

Chapter Comm 32

PUBLIC EMPLOYEE SAFETY AND HEALTH

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Subchapter V — 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Chapters Ind 1, 6, 11, 12, 35, 200, 220, 221, 225, 226, 1000 to 2000 and ILHR 32 as they existed on March 31, 1991 were repealed and a new chapter ILHR 32 was created effective April 1, 1991. Chapter ILHR 31 as it existed on August 31, 1995 was repealed and sections ILHR 32.61 to 32.70 were created effective September 1, 1995.

Note: Chapter ILHR 32 as it existed on February 28, 1999, was repealed and recreated as chapter Comm 32, Register, February, 1999, No. 518.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

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/ASHRAE 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.

(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/.

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.