. Correct until the employee does it right; and (7-1-97)()
- v. Supervise to see that the employee keeps doing it right. (7-1-97)

hf. Education and promotion are a supplemental means of reducing injuries. This device employs any number of methods to accomplish results. A good program may use but will not overemphasize emotional appeal to the workers using such devices as scholarships, stamps, posters, safety meetings, contests, and awards. ~~It is~~ is management's responsibility to integrate education and training program and balance its effectiveness to employee training. Unsafe acts or unsafe work practices are the result of failure to train workers in safe work procedures. In establishing or operating a safe and quality work program, an appraisal of unsafe work procedures and poor quality of work is called for, and job training methods initiated to correct these practices. (7-1-97)()

17. Employer, Employee, and Labor Representative Cooperation. (7-1-97)

a. The workers have a responsibility to obey the units safety rules, smoking rules, report unsafe conditions, to serve on the different safety committees, perform their work in a safe way, and to help fellow workers by showing them how to do their job safely. (7-1-97)

b. Many safety programs fail because the worker has not been made to feel that it is their program; or that they can contribute as well as benefit from the program. It often ~~failed~~ because it lacks employee participation and interest. The fact that employees are given the opportunity to participate and to contribute to the program not only opens a reservoir of valuable information on practical experience in accident prevention, it also gives the employee a feeling of being a part of the organization. (7-1-97)()

c. The committee on safety should be made up of personnel selected from management and workers. Management members are supervisors and worker members may be selected by the union or by the employees. (7-1-97)

d. The labor unions should help develop a safe behavior among the workers. (7-1-97)

18. Maintenance of Safe Working Conditions. (7-1-97)

a. The employer shall provide a safe and healthy work area in which to work, including purchasing of safe equipment and tools and provide proper maintenance of such equipment. (7-1-97)()

b. Since a safe and health~~ful~~ place to work is the very foundation of the safety program, the mechanical, physical, and environmental conditions ~~will~~ should be given first consideration. (7-1-97)()

c. For almost every accident there are typically two (2) contributing causes - an unsafe condition and an unsafe act. A safe and health~~ful~~ place to work will diminish or eliminate the first cause, the unsafe condition; but unless the unsafe act is corrected, accidents will continue to occur. Unsafe acts may stem from a number of factors, such as improper selection of the worker for the job, lack of job training, physical or mental limitations or inadequate supervision. When a safety program is first established or a new project with a new crew is started, this may necessitate a thorough periodic survey of the entire operation to determine hazards. (7-1-97)()

19. Remedial Measures of Corrective Action. (7-1-97)

a. The employees shall support and correct the findings of job analysis, inspections, accident investigations, employee suggestions, etc. (7-1-97)

b. The assumption of responsibility for fire and accident prevention by management carries with it the continuing responsibility to assess the progress being made on the program, and where progress is unsatisfactory to take ~~what~~ necessary steps ~~are necessary~~ to bring about improvement. Inspection alone is primarily a means of finding and eliminating fire and physical hazards, particularly in connection with enforcement. All educational and promotional activities should be integrated with inspection activities, and should be based on the specific needs of the establishment or operation. Inspection and educational and promotional programs are sometimes looked upon as entirely unrelated activities rather than a single integrated program. (7-1-97)()

c. None of the foregoing activities are of value unless followed by effective corrective action. The responsible executive ~~of~~ within top management must establish specific procedures to effect proper and complete corrective action in each area for problems that occur. In well-managed ~~establishments~~ organizations the areas of responsibility are clearly defined. The activities are well coordinated, supervision is ~~good~~ adequate and proactive, employees' safety behavior is excellent, and policies are well-defined to permit smooth organization. This is not difficult; the corrective measures are applied as part of the day ~~by~~ to day operating procedure. (7-1-97)()

20. Safety Order By the Administrator. In accordance with the provisions of section 67-2601A (3), Idaho Code, the administrator may issue a safety order requiring an owner, operator or other party responsible for ensuring safe logging operations to immediately stop work or close any work site, or portion thereof where an inspection has revealed evidence of a condition that poses an immediate threat of bodily harm or loss of life to any person. The process governing the issuance of a safety order is contained herein this section. ()

a. Upon receiving information evidencing an unsafe condition or unsafe practices at any logging workplace or place of employment, the administrator shall inspect or cause to be inspected such place of employment unless such information was obtained by previous inspection of the Division. If upon such inspection the administrator determines that an unsafe condition or unsafe practice exists which may pose an immediate threat of bodily harm or loss of life, the administrator may issue a safety order requiring the employer to immediately stop work or close any work site, or portion thereof. Any safety order issued by the administrator shall specifically identify the unsafe condition or practice, as well as the safety risks associated therewith. Written notice of such order shall immediately be provided by the administrator to the owner or operator of the business, or any other appropriate party responsible for abating the unsafe condition or practice. ()

b. Upon receiving such notice from the administrator, such owner, operator or responsible party shall immediately comply with such, and may notify the administrator in writing of their objection to the notice and request to contest such at a hearing. The owner, operator or responsible party shall provide the administrator with information, documentation, or other evidence supporting their objection. ()

c. Upon receipt and review of such information from the owner, operator, or responsible party, the administrator may reconsider the matter and issue appropriate findings to the owner, operator, or party responsible for abating the unsafe condition or practice, including rescission of the order. ()

d. If after review it is the determination of the administrator to keep the safety order in place, he shall so notify the owner, operator or responsible party and designate a time and place for hearing, and may assign the

matter for hearing by a hearing officer. The hearing shall be afforded at such time not to exceed five (5) business days from the date the administrator received the notice of objection unless additional time is requested by the owner, operator, or responsible party. The hearing proceedings shall be governed by the provisions of Title 67, Chapter 52, Idaho Code. The hearing officer shall issue an order in accordance with Section 67-5243, Idaho Code. The hearing may be held at such location or by such means as the administrator determines most convenient for the parties.

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e. The safety order shall remain in effect, and shall not be rescinded until the administrator has determined that the safety threat has been corrected or removed from the workplace. Upon verification by the administrator that the safety threat has been corrected or otherwise removed from the worksite, the administrator shall immediately notify the owner, operator or responsible party of the rescission of the safety order. Any party aggrieved by the final order of the administrator shall be entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.

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f. Any person who knowingly fails or refuses to comply with the provisions of a safety order issued by the administrator shall be guilty of a misdemeanor, and the administrator may seek criminal prosecution of any such violations.

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012. -- 999. (RESERVED)