



## **HOW TO SURVIVE A WISCONSIN 'DEPARTMENT OF COMMERCE' (DOC) SAFETY INSPECTION**



### **Introduction**

The Wisconsin Department of Commerce (DOC) is authorized to enforce its **Public Employee Safety and Health** standards through workplace inspections. This is granted under the Wisconsin Division of Safety and Building Codes, Commerce Chapter 32. These inspections are usually conducted without advance notice, and upon presentation of their credentials to the school, may:

- *Enter without delay and at reasonable times any building, place of employment or workplace of a public employer, or an environment where work is performed by an employee of an employer; and*
- *Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer or employee.*

The Wisconsin Department of Commerce has adopted the federal "Occupational Safety and Health Administration (OSHA)" requirements. This is more commonly referred to as the "OSHA 1910 – general industry" and "OSHA 1926 – construction" regulations. There are additional safety regulations that are listed in Chapter 32.

### **Inspection Process**

The safety inspection officer may select any employee or their representative to accompany them during the inspection. The college may suggest someone such as a safety committee member or union representative, if they may be helpful. A college administration official or their designee should also be present during the inspection.

The safety inspection officer may take photographs, if they apply to the inspection, and the college should be prepared to take photos from the same angle to refute any alleged citations. The officer may also take samples of material or copy labels and, again, the school should be prepared to do the same for future reference/analysis.

College administration should be prepared to correct minor safety hazards as they are found during the inspection. Maintenance personnel should be available to make quick repairs. This prompt action and your "good faith effort" should be pointed out during the 'closing conference.'



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### **Closing Conference**

The college has the right to a closing conference with the safety inspection officer after the inspection. The closing conference is not mandatory but this is an opportunity for the manager to present the school's side in the event of any alleged violations. This is also the time to change the safety inspection officer's original conclusions and negotiate abatement periods for each violation. Abatement periods can be renegotiated later but once the safety inspection officer submits his report, the chance for an amicable agreement diminishes. The safety inspection officer only indicates what violations may receive a citation - the Department of Commerce Director will actually determine citations.

### **Citations / Violations**

Upon receipt of an order of noncompliance, the college shall post a copy of the order in accordance of their requirements. This includes posting a copy at the site of the violation for a minimum of 3 days, or until all violations are abated, whichever is longer. All violations must be abated by the compliance date shown on the violation notice, with extensions granted only if a good faith effort is established. Extensions are not automatically granted, and must be accompanied by an accepted compliance / abatement plan and approved by the compliance officer.

### **Penalties**

Wisconsin Statutes – Section 101.02 (12) reads: *“Every day during which any person or corporation, or any officer, agent or employee of a person or corporation, fails to observe and comply with any order of the department or to perform any duty specified under this subchapter shall constitute a separate and distinct violation of the order or of the requirements of this subchapter, whichever is applicable.”*

Further, Section 101.02 (13) states: *“If any employer, employee, owner or other person violates this subchapter, or fails or refuses to perform any duty specified under this subchapter, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with this subchapter, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the state treasury a sum of not less than \$10 nor more than \$100 for each said offense.”*



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### **General Guidelines**

A positive approach during an inspection is very important. The administration and college staff should be polite, friendly, fair, and firm with the DOC safety inspector. Written procedures and guidelines should be developed for the receptionist and key personnel in the event a DOC safety inspector arrives. A procedure guideline and worksheet are part of this overview.

College administration (or designate) should accompany the DOC safety inspector at all times during the inspection. They should answer any questions directed to the college. If the answer to a question is not known, consult with the appropriate staff or faculty to determine the appropriate answer.

Finally, all DOC inspections should be reported to the College President. Copies of all related communications and information should be forwarded for review to assist in the informal conference and/or contest.

Additional assistance may be obtained by contacting the Districts Mutual Insurance (DMI) and Gallagher Bassett's Risk Control Consulting Services (RCCS). The contact names and telephone numbers include:

Steve Stoeger-Moore (DMI): (262) 268-6954

Jim Lang (GB): (630) 285-3560



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Each Wisconsin Technical College should develop a *DOC Inspection Procedure* to help ensure a consistent, uniform response in the event top management is unavailable. The procedure should be kept at the front receptionist's desk and distributed and reviewed with all key personnel. The procedure should include at least the following:

1. A rank order listing of managers and supervisors, which should be contacted when a DOC safety inspector arrives.
2. The exact location of the OSHA 300 logs, SBD-10710 (Summary of Work-Related injuries and illnesses), and supplementary report forms (state workers' compensation reports or equivalent report forms).
3. The exact location of the Hazard Communication Manual, Lockout/Tagout Manual, employee training records and sign-offs, and other compliance documentation.
4. A list of employee representatives that might be suggested to the safety inspector.
5. Means for taking photographs or collecting samples to help refute any alleged violations.
6. A procedure to correct minor violations during the facility inspection.
7. A notification process to inform staff and faculty of an inspection in progress.
8. Closing conference procedures outlining other administration, staff, and faculty involvement, which will negotiate abatement periods, etc.
9. Telephone numbers for top management, safety inspector(s), and Supervisor.
10. General guidelines for the inspection and any other specific location concerns.



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Campus/facility management and staff need to develop a *DOC Inspection Procedure* specific to their operations should use this work sheet. The inspection procedure should be located at the receptionist's desk and distributed/reviewed with all key personnel.

1. The rank order of managers and supervisors to be contacted in the event of a DOC inspection is:

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_
- H. \_\_\_\_\_

2. The OSHA 300 logs and workers' compensation reports are located:

\_\_\_\_\_

3. The Hazard Communication compliance materials are located:

- A. MSDS Binder: \_\_\_\_\_
- B. Toxic Materials List: \_\_\_\_\_
- C. Training Documentation: \_\_\_\_\_

4. The Lockout/Tagout compliance materials are located:

\_\_\_\_\_



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5. Other compliance materials that may be requested by DOC include the following:

<u>Item Description</u>	<u>Location</u>
Bloodborne Pathogen Safety	_____
Confined Space Entry Policy/Procedures	_____
Emergency Response to Chemical Spills	_____
Emergency Procedures / Drills – Fire	_____
Chemical Hygiene	_____
Hazardous Waste	_____
Noise / Hearing Exposure	_____
Personal Protective Equipment	_____
Powered Industrial Trucks	_____
Welding, Cutting, Brazing	_____

Note: Each Wisconsin Technical College, campus, and facility has unique programs, equipment, and safety exposures. The above list is not inclusive, and may not list all safety-related exposures or required programs. Each location should be reviewed, to ensure safety compliance.

6. Telephone numbers of administrative / management personnel to be contacted in the event of a DOC inspection are:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Employee representatives that might be suggested to the DOC safety inspector are:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. A camera is located at: \_\_\_\_\_



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9. The person(s) to contact for correction of minor hazards during an inspection are:

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10. The closing conference will be attended by:

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11. The DOC Safety Inspector numbers are:

A. District Inspector Name, Phone, Fax: \_\_\_\_\_

B. Supervisor's Name, Phone, Fax: \_\_\_\_\_

13. Other DOC guidelines at this facility are:

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Procedure Developed By: \_\_\_\_\_

Date Approved: \_\_\_\_\_

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## Chapter Comm 32

### PUBLIC EMPLOYEE SAFETY AND HEALTH

#### Subchapter I — Scope, Application and Definitions

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Comm 32.002	Scope.
Comm 32.003	Application.
Comm 32.01	Definitions.

#### Subchapter II — Administration and Enforcement

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Comm 32.08	Notices.
Comm 32.09	Penalties.
Comm 32.10	Injury and illness report.
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#### Subchapter III — General Requirements

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#### Subchapter IV — Amendments to OSHA Standards

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Comm 32.22	Portable ladders [29 CFR 1910.25 and 1910.26].
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Comm 32.28	Permit-required confined spaces [29 CFR 1910.146].
Comm 32.29	Confined spaces.
Comm 32.30	Medical services and first aid [29 CFR 1910.151].
Comm 32.31	Fire brigades [29 CFR 1910.156].
Comm 32.32	Handling materials, general [29 CFR 1910.176].
Comm 32.33	General requirements for all machines [29 CFR 1910.212].
Comm 32.34	Woodworking machinery requirements [29 CFR 1910.213].
Comm 32.345	Commercial diving operations [29 CFR 1910.401].
Comm 32.35	Air contaminants [29 CFR 1910.1000].
Comm 32.36	General safety and health provisions [29 CFR 1926.20].
Comm 32.37	Motor vehicles [29 CFR 1926.601].
Comm 32.38	Specific excavation requirements [29 CFR 1926.651].
Comm 32.39	Exposure to traffic.
Comm 32.40	Riding on motor vehicles.

#### Subchapter V — Incorporation of Standards by Reference

Comm 32.50	Incorporation of standards by reference.
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**Note:** Chapters Ind 1, 6, 11, 12, 35, 200, 220, 221, 225, 226, 1000 to 2000 and ILHR 32 as they existed on March 31, 1991 were repealed and a new chapter ILHR 32 was created effective April 1, 1991. Chapter ILHR 31 as it existed on August 31, 1995 was repealed and sections ILHR 32.61 to 32.70 were created effective September 1, 1995.

**Note:** Chapter ILHR 32 as it existed on February 28, 1999, was repealed and recreated as chapter Comm 32, Register, February, 1999, No. 518.

#### Subchapter I — Scope, Application and Definitions

**Comm 32.001 Purpose.** This chapter establishes minimum occupational safety and health standards for public employees.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.002 Scope.** The provisions of this chapter apply to all places of employment and public buildings of a public employer.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.003 Application. (1) RETROACTIVITY.** The provisions of this chapter shall apply to all places of employment and public buildings of a public employer whether existing prior to the effective date of this chapter or subsequently established or built, unless otherwise specified in this chapter.

**(2) CONFLICTS.** If requirements of the Statutes, this chapter or other Wisconsin Administrative Code chapters specify varying requirements, the most restrictive requirement for the protection of employee safety and health shall govern.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99; **CR 04-009: am. (2) Register August 2004 No. 584, eff. 9-1-04.**

**Comm 32.01 Definitions.** In this chapter:

**(1) “Agency”,** as defined in s. 101.055 (2) (a), Stats., means an office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, and includes the legislature and the courts.

**(2) “Approved”** means acceptable to the department.

**(3) “Department”** means the department of commerce, unless otherwise specified.

**(4) “Place of employment”** means any place as defined in s. 101.01 (11), Stats., and includes farms of a public employer where research or education takes place.

**(5) “Public employee”** or “employee”, as defined in s. 101.055 (2) (b), Stats., means any employee of the state, of any state agency or of any political subdivision of the state.

**(6) “Public employee representative”** or “employee representative”, as defined in s. 101.055 (2) (c), Stats., means an authorized collective bargaining agent, an employee who is a member of a workplace safety committee or any person chosen by one or more public employees to represent those employees.

**(7) “Public employer”** or “employer”, as defined in s. 101.055 (2) (d), Stats., means the state, any state agency or any political subdivision of the state.

**(8) “Secretary”** means the secretary of the department of commerce or appointed representative, unless otherwise specified. For the purpose of this chapter, the term secretary shall be substituted for the following titles referenced in the adopted standards of s. Comm 32.50:

(a) Secretary of labor;

(b) Assistant secretary of labor for occupational safety and health, U.S. department of labor;

(c) Director of the office of standards development, occupational safety and health administration, U.S. department of labor;

(d) Area director, occupational safety and health administration; and

(e) Director of the national institute for occupational safety and health, U.S. department of health and human services.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction in (4) was made under s. 13.93 (2m) (b) 7., Stats., Register June 2002 No. 558.

#### Subchapter II — Administration and Enforcement

**Comm 32.05 Inspections. (1) RIGHT OF ENTRY TO INVESTIGATE OR INSPECT.** The authorized representatives of the department, upon presentation of the appropriate credentials to an employer, may:

(a) Enter without delay and at reasonable times any building, place of employment or workplace of a public employer, or an environment where work is performed by an employee of an employer; and

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent

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conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer or employee.

**(2) PARTICIPATION IN INSPECTIONS.** Pursuant to s. 101.055 (5), Stats., a representative of the employer, an employee, or an employee representative shall be provided an opportunity to accompany a department inspector on any inspection made under this chapter.

**(3) REQUESTS FOR INSPECTIONS.** (a) Any person who believes a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection.

(b) If an employee or employee representative requesting an inspection so designates, that person's name may not be disclosed to the employer or any other person, including any state agency except the department.

(c) When determined necessary by the department, a request for inspection shall be made on a form provided by the department.

**Note:** Copies of the complaint registration form (SBD-192) may be obtained from the Safety and Buildings Division, P.O. Box 7302, Madison, Wisconsin 53707, telephone 608/266-2780.

**(4) ORDERS.** The department shall issue orders for violation of this chapter in accordance with s. 101.055 (6), Stats.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.06 Posting department order.** Upon issuance of an order of noncompliance, the employer shall post a copy of the order in accordance with s. 101.055 (6) (a) 1., Stats.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.07 Variances.** Pursuant to s. 101.055 (4), Stats., the department shall consider and may grant a temporary variance, an experimental variance or a permanent variance in accordance with s. Comm 3.04 for a safety and health issue affecting public employees.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.08 Notices.** Every employer shall post a notice that summarizes the employee's protections and rights as granted under s. 101.055, Stats.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.09 Penalties.** Penalties for violations of this chapter may be assessed in accordance with s. 101.02, Stats.

**Note:** Section 101.02 (12), Stats., reads: "Every day during which any person or corporation, or any officer, agent or employee of a person or corporation, fails to observe and comply with any order of the department or to perform any duty specified under this subchapter shall constitute a separate and distinct violation of the order or of the requirements of this subchapter, whichever is applicable."

**Note:** Section 101.02 (13) (a), Stats., reads: "If any employer, employee, owner, or other person violates this subchapter, or fails or refuses to perform any duty specified under this subchapter, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with this subchapter, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each such offense."

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.10 Injury and illness report.** Pursuant to s. 101.055 (7) (a), Stats., and beginning January 1, 2004, each employer shall report work-related injuries and illnesses to the department for the previous year by March 1 of each year. The report shall be made on form SBD-10710 or equivalent.

**Note:** Form SBD-10710 is available at no charge from, and the report can be returned to, the Safety and Buildings Division, P.O. Box 7302, Madison, WI 53707-7302, telephone 608/266-2780 or TTY 608/264-8777.

**History:** CR 01-062: cr. Register June 2002 No. 558, eff. 7-1-02.

**Comm 32.11 Safety and health program.** (1) BASIC REQUIREMENT. Each employer shall develop and implement a safety and health program that describes the procedures, methods, processes and practices used to manage workplace safety and health. The program shall include, but not be limited to, elements

for hazard identification and assessment, hazard prevention and control, and information and training.

**(2) CONTACT PERSON.** The employer shall designate an employee who the department can contact regarding the safety and health program.

**History:** CR 04-009: cr. Register August 2004 No. 584, eff. 9-1-04.

**Subchapter III — General Requirements****Comm 32.15 OSHA Safety and health standards.**

Except as provided in s. Comm 32.16 and subch. IV, all places of employment and public buildings of a public employer shall comply with the federal Occupational Safety and Health Administration (OSHA) requirements adopted under s. Comm 32.50.

**Note:** There may be some substances that do not have an exposure limit specified in the OSHA standards. For those substances, the department will accept exposure limits that comply with the recommendations of the American Conference of Governmental Industrial Hygienists for threshold limit values and biological exposure indices.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.16 Wisconsin administrative code chapters.** Except as provided in s. Comm 32.003 (2), the following chapters of the Wisconsin administrative code shall apply in place of the standards specified in s. Comm 32.15 for those safety and health issues which fall within the scope of the respective chapters.

- (1) Chapter Comm 7, Explosive Materials.
- (2) Chapter Comm 8, Mines, Pits and Quarries.
- (3) Chapter Comm 9, Manufacture of Fireworks.
- (4) Chapter Comm 10, Flammable and Combustible Liquids.
- (5) Chapter Comm 40, Gas Systems.
- (8) Chapter Comm 14, Fire Prevention.
- (10) Chapter Comm 16, Electrical.
- (11) Chapter Comm 18, Elevator.
- (12) Chapter Comm 30, Fire Department Safety and Health.
- (13) Chapter Comm 33, Passenger Ropeways.
- (14) Chapter Comm 34, Amusement Rides and Attractions.
- (15) Chapter Comm 35, Infectious Agents.
- (16) Chapter Comm 41, Boiler and Pressure Vessels.
- (17) Chapter Comm 43, Anhydrous Ammonia.
- (18) Chapter Comm 45, Mechanical Refrigeration.
- (19) Chapters Comm 61 to 65, Wisconsin Commercial Building Code.
- (20) Chapters Comm 81 to 87, Plumbing.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction in (15) and (16) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1999, No. 520; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534; CR 01-062: am. (intro.) CR 01-139: r. (9) and (21), am. (19) Register June 2002 No. 558, eff. 7-1-02.

**Subchapter IV — Amendments to OSHA Standards**

**Comm 32.20 Amendments to OSHA standards.** The substitutions, additions or omissions to the adopted OSHA standards as specified in this subchapter are rules of the department and not federal standards of OSHA.

**Note:** The referenced or corresponding OSHA section or subsection is located in the brackets following the Comm designation and preceding the text of the rule. Example: Comm 32.23 [29 CFR 1910.27].

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.205 Partial exemption from keeping records [29 CFR 1904.1 and 1904.2].** Sections 29 CFR 1904.1 and 1904.2 are not included as part of this chapter.

**History:** CR 01-062: cr. Register June 2002 No. 558, eff. 7-1-02.

**Comm 32.21 General requirements [29 CFR 1910.22].** This department rule is in addition to 29 CFR 1910.22:

- (1) No person may work on the surface of any structural member, floor, or other working platform which has become slippery from ice, snow, frost, paint or other cause, unless the surface is

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cleaned, sprinkled with sand or made nonslippery insofar as the nature of the work will permit.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.22 Portable ladders [29 CFR 1910.25 and 1910.26].** (1) APPLICATION. (a) The requirements of 29 CFR 1910.25 and 1910.26 also apply to portable fiberglass ladders.

(b) The requirements of this section apply to portable ladders constructed of wood, metal or fiberglass.

(2) USE OF LADDERS. These department rules are in addition to 29 CFR 1910.25 and 1910.26:

(a) The ladder base section shall be placed with a secure footing. Safety shoes shall be installed on all ladders.

**Note:** Non-slip bases are not intended as a substitute for care in safely placing, lashing or holding a ladder that is being used upon oily, metal, concrete or other slippery surfaces.

(b) No portable ladder may be used to gain access to a roof, floor or platform, unless the top of the ladder extends at least 3 feet above the point of support.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.23 Fixed ladders [29 CFR 1910.27].** This department rule is in addition to 29 CFR 1910.27 (e) (2):

(1) Fixed ladders of a substandard pitch shall be equipped with handrails on both sides. The handrails shall be installed 30 to 34 inches vertically above the rung or the nose of the tread.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99.

**Comm 32.24 Ventilation [29 CFR 1910.94].** These department rules are in addition to 29 CFR 1910.94:

(1) APPROVAL OF PLANS. (a) Plans in quadruplicate and one set of specifications for exhaust ventilation equipment installed, remodeled or moved under this chapter shall be submitted to the department for approval before the affected work is commenced, and all work shall be executed according to the approved plans and specifications.

(b) A complete set of plans bearing the stamp of approval and a copy of the specifications shall be kept at the building site or shall be available at an alternate location for inspection by an authorized representative of the department.

**Note:** See chs. Comm 61 to 65 for complete plan submittal and ventilation requirements.

(2) EXHAUST VENTILATION AT SOURCE OF CONTAMINATION AND MAKE-UP AIR. (a) Except as provided in sub. (5) (d), local exhaust ventilation ductwork specifically designed for the removal of harmful dusts, fumes, vapors and gases shall be maintained at a negative pressure through occupied areas.

(b) A volume of tempered outside air shall be supplied to replace the air exhausted if the total volume of air exhausted exceeds one air change per hour. The quantity of make-up air shall equal at least 90% of the air exhausted.

(c) Tempered make-up air shall be installed to insure that the flow of exhaust air effectively picks up harmful dusts, fumes, vapors and gases.

(3) SEPARATION OF EXHAUST SYSTEMS. There shall be no connection between exhaust systems or ducts that convey different materials from separate operations, the combination of which may produce explosive, heat generating, corrosive, poisonous or otherwise dangerous mixtures.

(4) DISPOSAL OF EXHAUST MATERIAL. (a) All dusts, fumes, vapors and gases from local exhaust ventilation systems installed under this section shall be disposed of in a manner to eliminate the health hazards from occupied areas. Dust collecting systems shall separate the dust from the air before the air is discharged from the exhaust system.

(b) Except as provided in par. (c), all local exhaust ventilation systems shall discharge to the outside atmosphere.

**Note:** The state Department of Natural Resources and the federal Environmental Protection Agency have regulations relating to ambient air quality and emissions of air contaminants.

(c) Recirculation of contaminated air from local exhaust ventilation systems may be permitted where the exhaust system washes, scrubs or filters the air. Systems of this type shall perform in accordance with ANSI/AIHA Z9.7. Cleaning systems designed in accordance with other standards may be permitted if approved by the department.

(5) VENTILATION FOR KILNS. (a) *General.* 1. Except as provided in subd. 2., local exhaust ventilation shall be provided for all fuel-fired and electric kilns.

2. Local exhaust ventilation need not be provided where the kilns can be isolated in a separate room and the room is ventilated by means of a dedicated system at a minimum rate of 10 air changes per hour.

**Note:** Ventilation capacity for 10 air changes per hour can be calculated as follows:  

$$\frac{\text{Room volume (cu. ft.)} \times 10}{60} = \text{cfm needed}$$

**Note:** Reduced atmosphere firing produces high concentrations of carbon monoxide and caution should be exercised when entering the kiln room.

3. Exhaust ventilation systems for kilns shall be designed to remove harmful quantities of air contaminants generated during the firing process in order to comply with s. Comm 32.35.

**Note:** For examples of canopy hood exhaust systems, see the American Conference of Governmental Industrial Hygienists "Industrial Ventilation Manual".

(b) *Canopy hood ventilation.* 1. The height of a canopy hood above the top surface of a top-loading kiln shall be limited to that which is necessary for loading of the kiln. Canopy hoods over side- or front-loading kilns shall be located as close to the top edge of the kiln as possible, and side curtains shall not be required.

2. Canopy hoods over top-loading kilns shall be provided with noncombustible side curtains on 3 sides. If the kiln is located against a wall, only 2 side curtains shall be required. Side curtains shall extend down from the bottom edge of the canopy hood to the top edge of the kiln. Side curtains shall not be required for retractable hoods which can be positioned directly over the top of the kiln after loading.

(c) *Location of kilns.* 1. All fuel-fired kilns located inside of a building shall comply with chs. Comm 61 to 65.

2. Kilns may be located in boiler or furnace rooms if adequate combustion air is maintained for the boiler or furnace and the kiln under all operating conditions.

3. Fuel-fired kilns located outside of buildings shall be exempt from the ventilation requirements of this subsection. They shall be located to minimize the products of combustion from entering the building, but in no case shall the distance be less than 10 feet measured in any direction from a wall opening or air intake.

4. Kilns shall be installed in accordance with the manufacturer's specifications for distance to walls.

**Note:** Wall-to-kiln distance may vary from 12 to 18 inches, depending on the type of kiln.

5. Kilns shall be located to minimize the possibility of burns.

**Note:** The outside temperature of kilns may vary from approximately 250 to 450° F, depending on the type of kiln.

(d) *Downdraft ventilation.* Electric kilns with downdraft ventilation may have the ventilation ductwork maintained at a positive pressure through occupied areas provided the ductwork is sealed to prevent any leakage.

(6) VENTILATION FOR LABORATORY FUME HOODS. (a) *General.* 1. Except as provided in par. (b), laboratory fume hoods during use shall be operated with a minimum average 100 feet per minute face velocity at full open sash or sash stop position. When determining the minimum flow rate through the fume hood, the sash stop position may not be lower than 18 inches above the work surface.

**Note:** When operating the fume hood, the sash should be positioned to maximize the protection to the user.

2. Vertical sash fume hoods operated at sash stop positions shall have an alarm that gives a warning when the sash is raised above the sash stop position. Combination vertical/horizontal sash fume hoods shall have an alarm that gives a warning when the sash is vertically raised from the fully lowered position.

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(b) *Alternate operation.* 1. Fume hoods operating at minimum average face velocities less than 100 feet per minute shall achieve a spillage rate less than 0.1 ppm at 4.0 liters per minute gas release for an "as used" condition in accordance with the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 110 – Method of Testing Laboratory Fume Hoods. The minimum allowable average face velocity for fume hoods achieving the ASHRAE 110 containment criteria shall be 40 feet per minute at full open sash.

2. Fume hoods operating at minimum average face velocities less than 100 feet per minute shall have a continuous flow meter with an alarm.

**Note:** For further information regarding fume hood operation, see ANSI/AIHA standard Z9.5 – Laboratory Ventilation.

(c) *Testing.* Operable fume hoods shall be tested annually for minimum average face velocity.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; am. (2) (a), (4) (c), (5) (a) and (c) 2., r. (2) (b) and Figure 32.24, renum. (2) (c) and (d) to be (2) (b) and (c) and am. (c), cr. (5) (d) and (6), Register, June, 2000, No. 534, eff. 7–1–00; CR 01–139; am. (5) (c) 1. Register June 2002 No. 558, eff. 7–1–02.

**Comm 32.25 Compressed gases [29 CFR 1910.101].**

This department rule is in addition to 29 CFR 1910.101:

(1) All compressed gas cylinders shall be secured around the body of the cylinder to prevent falling.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.26 Spray finishing using flammable and combustible materials [29 CFR 1910.107].** This department rule is in addition to 29 CFR 1910.107:

(1) **PLAN SUBMITTAL.** Plans in quadruplicate and one set of specifications shall be submitted to the department for approval before installing any spray booth under this chapter.

**Note:** See chs. Comm 61 to 65 for complete plan submittal and ventilation requirements.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.27 Process safety management of highly hazardous chemicals [29 CFR 1910.119].** **History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; CR 01–062; r. Register June 2002 No. 558, eff. 7–1–02.

**Comm 32.28 Permit–required confined spaces [29 CFR 1910.146].** These department rules are in addition to 29 CFR 1910.146 for permit–required confined spaces:

(1) **SAMPLING DEVICE.** (a) The sampling device shall be calibrated relative to the oxygen content of the ambient air at the time of sampling. Calibration of the sampling device relative to the oxygen content shall be performed where the 20.9% natural content of oxygen in the air is most likely to occur.

**Note:** Oxygen calibration should not be performed near a confined space opening.

(b) A sampling device which has a zero set shall be zeroed in a clean atmosphere before each sampling. Calibration of a sampling device shall be conducted as often as recommended by the manufacturer, but at least once every 6 months.

(c) The sampling device or a non–sparking probe attached to the sampling device shall be used to sample the atmosphere of a confined space. When entry to a confined space is by means of a manhole, a probe shall be inserted through the pick–hole of the manhole cover, or the manhole cover shall be pried open on the downwind side to allow just enough room for insertion of the probe or device.

(2) **AIR MONITORING.** The atmosphere in a confined space within the authorized entrant's immediate area shall be continuously monitored for oxygen, hydrogen sulfide or carbon monoxide, combustible gas and any other hazardous substance which the employer has reason to believe may be present in the confined space.

(3) **TRAINING.** An employer shall provide training in basic first aid and adult cardiopulmonary resuscitation for all authorized entrants and attendants.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.29 Confined spaces.** These are department rules for all confined spaces:

(1) **ENTRY PROHIBITED.** A confined space with an atmosphere which has a combustible gas content of 10% or more of the lower explosive limit shall not be entered even if a breathing apparatus or respirator is used.

(2) **SMOKING AND OPEN FLAMES.** Smoking and open flames shall not be allowed within 10 feet of a confined space.

(3) **WORKING IN STREETS.** Work at confined spaces which are located in streets shall be performed in accordance with the following:

(a) A vehicle's beacon and 4–way flashers shall be activated upon approach to an entrance of a confined space.

(b) A vehicle shall be parked to permit traffic to flow in an unobstructed manner and, where possible, to provide protection for the employees.

(c) A vehicle shall be parked so vehicle exhaust cannot accumulate in the confined space. If this is not possible, the vehicle's exhaust pipe shall be extended away from the confined space.

**Note:** See s. Comm 32.39 also.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.30 Medical services and first aid [29 CFR 1910.151].** Substitute the following wording for 29 CFR 1910.151 (c):

(1) Whenever the eyes or body of any person may be exposed to materials that are corrosive or can cause irreversible eye or bodily injury, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

**Note:** The department will accept facilities that comply with ANSI standard Z358.1, Emergency Eyewash and Shower Equipment.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.31 Fire brigades [29 CFR 1910.156].** Section 29 CFR 1910.156 is not included as part of this chapter.

**Note:** See ch. Comm 30 for fire department safety and health requirements.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.32 Handling materials, general [29 CFR 1910.176].** These department rules are in addition to 29 CFR 1910.176:

(1) **CONVEYORS.** Conveyor systems passing through more than one room, or from one working level to another, shall be provided in each room, or working level, where exposed to contact, with means to disconnect the power.

(2) **INCOMPATIBLE MATERIALS.** Incompatible materials shall be segregated to prevent accidental contact with each other that may result in fire, explosion or toxic gas emission.

**Note:** Guidance in the storage of incompatible materials can be obtained in publications from the National Fire Protection Association, such as NFPA 49 and 491M.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.33 General requirements for all machines [29 CFR 1910.212].** These department rules are in addition to 29 CFR 1910.212:

(1) **DISCONNECTION FROM SOURCE OF POWER.** (a) Every machine shall be equipped with a loose pulley, clutch, switch or other adequate means within reaching distance of the normal operating positions of the operator for the purpose of disconnecting the machine from the source of power.

(b) Machines on which 2 or more persons work shall be equipped with one or more controls so located that more than one of these persons can quickly disconnect the machine from the source of power.

(2) **COUNTERWEIGHTS, TENSION WEIGHTS AND SPRINGS.** (a) Every counterweight, where exposed to contact, shall be enclosed or be equipped with a safety device attached independent of the counterweight support, that shall prevent the weight from falling to a point of less than 7 feet from the floor or working level.

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(b) Every tension weight exposed to contact shall be enclosed or securely fastened to the tension bar.

(c) All springs shall be guarded or otherwise equipped to eliminate any hazard due to breakage of the spring or failure of the mounting.

(3) **GUARDING OF HOT PIPES.** All pipes carrying steam or other hot materials within 7 feet of the floor or working platform, that are exposed to contact, shall be covered with an insulating material, or guarded so that contact will not cause personal injury.

(4) **PREVENTION OF AUTOMATIC RESTARTING.** On applications where injury to the operator might result if motors were to restart after power failures, machines shall be prevented from automatically restarting upon restoration of power.

(5) **MAINTENANCE.** All equipment, machine tools, guards and power-driven machinery shall be operated and maintained in safe condition.

**Note:** For information regarding operation and maintenance of hoists, see ANSI/ASME standard B30.16 – Overhead Hoists (Underhung).

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; cr. (4) and (5), Register, June, 2000, No. 534, eff. 7–1–00.

**Comm 32.34 Woodworking machinery requirements [29 CFR 1910.213].** These department rules are in addition to 29 CFR 1910.213 (h):

(1) **LIMIT STOP.** A stop shall be provided to prevent the forward travel of the blade beyond the front of the table.

(2) **RETURN MEANS.** Every radial arm saw shall be equipped with a means to return the saw automatically to the back of the table when released at any point of its travel; the means shall prevent the saw from rebounding and shall not depend on fiber rope or cord for this function.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.345 Commercial diving operations [29 CFR 1910.401].** Section 29 CFR 1910.401 (a) (2) (ii) is not included as part of this chapter.

**History:** CR 01–062; cr. Register June 2002 No. 558, eff. 7–1–02.

**Comm 32.35 Air contaminants [29 CFR 1910.1000].**  
(1) **SUBSTITUTION.** In lieu of 29 CFR 1910.1000, July 1, 2003 edition, an employee's exposure to air contaminants shall be in accordance with the requirements of 29 CFR 1910.1000, July 1, 1992 edition.

**Note:** The requirements of 29 CFR 1910.1000, July 1, 1992 edition were first adopted by OSHA in 1989. Those requirements have been in effect under this chapter since April 1, 1991.

**Note:** Copies of 29 CFR 1910.1000, July 1, 1992 edition may be obtained from the Safety and Buildings Division, P.O. Box 7302, Madison, WI 53707, telephone 608/266–2780.

(2) **ADDITION.** In addition to the requirements of 29 CFR 1910.1000, the employer shall implement the monitoring or measuring of any substance listed in Table Z–1–A where exposure at or above the time weighted average, short term exposure limit or ceiling limit is reasonably likely to occur.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; CR 04–009; am. (1) Register August 2004 No. 584, eff. 9–1–04.

**Comm 32.36 General safety and health provisions [29 CFR 1926.20].** This department rule is in addition to 29 CFR 1926.20:

(1) No person may work on the surface of any structural member, floor, or other working platform which has become slippery from ice, snow, frost, paint or other cause, unless the surface is cleaned, sprinkled with sand or made nonslippery insofar as the nature of the work will permit.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.37 Motor vehicles [29 CFR 1926.601].** Substitute the following wording for 29 CFR 1926.601 (b) (10):

(1) Trucks with dump bodies shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done or when the vehicle is left unattended.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.38 Specific excavation requirements [29 CFR 1926.651].** These department rules are in addition to 29 CFR 1926.651:

(1) **GUARDING.** A standard railing as specified in 29 CFR 1926.502 (b) or other approved guard or barricade shall be provided at or near the edge of an excavation as soon as possible, except where the installation of the safeguard will interfere with the excavation or other work.

(2) **NIGHT GUARDING.** All excavations to which persons may be exposed at night shall be provided with yellow warning lights placed at unbarricaded points and along the exposed side where the excavation adjoins a public thoroughfare or sidewalk.

(3) **SOLITARY EMPLOYMENT.** No person may work in any trench, shaft, tunnel, caisson or appurtenance over 4 feet in depth without another person being present at the surface.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; CR 04–009; am. (1) Register August 2004 No. 584, eff. 9–1–04.

**Comm 32.39 Exposure to traffic. (1) SAFETY VESTS.** Employees who work on highways, roads, streets or their easements shall wear traffic safety vests or use clothing or equipment that provides equivalent protection.

**Note:** For information regarding safety vests and clothing, see ANSI/ISEA standard 107 – High-Visibility Safety Apparel.

(2) **TRAFFIC CONTROL DEVICES.** Pursuant to s. 349.065, Stats., traffic control devices to warn traffic and protect employees shall be placed and maintained in accordance with the uniform traffic control devices manual.

**Note:** The uniform traffic control devices manual may be obtained from the American Traffic Safety Services Association, 15 Riverside Parkway, Suite 100, Fredericksburg, VA 22406–1022, telephone 800/231–3475. Electronic copies are available at the Federal Highway Administration website at [mutcd.fhwa.dot.gov/](http://mutcd.fhwa.dot.gov/).

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

**Comm 32.40 Riding on motor vehicles.** Employees may ride on motor vehicles in other than factory installed passenger seats equipped with seatbelts only when the speed of the motor vehicle is less than 10 miles per hour.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99.

## Subchapter V — Incorporation of Standards by Reference

**Comm 32.50 Incorporation of standards by reference. (1) AUTHORITY.** Section 101.055 (3) (a), Stats., permits the department to incorporate by reference the standards adopted in Table 32.50–1. Pursuant to s. 227.21 (2), Stats., the revisor of statutes and the attorney general have consented to the incorporation by reference of the standard adopted in Table 32.50–2.

(2) **STANDARDS.** The standards listed in the following tables are hereby incorporated by reference into this chapter.

**Note:** Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies also may be purchased through the respective organizations.

**Note:** Some OSHA standards are available from the Commerce Clearing House, Inc., 4025 West Peterson Avenue, Chicago, IL 60646 and the Construction Bookstore, P.O. Box 2959, Gainesville, FL 32602.

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**Table 32.50-1**

OSHA	Occupational Safety and Health Administration U. S. Government Printing Office 732 N. Capitol Street, NW Washington, DC 20401 Telephone: 866/512-1800 Online Bookstore: <a href="http://bookstore.gpo.gov">http://bookstore.gpo.gov</a>
1.	Recording and Reporting Occupational Injuries and Illnesses, Title 29 CFR Part 1904, July 1, 2003.
2.	Occupational Safety and Health Standards, Title 29 CFR Part 1910, July 1, 2003.
3.	Occupational Safety and Health Standards for Shipyard Employment, Title 29 CFR Part 1915, July 1, 2003.
4.	Occupational Safety and Health Standards for Marine Terminals, Title 29 CFR Part 1917, July 1, 2003.
5.	Occupational Safety and Health Regulations for Construction, Title 29 CFR Part 1926, July 1, 2003.
6.	Occupational Safety and Health Standards for Agriculture, Title 29 CFR Part 1928, July 1, 2003.

**Table 32.50-2**

ANSI	American National Standards Institute Attn: Customer Service 11 West 42nd Street New York, NY 10036 Telephone: 212/642-4900
1.	Recirculation of Air from Industrial Process Exhaust Systems, ANSI/AIHA Z9.7-1998.

**History:** Cr. Register, February, 1999, No. 518, eff. 3-1-99; am. Table 32.50-1, r. and recr. 32.50-2, Register, June, 2000, No. 534, eff. 7-1-00; CR 01-062: cr. subd. 11. to 13. in Table 32.50-1 Register June 2002 No. 558, eff. 7-1-02 and cr. subd. 14. in Table 32.50-1 Register June 2002 No. 558, eff. 1-1-03; **CR 04-009: am. (1) and r. and recr. Table 32.50-1 Register August 2004 No. 584, eff. 9-1-04.**



## Summary of Work-Related Injuries and Illnesses

Year 20 \_\_

Per Comm 32.10, all Wisconsin public employers must complete and submit this summary form, or the equivalent OSHA 300A form, to the state Department of Commerce by March 1 of each year, even if no work-related injuries or illnesses occurred during the year. Review your "Log of Work-Related Injuries and Illnesses" to verify that the information you provide is complete and accurate. Using the log, count the individual entries you made in each category. Write the totals below, making sure you've added the entries from each page of the Log. If you had no cases, write "0." Please print.

### Number of Cases

Total number of deaths:	Total number of cases with days away from work:	Total number of cases with job transfer or restriction:	Total number of other recordable cases:
_____	_____	_____	_____

### Number of Days

Total number of days away from work:	Total number of days of job transfer or restriction:
_____	_____

### Injury and Illness Types

Total number of: (1) Injuries _____	(4) Poisonings _____
(2) Skin disorders _____	(5) All other illnesses _____
(3) Respiratory conditions _____	

### Establishment Information

Establishment name: \_\_\_\_\_  
 FEIN number: \_\_\_\_\_  
 Street address: \_\_\_\_\_  
 Mailing address (if different than street address): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 County: \_\_\_\_\_

### Employment Information

Annual average number of employees: \_\_\_\_\_  
 Total hours worked by employees last year: \_\_\_\_\_

### Contact Information

Employer contact name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Work email address: \_\_\_\_\_

Return this summary by March 1 of each calendar year to the Safety and Buildings Division at the address above, or email to [IntegratedServices@commerce.state.wi.us](mailto:IntegratedServices@commerce.state.wi.us), or fax to 608-283-7408

# Public Employee Safety and Health

## Authority

Wisconsin statues section 101.055 requires the Wisconsin Department of Commerce to adopt and enforce safety and health standards that will provide protection to public employees at least equal to that provided to private sector employees under standards promulgated by Federal Occupational Safety and Health Administration (OSHA).

## Inspection

A public employee or public employee representative who believes that a safety or health standard is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection. If the requestor so designates, the identity of the requestor will be kept confidential. If the department decides not to make an inspection, the requestor will be so notified.

A representative of the employer and a public employee representative will be permitted to accompany the department inspector during the inspection. The employee shall not be discriminated against with respect to either pay received or withheld for time spent on the inspection.

## Enforcement

If the department finds a violation of state standards, abatement orders will be issued to the employer. The employer shall post a copy of the orders at or near the site of the violations for 3 days or until the violation is corrected, whichever is longer. Copies of the order will be sent to the top elected official, the bargaining unit, and to the person requesting the inspection.

If the department decides not to issue orders in response to a request, a written notice of that decision shall be sent to the public employee who requested the investigation. If decisions are disputed they will be reviewed.

## Discrimination

No public employer may discriminate against or discharge any public employee for exercising any right afforded by this section. A state employee who believes he or she has been discriminated against may file a complaint with the state Division of Equal Rights within 30 days of employee's knowledge of the discrimination. A public employee, other than a state employee, may file a complaint with the state Division of Equal Rights within 30 days.

For more information contact:  
Wisconsin Department of Commerce  
Safety and Buildings Division  
PO Box 7302  
201 West Washington Avenue  
Madison, WI 53707-7302  
608-266-2780



**PUBLIC EMPLOYERS ARE REQUIRED  
TO POST THIS NOTICE  
WHERE NOTICES TO EMPLOYEES ARE USUALLY POSTED**

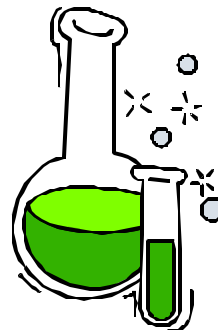
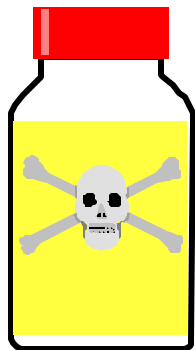
# Hazardous Chemicals in the Workplace?

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You as a public employee have the right, under the Wisconsin public employees' right-to-know law, to be informed about hazardous chemicals and substances in the workplace. \*

## EMPLOYEES MUST BE PROVIDED WITH:

- ◆ A list of all hazardous chemicals and information on toxic substances, pesticides, and infectious agents in the workplace.
- ◆ Access to Material Safety Data Sheets and container labels.
- ◆ Formal training in proper procedures for managing hazardous chemicals.
- ◆ A written chemical hazard communication program.



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For more information contact:  
Wisconsin Department of Commerce  
Safety and Buildings Division  
PO Box 7302  
201 West Washington Avenue  
Madison, WI 53707-7302  
608-266-2780

  
Department of Commerce  
[www.wisconsin.gov](http://www.wisconsin.gov)  
[www.commerce.state.wi.us](http://www.commerce.state.wi.us)

\*Effective April 1, 1991. 101.581 Wis. Stat. and ch. Comm 32