

TOWN OF AUBURN

SAFETY POLICY



2022

Town Of Auburn

Statement of Safety Policy

The Welfare and safety of our employees is of prime concern to management. Accidents result in unnecessary suffering and loss of wages, and all too often in permanent disability. Therefore, it is our policy to provide and maintain safe and healthy working conditions and to require safe work practices.

To assure that our best efforts are going toward the prevention of accidents, we have established a comprehensive Joint Loss Prevention Management Program.

Each of us shares a responsibility for the prevention of accidents and we expect that everyone will participate to the fullest to ensure that this will be a safe town in which to work.

AUBURN BOARD OF SELECTMEN




Keith Leclair, Chairman

Date: 3/28/2022



Michael Rolfe, Vice Chairman

Date: 3/28/2022



Tom Carroll

Date: 3/28/2022

Table Of Contents

Section 1:

NHDOL 600 Rules

Section 2:

NHDOL 1400 Rules

Section 3:

A Guide for Developing a Written Safety Program & Lab Rules

Section 4:

Chapter 277 Safety & Health of Employees

Section 5:

Chapter 277-A Toxic Substances in the Workplace

Section 6:

Chapter 281-A:53 Workers Compensation

Section 7:

Chapter 281-A:64 Workers Compensation

Section 8:

Safety Inspection Compliance Instructions

Section 1: NHDOL 600 Rules

CHAPTER Lab 600 SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES

REVISION NOTE:

Document #5909, effective 10-13-94, made extensive changes to the wording, format, structure, and numbering of rules in Chapter Lab 600. Document #5909 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Lab 600 include the following documents:

#5372, eff 4-14-92

PART Lab 601 DEFINITIONS

Lab 601.01 “Administrative units” means those entities regulated pursuant to RSA 194-C.

Source. #13149, eff 12-29-20

Lab 601.02 “Chartered public schools” means those entities regulated pursuant to RSA 194-B.

Source. #13149, eff 12-29-20

Lab 601.03 "Employer representative" as used in RSA 281-A: 64, III means any individual who serves as the management member of the joint loss management committee and who has the authority delegated by the employer to use his/her judgment in the interest of the employer to take the following actions:

- (a) Hire;
- (b) Transfer;
- (c) Suspend;
- (d) Lay off;
- (e) Recall;
- (f) Promote;
- (g) Discharge;
- (h) Assign;
- (i) Reward;
- (j) Discipline;
- (k) Direct them; or
- (l) Adjust grievances or effectively to recommend such actions.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13; ss by
#13149, eff 12-29-20 (from Lab 601.01)

Lab 601.04 “School districts” means those entities regulated pursuant to RSA 194.

Source.. #13149, eff 12-29-20

PART Lab 602 SAFETY PROGRAMS

Lab 602.01 Program Requirements. As set forth in RSA 281-A: 64, II, the written safety program shall include the following:

- (a) The components required by Lab 603.03(g);
- (b) The process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program;
- (c) Provision(s) for the commitment of adequate resources solely for safety;
- (d) Provision(s) for medical services, emergency response, first aid, and accident reporting and investigation;
- (e) Provision(s) for review of the current written safety program by all employees;
- (f) Provision(s) for review and update of the written safety program by an employer representative at least every 2 years; and
- (g) Provision(s) for a signature of the above employer representative which shall include the date the program was reviewed and updated.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 602.02 Filing Procedures. Under the authority of RSA 281-A: 64, II, an employer with 15 or more employees shall file a single submission of the summary of the above written safety program with the commissioner of labor by completing and submitting a Safety Summary Form WCSSF 10/07/15. See Appendix II.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94; ss by #6735, eff 4-23-98; ss by #8592,
eff 3-24-06; ss by #10379, eff 7-18-13; ss by #11051, eff 3-10-
16

PART Lab 603 JOINT LOSS MANAGEMENT COMMITTEES

Lab 603.01 Purpose. To carry out the purpose of RSA 281-A: 64, a joint loss management committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.02 Establishment of Joint Loss Management Committee.

(a) Pursuant to RSA281-A: 64, III, all employers of 15 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives or more employee representatives as follows:

- (1) The size of the joint loss management committee shall be determined as follows:
 - a. Employers with 15 to 20 employees shall have a minimum of 2 members; and
 - b. Employers with more than 20 employees shall have a minimum of 4 members;

- (2) Employee representatives shall be selected by the employees;
- (3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;
- (4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group of employees not represented shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group; and
- (5) Committee members shall be representative of the major work activities of the employer.

(b) An employer's auxiliary, mobile or satellite location, may be combined into a single, centralized joint loss management committee when an employer owned/leased facility is physically and/or geographically separated from the employer's primary facility such as would be found in construction operations, trucking, branch or field offices, sales operations or highly mobile activities, which shall represent the safety and health concerns of all locations.

(c) A joint loss management committee shall be located at each of the employer's primary places of employment at a major economic unit at a single geographic location comprised of a building or group of buildings and all surrounding facilities. The location shall have both employer and employee representatives present, control of a portion of a budget, and the ability to take action on the majority of the recommendations made by the joint loss management committee.

(d) Committee members shall be trained in workplace hazard identification and accident/incident investigation adequate to carry out the committee's responsibilities.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

- (a) Meet at least quarterly to carry out its duties and responsibilities;
- (b) Keep minutes of meetings which shall be made available for review of all employees;
- (c) Elect a chairperson, alternating between employee and employer representatives;
- (d) Develop and disseminate to all employees a committee policy statement;
- (e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- (f) Review workplace accident and injury data to help establish the committee's goals and objectives;
- (g) Establish specific safety programs which include, but are not be limited to, the following:
 - (1) Designation, by name and title, of a person who shall be knowledgeable of site-specific safety requirements and be accountable for their implementation and adherence;
 - (2) Provisions for health and safety inspections at least annually for hazard identification purposes;
 - (3) Performance of audits at least annually regarding the inspection findings;
 - (4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;

(5) Where the employer is a public school district, administrative unit, or chartered public school, a prevention and amendment plan pursuant to (6) below for the purpose of reducing violent acts and injuries caused by students against employees, volunteers and visitors;

(6) The student violence prevention and management plan shall include the following information:

a. Training, education, investigation, and prevention protocols for all staff in the area of reducing violent acts and injuries caused by students; and

b. Designation, by name and title, of a person who shall coordinate the training, investigation, and adherence of the implemented program to reduce violent acts and injuries caused by students;

(h) Assist with the identification of necessary safety and health training for employees; and

(i) Assist with the identification and definition of temporary, alternate tasks.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13; ss by
#13149, eff 12-29-20

Lab 603.04 Duties and Responsibilities of the Employer. To carry out the intent of RSA 281-A: 64, the employer shall:

(a) Respond in writing to recommendations made by the committee, or make a verbal response that is recorded in the committee's official minutes;

(b) Pay any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, at his/her regular rate of pay for all time spent on such activities; and

(c) Provide for the required and necessary safety and health training for employees, at no cost and without any loss of pay so they can perform their work in a safe and healthy manner and environment.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

APPENDIX

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 601.02	RSA 281-A: 64, II & III
Lab 602	RSA 281-A: 64
Lab 602.02	RSA 281-A: 64, II
Lab 603	RSA 281-A: 64
Lab 603.03	RSA 281-A: 64, II & III

Section 2:
NHDOL 1400
Rules

CHAPTER Lab 1400 SAFETY AND HEALTH OF EMPLOYEES

Statutory Authority: RSA 281-A 60 I. (o) and RSA 277:16

PART Lab 1401 SCOPE OF RULES

Lab 1401.01 Scope. This rule is intended to carry out the intent of RSA 281-A:64 and RSA 277:16 by establishing procedures and rules for workplace safety inspections.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1401.02 Applicability. These rules shall be applicable to all public employees' workplaces including workplaces in buildings, sheds, structures, offices, sites or places owned, leased by the state of New Hampshire or by any political subdivision of the state, including all places used in connection with employee activity at a place of employment in the State. The following requirements shall not preclude compliance with RSA 155-A, the State Building Code, or other state or federal laws, rules, regulations, or codes. If a conflict should arise between these rules and any other applicable law, rule, regulation or code, these rules shall not supersede the more protective requirements.

Source. #8796, eff 1-11-07 (from Lab 1401.01); ss by #10809, eff 4-9-15

PART Lab 1402 DEFINITIONS

Lab 1402.01 "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1402.02 "Confined space" means a space that meets the following criteria:

- (a) Large enough and so configured that an employee can bodily enter and perform assigned work;
- (b) Has limited or restricted means for entry or exit;
- (c) Is not designed for continuous employee occupancy; and
- (d) Is potentially hazardous because it:
 - (1) Contains or has a potential to contain a hazardous-atmosphere;
 - (2) Contains a material that has the potential for engulfing an entrant;

(3) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

(4) Contains any other recognized serious safety or health hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1402.03 “Fixed location” means all buildings, offices, garages, or other permanent structures which serve as a regular place of employment.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07 (formerly Lab 1402.04); ss by #10809, eff 4-9-15

Lab 1402.04 “Flagger” means all personnel, including uniformed police officers, who conducts temporary traffic control (TTC) on roads where 2 lanes of vehicle traffic have been reduced to one lane.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #10809, eff 4-9-15

Lab 1402.05 “Hospitalization” means care in a hospital that includes admission as an inpatient and an overnight stay.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #12904, eff 10-23-19

Lab 1402.06 - 1402.09 - EXPIRED

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

PART Lab 1403 RULES FOR EMPLOYEE SAFETY AND HEALTH

Lab 1403.01 Safety and Health Requirements.

(a) Each employer shall furnish to each of its employees employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.

(b) Each employee shall comply with all safety rules and regulations that are applicable to the employee's own actions and conduct.

(c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of these rules shall be prohibited.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.02 Abrasive Blasting. The employer shall ensure compliance with the following requirements:

(a) Blast cleaning nozzles shall be equipped with an operating valve which shall be held open manually. A support shall be provided on which the nozzle may be mounted when not in use; and

(b) Blast cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air shall be maintained at all openings in the enclosure during the blasting operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.03 Abrasive Grinding. The employer shall ensure compliance with the following requirements:

(a) Abrasive wheels shall be used only on machines provided with safety guards;

(b) The following shall be exempt from the safety guard requirements:

(1) Wheels used while within the material being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter;

(c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch;

- (d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections;
- (e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch;
- (f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move; and
- (g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.04 Accident Reporting Requirements for Fatality and Serious Injury.

(a) Within 8 hours after its occurrence, the employer shall report an employment accident which is fatal to one or more employees to the commissioner of labor. Notification may be given by telephone by calling (603) 271-0127 or 271-6850 or via e-mail at SafetyDiv@dol.nh.gov.

(b) The reporter shall include the following information:

- (1) Date and time of fatality;
- (2) Location of fatality;
- (3) Cause of death; and
- (4) Place where the body of the deceased person was sent.

(c) Within 24 hours after the occurrence of a workplace injury which necessitates hospitalization for a serious injury for one or more employees, the employer shall report the employment accident to the commissioner of labor. Notification may be given by telephone by calling (603) 271-0127 or 271-6850 or via email to SafetyDiv@dol.nh.gov.

(d) The reporter shall include the following information;

- (1) Date of injury;
- (2) Time of injury;
- (3) Cause of the injury;
- (4) Place where the injured person was sent for medical evaluation or treatment; and
- (5) Place where the injured person was hospitalized.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15; ss by #12904, eff 10-23-19

Lab 1403.05 Aerial Lifts.

- (a) This section shall not apply to fire fighting apparatus.
- (b) Prior to the use of an aerial-lift device, a visual inspection and operational check shall be made by a competent person in accordance with the manufacturer's and owner's instructions.
- (c) Operators of aerial-lift equipment shall be provided with some means of anchorage to which a safety belt or lanyard can be secured to the buckets, platforms, or booms.
- (d) The combined load, including workers, material, and tools, shall not exceed the rated lift capacity as stated by the manufacturer. Such rated lift capacity shall be conspicuously and permanently posted on the lift.
- (e) When operating an aerial-lift device, the operator shall look in the direction of travel of the bucket and be aware of the booms in relation to all other objects and hazards.
- (f) All hoses affecting the nonconductive characteristics of equipment shall be made of nonconductive material. Hydraulic fluids for insulated equipment shall be of the insulating type.
- (g) An aerial-lift truck shall not be moved when the boom is elevated in a working position with workers in the basket, except for equipment that is specifically designed for this type of operation. The booms of a fully articulated aerial device shall not be considered elevated in a working position when the basket is directly in front of or behind the truck with the booms held as low as feasible and low enough so that the operator's head is below the highest point of the vehicle.
- (h) During aerial-lift operations, workers not engaged in line clearance shall maintain a minimum clearance of 10 feet (3 m) from energized conductors rated 50 kV phase-to-phase or less. For lines rated over 50 kV phase-to-phase the minimum clearance shall be 10 feet plus .4 inches (3 m plus 10 mm) for each kilovolt over 50 kV phase-to-phase.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.06 Air Tools. The employer shall ensure compliance with the following requirements:

- (a) Pneumatic power tools shall be secured to the hose or whip with a locking mechanical connector to prevent accidental disconnection;
- (b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled;
- (c) The manufacturer's safe operating pressure for all fittings shall not be exceeded; and

(d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.07 Belt Sanding Machines. The employer shall ensure that belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.08)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.08 Blood Borne Pathogens. To eliminate or minimize employee exposure to human body fluids or infectious waste, the employer shall ensure that the following safety work practices shall be followed:

(a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other blood borne pathogens;

(b) Employees responding to emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed; and

(c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other items that come in contact with blood or other potentially infectious materials.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.09)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.09 Chains, Cables, Ropes, and Hooks. The employer shall ensure compliance with the following requirements:

(a) Chains, cables, ropes, and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired;

(b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load; and

(c) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or nonload-carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.10)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.10 Chipguards. The employer shall ensure that protective shields or barriers shall be provided in operations involving cleaning with compressed air, to protect personnel against flying chips or other such hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.11)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.11 Compressed Air Use. The employer shall ensure that compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.12)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.12 Compressed Gas Cylinders. The employer shall ensure compliance with the following requirements:

(a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored;

(b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved;

(c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried;

(d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 51B and Saf-C 6008;

(e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour; and

(f) Compressed gas shall not be used for cleaning purposes.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.13)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.13 Concrete, Concrete Forms, and Shoring. The employer shall ensure compliance with the following requirements:

(a) Employees shall not work above vertically protruding reinforcing steel, unless it has been protected to eliminate the hazard of impalement;

(b) Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a deadman-type operating control; and

(c) Formwork and shoring shall safely support all loads imposed during concrete placement. Drawings or plans of jack layout, formwork, shoring, working decks, and scaffolding systems shall be available at the jobsite.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED 10-09-06
(formerly Lab 1403.14)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.14 Confined Space Entry.

(a) The employer shall evaluate the workplace to determine if any areas are confined spaces as defined under Lab 1402.02.

(b) If an area is found to be a confined space, the employer shall meet the following requirements:

(1) The employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of, and the danger posed by, the confined spaces;

(2) A minimum of 2 employees shall be assigned to the work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation;

(3) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space;

(4) Testing required by (b) (3)-above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:

- a. Oxygen content;
- b. Flammable gases and vapors; and
- c. Potential toxic air contaminants;

(5) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations including purging, making inert, flushing or ventilating the confined space;

(6) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant /observer non-entry rescue;

(7) The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them; and

(8) A procedure shall be implemented which shall require a written permit evidencing that the above steps were taken prior to entering a confined space.

(c) The training in (b)(7) above shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.15)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.15 Cranes and Derricks. The employer shall ensure compliance with the following requirements:

(a) The employer shall comply with the manufacturer's specifications and limitations as supplied by the manufacturer;

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all equipment and complied with. Instructions or warnings shall be visible from the operator's station;

(c) Equipment shall be inspected by a competent person before each use and during use, and all deficiencies corrected before further use;

(d) Accessible areas within the swing radius of the rear of the rotating superstructure shall be barricaded to prevent employees from being struck or crushed by the crane;

(e) No part of a crane or its load shall be operated:

- (1) Within 10 feet of a line rated 50 kV or below;

(2) Within 10 feet + 0.4 inches for each 1 kV over 50 kV for lines rated over 50 kV; or

(3) Within twice the length of the line insulator, but never less than 10 feet; and

(f) The requirements of the above shall not apply where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers have been erected to prevent physical contact with the lines.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.16)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.16 Disposal Chutes. The employer shall ensure compliance with the following requirements:

(a) Whenever materials are dropped more than 20 feet to any exterior point of a building, an enclosed chute shall be used; and

(b) When debris is dropped through holes in the floor without the use of chutes, the area where the material is dropped shall be enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edges of the opening above. Warning signs of the hazard of falling material shall be posted at each level.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.18)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.17 Dock-boards. The employer shall ensure that, dock-boards, meaning metal plates used to bridge the gap between a loading dock and truck over which industrial trucks travel to load or unload shall meet the following requirements:

(a) Dock-boards shall be strong enough to carry the load imposed on them;

(b) Dock-boards that are portable shall be anchored or equipped with devices which shall prevent their slipping. They shall have handholds or other effective means to allow safe handling; and

(c) Wheel chocks or other devices shall be provided to prevent railroad cars from being moved while dock-boards are in position.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.19)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.18 Ergonomics.

(a) Each employer shall evaluate all incidences of ergonomically related injuries, such as repetitive motion trauma, carpal tunnel syndrome and back injuries, and make necessary workplace modifications to prevent recurrences.

(b) The employer shall develop training procedures for employees who might be subject to ergonomic exposures such as those listed above.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.22)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.19 Excavating and Trenching. The employer shall ensure compliance with the following requirements:

(a) Before excavation, underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area;

(b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter;

(c) The inspection shall be performed at the beginning of each day and at least 4 times during the workday thereafter, and include the following:

(1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench; and

(2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees;

(d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground;

(e) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation;

(f) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral travel; and

(g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.23)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.20 Exits.

(a) Every building designed for human occupancy shall be provided with exits sufficient to permit safe escape of occupants in case of emergency.

(b) In hazardous areas, or where employees might be endangered by the blocking of any single means of egress due to fire or smoke, there shall be at least 2 means of egress remote from each other.

(c) Exits and the way of approach and travel from exits shall be maintained so that they are unobstructed and are accessible at all times.

(d) All exits shall discharge directly to the street or other open space that provides safe access to a public way.

(e) Exit doors serving more than 50 people, or at high hazard areas, shall swing in the direction of exit travel.

(f) Exits shall be marked by clearly visible, suitably illuminated exit signs. Exit signs shall be distinctive in color and provide contrast with the surroundings. The word "EXIT" shall be of plainly legible letters, not less than 6 inches high.

(g) Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely mistaken for an exit, shall be identified by a sign reading "Not An Exit".

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.25)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.21 Fall Protection.

(a) This section shall not apply to stairways, ladders and scaffolds, cranes and derricks or steel erection.

(b) The employer shall ensure that each employee on a walking/working surface with an unprotected side or edge which is 4 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems or personal fall arrest systems.

(c) The requirement in (a) above shall apply to the following surfaces:

- (1) Hoist areas;
- (2) Holes;
- (3) Form-work and reinforcing steel;
- (4) Ramps;

- (5) Runways and walkways;
- (6) Excavations;
- (7) Bricklaying;
- (8) Working above dangerous equipment;
- (9) Roofing work;
- (10) Pre-cast concrete erection;
- (11) Wall openings; and
- (12) Other walking/working surfaces.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.29)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.20)

Lab 1403.22 Flagger. The employer shall ensure compliance with the following requirements:

- (a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flagger shall be provided;
- (b) A flagger shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with high visibility material that is visible through the full range of the flag person's body motions; and
- (c) A flagger shall be provided with and use a combination Stop/Slow paddle while flagging that is:
 - (1) Highly visible;
 - (2) At least 18 inches in height and width; and
 - (3) With lettering at least 6 inches in height.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.32)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.21)

Lab 1403.23 Flammables and Combustible. The employer shall ensure compliance with the following requirements:

- (a) Flammable liquids shall be stored only in containers designed for that purpose;

(b) Portable containers in excess of one gallon capacity shall have a self-closing lid and a pressure relief device;

(c) Flammable and combustible liquids shall be drawn from or transferred into containers only through a closed piping system, by means of a device drawing through the top, or by gravity through a self-closing valve. Transferring by means of air pressure shall be prohibited;

(d) Precautions shall be taken to prevent the ignition of flammable vapors;

(e) Automatic overhead extinguishers or portable fire extinguishers shall be available at locations where flammable or combustible liquids are stored;

(f) Conspicuous and legible signs prohibiting smoking shall be posted in service and refueling areas;

(g) A portable fire extinguisher designated at least 6# BC shall be located within 75 feet of any refueling area;

(h) Flammables such as draperies, curtains, area rugs, and other similar furnishings and decorations in educational facilities shall not be permitted unless treated with fire-retardant coatings; and

(i) Artwork and teaching materials in educational facilities shall be permitted to be attached directly to walls. Such materials shall not exceed 20 percent of the wall area in buildings not protected throughout by an approved supervised automatic sprinkler system and 50 percent of the wall area in buildings protected throughout by an approved supervised automatic sprinkler system.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.33)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.24 Floor Openings and Open Sides. The employer shall ensure compliance with the following requirements:

(a) Every stairway and ladder way floor opening shall be guarded by a standard railing on all exposed sides except at the entrance. The entrance to ladder way openings shall be guarded to prevent a person from walking directly into the opening;

(b) Every hatchway and chute floor opening shall be guarded by a hinged floor opening cover equipped with standard railings to leave only one exposed side or by a removable railing with toeboard on not more than 2 sides and a fixed standard railing with toeboards on all other exposed sides; and

(c) Every floor hole into which persons can accidentally walk shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover capable of supporting at least twice the weight of employees, equipment, and materials that might be imposed on the cover at any one time. All covers shall be secured to prevent accidental displacement and shall be marked with the word "hole" or "cover" to provide warning of the hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.34)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.22)

Lab 1403.25 Forklift Trucks and Powered Industrial Trucks. The employer shall ensure compliance with the following requirements:

(a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition;

(b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit;

(c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator;

(d) The brakes of highway trucks and trailers shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while fork trucks are entering or leaving; and

(e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.35)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.23)

Lab 1403.26 Guards. The employer shall ensure that guards for mechanical power transmission equipment be made of metal or other rigid material. Except that wood guards may be used in the woodworking and chemical industries, in industries where atmospheric conditions would rapidly deteriorate metal guards, or where temperature extremes make metal guards undesirable.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.37)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.24)

Lab 1403.27 Hand Tools. The employer shall ensure compliance with the following requirements:

(a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees;

(b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs; and

(c) Electric power operated tools shall either be double-insulated, grounded, or used with ground fault circuit interrupters.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.38)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (Lab 1403.25)

Lab 1403.28 Hoists. The employer shall ensure compliance with the following requirements:

(a) The employer shall comply with the hoist manufacturer's specifications and limitations as to the proper use and installation of the equipment, whether at a portable or fixed location;

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be visibly marked on cars and platforms;

(c) Hoistway entrances of material hoists shall be protected by full width gates or bars;

(d) Hoistway doors or cages of personnel hoists shall be not less than 6 feet 6 inches high and shall be protected with mechanical locks which cannot be operated from the landing side and shall be accessible only to persons on the car; and

(e) Overhead protective coverings shall be provided on the top of the hoist cage or platform.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.39)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.26)

Lab 1403.29 Housekeeping. The employer shall ensure compliance with the following requirements:

(a) Form and scrap lumber with protruding nails and all other debris shall be kept clear from all work areas;

(b) Combustible scrap and debris shall be removed from work areas at least daily;

(c) Trash shall be disposed of on a regular basis, and at other times when necessary;

(d) All places of employment, passageways, storerooms, and service rooms shall be kept clean and in a sanitary condition; and

(e) All floors shall be kept clean, dry, safely maintained, and free from trip hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.40)

New. #8796, eff 1-11-07 (formerly and moved by Lab
1403.28); ss by #10809, eff 4-9-15 (from Lab 1403.27)

Lab 1403.30 Hygiene and Sanitation. The employer shall ensure compliance with the following requirements:

(a) A supply of potable water shall be provided in all places of employment;

(b) Potable drinking water containers shall be capable of being tightly closed and be equipped with a tap;

(c) Every employer shall provide and maintain sanitary and hygienic toilet facilities; and

(d) The above shall not apply to mobile crews or normally unattended locations, as long as employees working at these locations have transportation immediately available to nearby locations that provide water and sanitary facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.41)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.28)

Lab 1403.31 Jointers. The employer shall ensure compliance with the following requirements:

(a) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which shall cover the section of the head on the working side of the fence or cage, and a guard which shall cover the back of the cage or fence; and

(b) A jointer guard shall automatically adjust itself to cover the unused portion of the head, and shall remain in contact with the material at all times.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.42)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.29)

Lab 1403.32 Ladders. The employer shall ensure compliance with the following requirements:

(a) Fixed ladders shall comply with the following requirements:

- (1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood;
- (2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart;
- (3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length;
- (4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel;
- (5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder; and
- (6) Side rails shall extend 3-1/2 feet above the landing.

(b) Portable ladders shall comply with the following requirements:

- (1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position;
- (2) Ladders shall be inspected prior to use and those which have developed defects shall:
 - a. Be withdrawn from service for repair or destruction; and
 - b. Be tagged or marked as "Dangerous, Do Not Use";
- (3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping;
- (4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing;
- (5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors; and
- (6) Portable ladders shall be safely secured when not in use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.45)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.30)

Lab 1403.33 Lasers. The employer shall ensure compliance with the following requirements:

- (a) Only employees who have had training by the employer or equipment manufacturer shall be assigned to install, adjust, and operate laser equipment;

(b) Employees shall wear appropriate eye protection designed to safeguard against potential exposure to laser light greater than 0.005 watts (5 milliwatts);

(c) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off;

(d) Employees shall not be exposed to light intensities above the following:

(1) Direct staring - 1 micro-watt per square centimeter;

(2) Incidental observing - 1 milliwatt per square centimeter; and

(3) Diffused reflected light - 2-1/2 watts per square centimeter; and

(e) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.46)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.31)

Lab 1403.34 Liquefied Petroleum Gas (LPG). The employer shall ensure compliance with the following requirements:

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators which are designed for use with LPG;

(b) Every container and vaporizer shall be provided with one or more safety relief valves or device;

(c) Containers shall be placed upright on firm foundations or otherwise firmly secured;

(d) Portable heaters shall be equipped with an automatic device to shut off the flow of gas in the event of flame failure;

(e) Storage of LPG within buildings shall be prohibited; and

(f) Storage locations shall have at least one portable fire extinguisher, designed 20#BC.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.47)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15

Lab 1403.35 Lockout The employer shall ensure compliance with the following requirements:

(a) All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

- (1) Hydraulic pressure;
- (2) Pneumatic pressure;
- (3) Steam pressure;
- (4) Vacuum;
- (5) Electricity;
- (6) Mechanical; and
- (7) Gravity.

(b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.

(c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

(d) Lockout devices shall indicate the identity of the employee applying the device(s).

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.48)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.32)

Lab 1403.36 Machine Guarding. The employer shall ensure compliance with the following requirements:

(a) Machine guarding shall be provided to protect employees from hazards such as those created by point of operation, nip points, rotating parts, flying chips and sparks.

(b) Machine guarding shall comply with the following requirements:

- (1) The guard shall be such that it cannot pose an accident hazard in itself; and
- (2) Point of operation guarding devices shall be so designed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(c) Machines which require point of operation guarding shall include:

- (1) Guillotine cutters;
- (2) Shears;
- (3) Alligator shears;

- (4) Power presses;
- (5) Milling machines;
- (6) Power saws;
- (7) Jointers; and
- (8) Forming rolls and calendars.

(d) Special supplemental hand tools shall be used for placing and removing materials within the danger zone of the machine.

(e) Except as allowed by (i) below, Guards shall be required within 7 feet of the floor or working platform to protect from the following machinery:

- (1) Fan blades;
- (2) Belts;
- (3) Pulleys;
- (4) Sprockets;
- (5) Chains;
- (6) Flywheels;
- (7) Shafting;
- (8) Shaft projections;
- (9) Gears;
- (10) Couplings; and
- (11) Rotating or reciprocating parts.

(f) Flywheels protruding through a working floor shall be guarded.

(g) Where both runs of horizontal belts are 7 feet or less from the floor or working surface, the guard shall extend at least 15 inches above the belt.

(h) Safety sleeves shall be required to guard couplings with bolts, nuts, or set screws extending beyond the flange.

(i) Belts, pulleys, and shafting located in rooms used exclusively for power transmission apparatus shall not be required to be guarded when the following requirements have been met:

- (1) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance; or
- (2) The route followed by the oiler is protected in such a manner as to prevent accidents.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.49)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.33)

Lab 1403.37 Machinery in a Fixed Location. The employer shall ensure that machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they do not move in normal operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.50)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.34)

Lab 1403.38 Mechanical Power Presses. The employer shall ensure compliance with the following requirements:

(a) The employer shall provide and ensure the usage of point-of-operation guards or properly applied and adjusted point-of-operation devices, per the manufacturer's recommendation, to prevent entry of hands or fingers into the point-of-operation by reaching through, over, under, and around the guard on every operation performed on a mechanical power press. This requirement shall not apply when the point-of-operation opening is 1/4 inch or less;

(b) A guard shall be placed over the treadle of foot-operated presses;

(c) Pedal counterweights, if provided on foot-operated presses, shall have the path of travel of the weight enclosed; and

(d) Machines using full revolution clutches shall incorporate a single stroke mechanism except where automatically fed in continuous operation and where the points of operation are safeguarded by a fixed barrier guard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.51)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.35)

Lab 1403.39 Medical Services. In addition to the requirement for a medical chest required in RSA 277:6, the employer shall ensure emergency telephone numbers for ambulance service, hospital, or physician shall be posted throughout the facility.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.21)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.36)

Lab 1403.40 Mechanized Equipment. The employer shall ensure compliance with the following requirements:

(a) All construction equipment in use shall be checked at the beginning of each shift to assure that all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service;

(b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:

(1) The vehicle has a reverse signal alarm distinguishable from the surrounding noise level; or

(2) The vehicle is backed up only when an appointed observer signals that it is safe to do so; and

(c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.53)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.37)

Lab 1403.41 Noise Exposure. The employer shall ensure compliance with the following requirements:

(a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.

(b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 1400.1, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.

(c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

Table 1400.1 Permissible Noise Exposure

	Sound Level
	dBA Slow
Duration Per Day, Hours	Response
8	90

6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.54)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.38)

Lab 1403.42 Overheads and Gantry Hoists and Cranes. The employer shall ensure compliance with the following requirements:

- (a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator;
- (b) Complete inspection of the crane shall be performed at least once per year;
- (c) The inspection shall include the following:
 - (1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and
 - (2) Ensuring the good working order of the following:
 - a. Brake system;
 - b. Limit indicators;
 - c. Power plant; and
 - d. Electrical apparatus;
- (d) Overhead cranes shall have stops at the limit of travel of the wheels; and
- (e) The rated load of the crane shall be plainly marked on each side of the crane as follows:
 - (1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block; and
 - (2) The marking shall be clearly legible from the ground or floor.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.55)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.39)

Lab 1403.43 Personal Protective Equipment. The employer shall ensure compliance with the following requirements:

(a) The employer shall assess the hazards and provide and require the use of appropriate personal protective equipment where indicated based upon that assessment;

(b) Where employees furnish their own personal protective equipment, the employer shall be responsible to, assure its adequacy and, to ensure that the equipment is properly maintained and in a sanitary condition;

(c) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jackets or buoyant work vests; and

(d) Emergency eye wash/shower stations shall be tested periodically and testing records shall be maintained by the employer.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.56)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.40)

Lab 1403.44 Portable Abrasive Wheel Machinery. The employer shall ensure compliance with the following requirements:

(a) Abrasive wheels shall be used only on machines provided with safety guards; ;

(b) The following shall be exempt from the safety guard requirement in (a) above:

(1) Wheels used while within the work being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.

(c) A safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel;

(d) Safety guards used on right angle head or vertical portable grinders shall:

(1) Have a maximum exposure angle of 180 degrees; and

(2) Meet the following minimum requirements:

a. The above guard shall be so located so as to be between the operator and the wheel during use; and

b. Adjustment of the guard shall be such that pieces of an accidentally broken wheel shall be deflected away from the operator.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.58)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.41)

Lab 1403.45 Portable Pneumatic Powered Tools. The employer shall ensure compliance with the following requirements:

(a) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled; and

(b) Hose and hose connections used for delivering compressed air shall be designed for the pressure and service to which they are used.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.58)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
1403.42)

Lab 1403.46 Powder-Actuated Tools. The employer shall ensure compliance with the following requirements:

(a) Only employees trained by the employer or equipment manufacturer shall be allowed to operate powder-actuated tools;

(b) All powder-actuated tools shall be tested by the employee before each use and all defects discovered before or during use shall be corrected; and

(c) Tools shall not be loaded until immediately before use. A loaded tool shall not be left unattended.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.60)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.43)

Lab 1403.47 Radiation. The employer shall ensure compliance with the following requirements:

- (a) Employers shall provide controls to prevent any employee from being exposed to radiation, either ionizing or electromagnetic, in excess of acceptable limits as established by He-P 4001;
- (b) Each radiation area shall be conspicuously posted with visible signs and/or barriers; and
- (c) Employers shall maintain records of the radiation exposure of all employees who are required to work in these areas.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.61)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.44)

Lab 1403.48 Railings. The employer shall ensure compliance with the following requirements:

- (a) This section shall not apply to scaffolding and stairway railings;
- (b) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches from upper surface of top rail to floor, or platform;
- (c) A railing for open-sided floors, platforms, and runways shall have a toeboard which shall be a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials whenever persons can pass beneath the open side, or where there is equipment with which falling materials could cause a hazard; and
- (d) Railings shall be of such construction that the complete structure shall be capable of withstanding a load of at least 200 pounds in the vertical or horizontal direction.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.62)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.45)

Lab 1403.49 Record Keeping. The employer shall ensure compliance with the following requirements:

- (a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request;
- (b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement; and
- (c) The log shall include, at a minimum, the following information:
 - (1) Date of injury;

- (2) Name of employee;
- (3) Occupation of employee;
- (4) Description of the injury or illness;
- (5) Whether lost time was involved; and
- (6) The date employee returned to work.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06
(formerly Lab 1403.63)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.46)

Lab 1403.50 Respiratory Protection. The employer shall ensure compliance with the following requirements:

- (a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers;
- (b) Employees who are expected to use respirators shall be fit tested to ensure that an adequate face-to-facepiece seal can be maintained;
- (c) Both the supervisors and the workers shall be instructed, by the employer, in the selection, use, and maintenance of respirators;
- (d) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning. Deteriorated parts shall be replaced;
- (e) Respirators for emergency use shall be inspected at least once a month and after each use; and
- (f) When not in use, respirators shall be stored in a clean and sanitary location.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.64)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from
Lab 1403.47)

Lab 1403.51 Revolving Drums. The employer shall ensure that revolving drums, barrels, or containers shall be guarded by an interlocked enclosure that shall prevent the drum from revolving unless the guard enclosure is in place.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.65)

New. #8796, eff 1-11-07; ss by #10809, eff 4-9-15 (from Lab 1403.48)

Lab 1403.52 Rollover Protective Structures (ROPS). The employer shall ensure that, except for side boom pipe laying tractors and compactors, rollover protective structures of substantial strength be used with the following types of materials handling equipment:

- (a) All rubber-tired, self-propelled scrapers;
- (b) Rubber-tired front-end loaders;
- (c) Rubber-tired dozers;
- (d) Wheel-type agricultural and industrial tractors;
- (e) Crawler tractors;
- (f) Crawler-type loaders;
- (g) Motor graders, with or without attachments, that are used in construction work; and
- (h) Forklifts trucks and powered industrial trucks.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.66)

New. #8796, eff 1-11-07 (from Lab 1403.56); ss by #10809, eff 4-9-15 (from Lab 1403.49)

Lab 1403.53 Safety Nets. The employer shall ensure that, where nets are used, operations shall not be undertaken until the net system is installed by a person trained by the employer or equipment manufacturer and the system complies with all industry standards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.67)

New. #8796, eff 1-11-07 (from Lab 1403.57); ss by #10809, eff 4-9-15 (from Lab 1403.50)

Lab 1403.54 Saws. The employer shall ensure compliance with the following requirements:

- (a) Band saws shall comply with the following requirements:
 - (1) All portions of band saw blades shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide rolls and the table; and

- (2) Band saw wheels shall be fully enclosed according to the following requirements:
 - a. The outside periphery of the enclosure shall be solid; and
 - b. The front and back shall be either, solid wire mesh or perforated metal;
- (b) Portable circular saws shall comply with the following requirements:
 - (1) All portable power-driven circular saws having a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe;
 - (2) The lower guards shall cover the saw to the depth of the teeth, except for the minimum area required to permit the base plate to be tilted for bevel cuts, and shall automatically return to the covering position when the blade is withdrawn from the work;
- (c) The above provision shall not apply to circular saws used in the meat industry for meat cutting purposes;
- (d) Radial saws shall comply with the following requirements:
 - (1) Radial saws shall have an upper guard which completely encloses the upper half of the saw blade;
 - (2) The sides of the lower exposed portion of the blade shall be guarded by a device that shall automatically adjust to the thickness of the material and remain in contact with the material being cut;
 - (3) Radial saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted;
 - (4) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the table, or the position necessary to complete the cut in repetitive operations; and
 - (5) Radial saws shall be installed so that the cutting head shall return to the starting position when released by the operator;
- (e) Swing or sliding cut-off saws shall comply with the following requirements:
 - (1) All swing or sliding cut-off saws shall be provided with a hood that shall completely enclose the upper half of the saw;
 - (2) Limit stops shall be provided to prevent swing or sliding type cut-off saws from extending beyond the front or back edges of the table;
 - (3) Each swing or sliding cut-off saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel; and
 - (4) Inverted cut-off saws shall be provided with a hood that shall cover the part of the saw that protrudes above the top of the table or material being cut; and
- (f) Table saws shall comply with the following requirements:
 - (1) Circular table saws shall have a hood over the portion of the saw above the table, with the hood mounted so that it shall automatically adjust itself to the thickness of and remain in contact with the material being cut;

(2) Circular table saws shall have a spreader aligned with the blade spaced no more than 1/2 inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting shall not be required;

(3) Circular table saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted; and

(4) Feed rolls and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming in contact with the in-running rolls at any point.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.58)

New. #8796, eff 1-11-07 (from Lab 1403.58); ss by
#10809, eff 4-9-15 (from Lab 1403.51)

Lab 1403.55 Scaffolds. The employer shall ensure compliance with the following requirements:

(a) Scaffolds shall be erected on sound, rigid footing capable of carrying the maximum intended load without settling or displacement;

(b) All planking shall stress-graded lumber to assure the quality of the lumber; and

(c) The maximum permissible spans for 2 x 10 or wider planks shall be as shown in Table 4 1400.2, Planking Material Thickness:

Table 1400.2 – Planking Material Thickness

	Full Thickness Undressed Lumber			Nominal Thickness Lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible Span (ft.)	10	8	6	8	6

(d) The maximum permissible span for 1-1/4 x 9 inch or wider plank of full thickness ~~is~~ shall be 4 feet, with medium loading of 50 p.s.f.;

(e) Scaffold planking shall be overlapped a minimum of 12 inches or secured from movement;

(f) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches;

(g) Defective parts of all scaffolding and accessories shall immediately be replaced or repaired;

(h) An access ladder or equivalent safe access shall be provided;

(i) Mobile platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening, and platforms shall be secured in place;

(j) All employees working on suspension scaffolds shall be protected by a safety life belt attached to a lifeline which shall comply with the following requirements:

(1) The lifeline shall be securely attached to substantial members of the structure, not the scaffold, or to securely rigged lines, which shall safely suspend the employee in case of a fall; and

(2) In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be changed as the work progresses; and

(k) Tubular welded frame scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, as follows:

(1) The cross braces shall be of such length as shall automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid; and

(2) All brace connections shall be made secure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.69)

New. #8796, eff 1-11-07 (from Lab 1403.59); ss by
#10809, eff 4-9-15 (from Lab 1403.52)

Lab 1403.56 Spray Finishing Operations. The employer shall ensure compliance with the following requirements:

(a) In conventional dry type spray booths, over-spray dry filters or filter rolls shall ensure an average air velocity over the face of the booth of not less than 100 linear feet per minute;

(b) Electrostatic spraying operations shall be conducted with an air velocity of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics ;

(c) Visible gauges or an audible alarm or pressure-activated devices shall be installed to indicate or ensure that the required air velocity is maintained;

(d) Filter pads shall be inspected, and clogged filter pads discarded, and replaced. Filter rolls shall be inspected to ensure proper replacement of filter media;

(e) Spray booths shall be so installed that all portions are readily accessible for cleaning;

(f) A clear space of not less than 3 feet on all sides of a spray booth shall be kept free from storage or combustible construction;

(g) There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition capable of stopping vapor travel;

(h) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area shall be of explosion proof type;

(i) The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and shall not exceed a supply for one day or one shift;

(j) Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be bonded and grounded to prevent discharge sparks of static electricity;

(k) All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonspark material;

(l) Residue scrapings and debris contaminated with residue shall be immediately removed from the premises; and

(m) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.70)

New. #8796, eff 1-11-07 (from Lab 1403.60); ss by
#10809, eff 4-9-15 (from Lab 1403.53)

Lab 1403.57 Stairs. The employer shall ensure compliance with the following requirements:

(a) Every flight of stairs having 4 or more risers shall be equipped with standard stair railings or standard handrails as specified below:

(1) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(2) On stairways less than 44 inches wide having both sides open, one stair railing on each side; and

(3) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(b) A stair railing shall be not more than 34 inches nor less than 30 inches from the upper surface of the top rail to the surface of tread in line with the face of riser at the forward edge of tread;

(c) Riser height and tread width shall be uniform throughout any flight of stairs;

(d) Hollow pan-type metal stairs shall be filled to the level of the nosing with solid material;

(e) Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels and for access to operating platforms at any equipment which requires attention routinely during operations. Fixed stairs shall also be provided where access to a raised structure or floor is traveled daily or at each shift where such work might expose employees to harmful substances, or for which purposes that carrying of tools or equipment by hand is normally required; and

(f) Spiral stairways shall be prohibited except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.71)

New. #8796, eff 1-11-07); ss by #10809, eff 4-9-15

Lab 1403.58 Storage. The employer shall ensure compliance with the following requirements:

(a) All stored materials stacked in tiers shall be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse;

(b) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage. Vegetation control shall be exercised when necessary; and

(c) Where mechanical handling equipment is used, aisles that are not clearly defined shall be marked with reflective paint or tape, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways, and whenever turns or passage is made.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.73)

New. #8796, eff 1-11-07 (from Lab 1403.61); ss by
#10809, eff 4-9-15 (from Lab 1403.54)

Lab 1403.59 Tanks with Open Surface. The employer shall ensure compliance with the following requirements:

(a) Where ventilation is used to control potential exposure to employees, it shall reduce the concentration of the air contaminant to the degree that a hazard to employees does not exist;

(b) Whenever there is a danger of toxic substances being splashed, the employees shall wear either tight-fitting chemical goggles or an effective face shield;

(c) Near each tank containing liquid which might be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch. At no time shall water pressure for eyewashes exceed 25 p.s.i. Alternatively, deluge showers and eye flushes shall be provided; and

(d) All employees working in and around open-surface tank operations shall be trained by the employer as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.74)

New. #8796, eff 1-11-07 (from Lab 1403.62); ss by
#10809, eff 4-9-15 (from Lab 1403.55)

Lab 1403.60 Tire Cages. The employer shall ensure that a safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.75)

New. #8796, eff 1-11-07 (from Lab 1403.63); ss by #10809, eff 4-9-15 (from Lab 1403.56)

Lab 1403.61 Toxic Substance

(a) The employer shall remove hazards from the workplace, and establish policies and work practices aimed at maintaining a safe work environment to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance under RSA 277-A:3 V.

(b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.77)

New. #8796, eff 1-11-07 (from Lab 1403.64); ss by #10809, eff 4-9-15 (from Lab 1403.57)

Lab 1403.62 Traffic Control

(a) The employer shall ensure that an effective means for control of pedestrian and vehicular traffic be instituted on every job site where necessary.

(b) Under the authority of RSA 277:16 and in reference to traffic control devices on job sites, the employer shall ensure compliance with Part 6 of the 2009 Edition with revisions 1 and 2 dated May 2012 of the Federal Highway Administration Manual on Uniform Traffic Control Devices MUTCD approved under 23CFR PART 630, Subpart F, 630.1106 (c), effective January 15, 2010, as specified in Appendix B.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.78)

New. #8796, eff 1-11-07 (from Lab 1403.65); ss by #10809, eff 4-9-15 (from Lab 1403.58)

Lab 1403.63 Trash. The employer shall ensure that all sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary to maintain good sanitary conditions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06
(formerly Lab 1403.79)

New. #8796, eff 1-11-07 (formerly Lab 1403.66); ss by
#10809, eff 4-9-15 (from Lab 1403.59)

Lab 1403.64 Tree Care Operations. The employer shall ensure compliance with the following requirements:

(a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981 with revisions. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions;

(b) Safety belts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level;

(c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally;

(d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch 12 mm and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent;

(e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment;

(f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used;

(g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines;

(h) It shall be the responsibility of a competent person, as defined by Lab 1402.01, to determine whether tree care operations can be safely performed near energized power lines;

(i) Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly;

(j) Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers;

(k) Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches 2.15 m,

measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members so as to prevent personnel from contacting the blades or knives of the machine during normal operations;

(l) Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator;

(m) Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guardrails around the working area;

(n) When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3m) of the cutting head of the brush saw;

(o) The power unit shall be equipped with a quick shutoff switch readily accessible to the operator;

(p) When chainsaws are operated the manufacturer's operating and safety instructions shall be followed;

(q) Chain saw used by employees shall be equipped with a properly adjusted inertia chain brake designed to stop the chain rotation in the event of a saw kickback;

(r) Chain saws weighing more than 15 pounds 6.8 kg that are used in trees shall be supported by a separate line, except when used from an aerial-lift device;

(s) The engine shall be stopped when power saws are being carried. The saw shall not need to be stopped between cuts during consecutive felling, bucking, or climbing or cutting operations on level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two-man saw shall be carried by 2 workers; and

(t) The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.80)

New. #8796, eff 1-11-07 (formerly Lab 1403.67); ss by #10809, eff 4-9-15 (from Lab 1403.60)

Lab 1403.65 Wall Openings. The employer shall ensure that wall openings, from which there is a drop of more than 6 feet and the bottom of the opening is less than 3 feet above the working surface, be guarded.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.81)

New. #8796, eff 1-11-07 (formerly Lab 1403.68); ss by #10809, eff 4-9-15 (from Lab 1403.61)

Lab 1403.66 Washing Facilities. The employer shall ensure compliance with the following requirements:

(a) Washing facilities shall be maintained in a sanitary condition and be provided in every place of employment except for mobile crews or normally unattended work locations where employees have ready access to nearby sanitary facilities; and

(b) A cleaning agent and either individual hand towels, sections of cloth or paper, warm air blowers, or clean individual sections of continuous cloth toweling shall be provided at washing facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.82)

New. #8796, eff 1-11-07 (formerly Lab 1403.69); ss by #10809, eff 4-9-15 (from Lab 1403.62)

Lab 1403.67 Welding and Cutting. The employer shall ensure compliance with the following requirements:

(a) Welding equipment shall be chosen for safe application to the work and shall be installed properly. Employees designated to operate welding equipment shall be properly instructed and qualified by the employer or equipment manufacturer to operate it;

(b) Mechanical ventilation shall be provided when welding or cutting in an area with less than 10,000 cubic feet per welder, or where the overhead height is less than 16 feet;

(c) Proper shielding and eye protection to prevent exposure of personnel from welding hazards shall be provided;

(d) When welding in a fixed location the welder shall be enclosed with a booth, or non-combustible screening, with a finish of low reflectivity with respect to visible and ultraviolet radiation;

(e) Proper precautions for fire protection such as isolating welding and cutting, removing fire hazards from vicinity, and providing a fire watch shall be taken in areas where welding or cutting is being done;

(f) When welding operations requiring fluxes, coverings, coatings, or alloys, or involving fluorine compounds, zinc, lead, beryllium, cadmium or mercury produce specific health hazards, a competent person shall evaluate potential exposure and ensure necessary protective measures, such as ventilation and personal protective equipment, are used;

(g) Welding and cutting operations shall be shielded by noncombustible or flameproof shields to protect employees from direct arc rays;

(h) Arc welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays;

(i) When electrode holders are left unattended, the electrodes shall be removed and the holder shall be placed or protected so that they cannot make electrical contact with employees or conducting objects;

(j) All arc welding and cutting cables shall be completely insulated and be capable of handling the maximum current requirements for the job. There shall be no repairs or splices within 10 feet of the electrode holder, except where splices are insulated equal to the insulation of the cable. Defective cable shall be repaired or replaced;

(k) Fuel gas and oxygen hose shall be easily distinguishable and shall not be interchangeable. Hoses shall be inspected at the beginning of each shift and shall be repaired or replaced if defective; and

(l) Oxygen and fuel gas regulators shall be in proper working order when in use.

[Source.](#) #10809, eff 4-9-15 (from Lab 1403.63)

Lab 1403.68 Welding in Confined Spaces. The employer shall ensure compliance with the following requirements:

(a) In addition to the requirements in Lab 1403.14, all welding and cutting operations carried on in confined spaces shall be ventilated to prevent the accumulation of toxic substances or possible oxygen deficiency;

(b) In such operations where it is impossible to provide such ventilation, air supplied respirators or hose masks, which are labeled to indicate they are approved by Mine Safety and Health Administration MSHA for this purpose, shall be used;

(c) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be labeled to indicate it is approved by MSHA;

(d) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment, a worker shall be stationed on the outside of such confined spaces to ensure the safety of those working within; and

(e) Oxygen shall never be used for ventilation.

[Source.](#) #10809, eff 4-9-15 (from Lab 1403.64)

Lab 1403.69 Wire Ropes, Chains, and Rigging Equipment. The employer shall ensure compliance with the following requirements:

(a) Wire ropes, chains, ropes, and other rigging equipment shall be inspected prior to use and as necessary during use to assure their safety. Defective gear shall be removed from service;

(b) Job or shop hooks and links, or makeshift fasteners, formed from bolts and rods, or other such attachments, shall not be used;

(c) When U-bolts are used for eye splices, the U-bolt shall be applied so that the “U” section is in contact with the dead end of the rope; and

(d) When U-bolt wire rope clips are used to form eyes, Table-1400.3, number and spacing of U-Bolt Wire Rope Clips, shall be used to determine the number and spacing of clips:

Table 1400.3 Number and Spacing of U-Bolt Wire Rope Clips

Improved Plow Steel Rope Diameter Inches	Drop Forged	Other Material	Minimum Spacing (inches)
½	3	4	3

5/8	3	4	3-3/4
3/4	4	5	4-1/2
7/8	4	5	4-1/2
1	5	6	6
1-1/8	6	6	6
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4
1-1/2	7	8	9

[Source.](#) #10809, eff 4-9-15 (from Lab 1403.65)

Lab 1403.70 Woodworking Machinery. The employer shall ensure compliance with the following requirements:

(a) All woodworking machinery such as table saws, swing saws, radial saws, band saws, jointers, tenoning machines, boring and mortising machines, shapers, planers, lathes sanders, and veneer cutters; shall be effectively guarded to protect the operator and other employees from hazards inherent to their operation;

(b) A power control device shall be provided on each machine to make it possible for the operator to cut off the power to the machine without leaving his or her position at the point of operation;

(c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at his or her regular work location, making it unnecessary to reach over the cutter to make adjustments. This shall not apply to constant pressure controls used only for setup purposes;

(d) Each operating treadle shall be protected against unexpected or accidental tripping;

(e) Disconnect switches shall be capable of being locked or tagged in the off position; and

(f) On applications where injury to the operator might result if motors were to restart after a power failure, provision shall be made to prevent machines from automatically restarting upon restoration of power.

[Source.](#) #10809, eff 4-9-15 (from Lab 1403.66)

APPENDIX A

Rule	Statute
Lab 1401.01 & 1401.02	RSA 281-A:64, RSA 273:9, RSA 277:13, RSA 277:15
Lab 1401.03 - Lab 1403.35	RSA 281-A:64
Lab 1402.01 & 1402.03	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1402.04	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1402.05	RSA 277:1-b, V
Lab 1403.04	RSA 277:15-a, RSA 277:15-b
Lab 1403.05 – 1403.29	RSA 281-A:64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.30	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.31 - 1403.54	RSA 281-A: 64, RSA 273:9, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.55	RSA 281-A: 64, RSA 273:9, RSA 277: 2, RSA 277:3, RSA 277: 4,

	RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.56 - 1403.65	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.66	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15
Lab 1403.67 - 1403.70	RSA 281-A:64, RSA 273:9, RSA 277:10, RSA 277:11, RSA 277:13, RSA 277:15

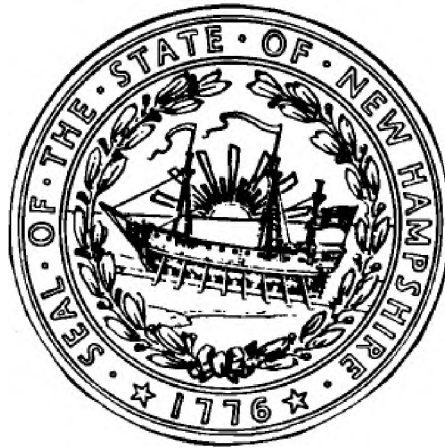
APPENDIX B

Rule	Title	Obtain at:
Lab 1403.62(b)	Part 6 of the 2009 Edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) with Revisions 1 and 2, May 2012 approved under Rules 23CFR PART 630, Subpart F, 630.1106 (c), effective January 15, 2010	<p>The material can be obtained at no cost on the US Department of Transportation Federal Highway Administration's web site: http://mutcd.fhwa.dot.gov/pdfs/2009/part6.pdf and Links to hard copy publications can be found on their web site at http://mutcd.fhwa.dot.gov/ser-pubs.htm.</p> <p>Costs for hard a copy of publication: AASHTO Bookstore - \$60.00 for non-members; American Traffic Safety Services Assoc. - \$29.70 for non-members (\$22.50 for Flash Drive); Institute of Transportation Engineers - \$50.00; IMSA \$100.00</p>

Section 3:

A guide for
Developing a
Written Safety
Program &
Lab Rules

A GUIDE FOR DEVELOPING A WRITTEN SAFETY PROGRAM AND LAB 600 RULES



**PROVIDED BY
THE NEW HAMPSHIRE
DEPARTMENT OF LABOR**

www.nh.gov/labor

SAFETY PROGRAM

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	MANAGEMENT STATEMENT OF COMMITMENT	4
3.	RESPONSIBILITIES	5
	Management	
	Supervisors	
	Employees	
	Safety Coordinator/Director	
4.	JOINT LOSS MANAGEMENT COMMITTEE	7
	Organization	
	Duties and Responsibilities	
5.	SAFETY RULES AND REGULATIONS	8
6.	DISCIPLINARY POLICY	9
7.	ACCIDENT/INCIDENT REPORTING	10
8.	TRAINING REQUIREMENTS FOR SAFETY AND HEALTH	11
9.	EMERGENCY EVACUATION AND RESPONSE PLANS	12
10.	SAFETY AND HEALTH COMMUNICATIONS	13
11.	WORKPLACE VIOLENCE	14
12.	CHAPTER 281-A WORKER'S COMPENSATION SECTION 281-A:64	15
13.	LAB 600 RULES/SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES	17
14.	SAFETY SUMMARY FORM	22
15.	REVISION SHEET SAMPLE	26
16.	SAFETY & HEALTH ASSISTANCE RESOURCES	27

Section One

INTRODUCTION

The introductory statement should relate to all employees, the overall goal of the safety program, and also convey to the employees the importance of their participation. Only through the joint commitment on the part of management and employees can workplace accidents and injuries be reduced or eliminated. Employees should be encouraged to not only work safely, and report unsafe conditions, but to also take an active role in safety and health by participating on the Joint Loss Management Committee.

Section Two

MANAGEMENT COMMITMENT

This section is where the employer's policies and philosophies should be stated. It is extremely important that all employees are clearly aware of management's commitment to safety and health.

A mission statement or policy should stress that safety will be as important as any other business function. The policy should be the foundation of the safety program or manual. The statement can include such philosophies as:

- All injuries are preventable
- Working safely is a condition of employment
- All operating exposures can be safeguarded
- Training employees to work safely is essential
- Injury prevention saves money

It should be known to all that management personnel are accountable for the success of the company safety program. The employer should provide responsibility lists to all supervisors and management personnel and their job descriptions should include these provisions. Job performance evaluations, salary increases or bonuses and other incentives must be related to safety and health success.

In order for any safety program to be successful all employees must be aware of the employer's policies and most importantly the **commitment from top management**. This page of the program must demonstrate that commitment to your employees and your management personnel.

Section Three

RESPONSIBILITIES

All employees have responsibilities with regard to safety and health. Top Management is ultimately responsible for the overall success of the program, but everyone has an important role. In this section of the plan, it should spell out, what specifically the various duties are for each level. Examples of some of the various responsibilities are shown below. Be sure to develop your own specific list of responsibilities and not copy from these examples

• **MANAGEMENT**

Insure that each level of supervision and all employees are made aware of the elements of the safety program, and that those elements are implemented.

If personnel protective equipment is required, assess the hazards, select the proper equipment, and insure that employees are trained in it's proper use.

Correct any unsafe conditions brought to their attention by employees or supervisors.

Support supervisors' decisions that safety comes first.

Assure that proper training is being provided, and that employees are working in a safe and healthy manner.

• **SUPERVISORS**

Take immediate action to correct any unsafe condition or action.

Provide personal protective equipment, along with training for its use, and make certain it is worn when necessary.

Assure that all machine guarding is in place and functioning properly.

Promptly investigate and report all accidents and incidents.

For violations of company safety and health procedures, issue warnings, per disciplinary procedures.

(Responsibilities con't.)

• EMPLOYEES

Report all accidents and incidents to the supervisor.

Report any unsafe conditions immediately.

Obey all safety and health regulations as stated in the company safety program.

Attend all safety training that may be required.

• SAFETY COORDINATOR/DIRECTOR (if applicable)

Assist and advise all levels of management in establishing an effective safety program.

Provide safety and health training for employees and committee members.

Maintain accident and incident records.

Plan and coordinate inspections, committee meetings, and training sessions; assist management in all areas of safety and health.

Review and update rules and programs as needed.

Section Four

SAFETY AND HEALTH COMMITTEES

The safety program or policy manual should include a description of any Joint Loss Management Committee (JLMC) or Safety Committees that function within the workplace. It is important to the success of these programs to encourage employees and supervisors to take an active role in achieving the goals of these committees.

• JOINT LOSS MANAGEMENT COMMITTEE

1. Purpose of the committee.
2. Size.
3. Equality of representation.
4. Employee representative selected by employees.
5. Membership must be representative of the major work activities.
6. Chairperson will be rotated between management and employees.
7. Meet at least quarterly.
8. Duties of the committee (see rules for Joint Loss Mgt. Comm.)

• HAZARDOUS MATERIALS RESPONSE TEAM

Will be trained to respond to hazardous materials spills, if required.

• INCIPIENT FIRE BRIGADE

If it is the policy to fight incipient fires, this group will be trained in their specific responsibilities.

• FIRST AID TEAM

If you have trained first aid volunteers, their functions and duties should be described here.

• EMERGENCY CONTINGENCY TEAM

If you have a team which is established to react in the event of emergencies, their duties and responsibilities should be described.

Section Five

SAFETY STATUTES, RULES AND REGULATIONS

In order for all employees to understand their responsibilities for safety and health, it is very important that applicable statutes, rules and standards be implemented and communicated to employees.

PUBLIC SECTOR

- Lab 1400 rules, Administrative Rules for Safety and Health
- Lab 600 rules, Safety Programs
- RSA 277, Safety & Health of Employees
- RSA 277-A, Employees Right to Know
- RSA 281-A:64, Safety Provisions

Enforcement agency: New Hampshire Department of Labor (NH DOL)

Areas in which the public employers should develop an effective safety and health program can be found in the Lab 1400 rules. Examples:

- *Accident Reporting Requirements- (Lab 1403.04)*
- *Machine Guarding- (Lab 1403.36)*
- *Personal Protective Equipment- (Lab 1403.43)*

PRIVATE SECTOR

- Lab 600 rules, Safety Programs
- RSA 281-A:64, Safety Provision

Enforcement agency: New Hampshire Department of Labor (NH DOL)

- (29 CFR 1910) General Industry Standards
- (29 CFR 1926) Construction Standards

Enforcement agency: Occupational Safety and Health Administration (OSHA)

Areas in which private employers should develop an effective safety and health program can be found in the Code of Federal Regulations (CFR) 29 CFR 1910 General Industry Standards or 29 CFR 1926 Construction Standards:

- *Permit Required Confined Space (29 CFR 1910.146)*
- *Lockout/Tagout (29 CFR 1910.147 CFR)*
- *Respiratory Protection (29 CFR 1910.134)*

Section Six

DISCIPLINARY POLICY

Disregard for safety should be treated in the same manner as disregard for other employment rules such as attendance and quality.

The company should develop, and make known to all employees, its policies for dealing with employees who choose not to comply with established rules and regulations for safety and health.

It is important that these procedures be applied fairly and equally to all employees regardless of their longevity or work record. A sample policy might include such steps as:

1. Verbal warning by foreman or supervisor;
2. Written warning placed in personnel file;
3. Job suspension;
4. Dismissal.

The policy should contain provisions for re-training on safety rules and regulations

Section Seven

ACCIDENT AND INCIDENT REPORTING AND INVESTIGATION

The goal of all accident and incident investigation is to prevent a recurrence, not to find fault.

Employers should have an established written procedure for performing accident or incident investigations. Immediate supervisors, members of the Joint Loss Management Committee, and other designated individuals shall perform the investigation in order to determine:

1. *what happened?*
2. *why it happened?*
3. *what can be done to prevent it from happening again?*

Accident investigations should contain the following:

- Inspections of the scene by trained personnel;
- Interviews with witnesses as soon as possible after occurrence;
- Interview with the victim at appropriate time;
- Attempts to determine cause, or causes;
- Reports;
- Recommendations to prevent it from happening again;
- Photographs or sketches of the scene;
- Samples of chemicals, vapors etc., if required.

An accident/incident report form should be established and all supervisors, foremen, and managers who fill them out should be made aware of the necessary information which should be included.

Section Eight

TRAINING REQUIREMENTS FOR SAFETY AND HEALTH

All employees must be aware of the training requirements for their jobs, as well as, the reasons for such training. No-one should be allowed to work with any hazardous equipment, or with any hazardous materials until they have been properly trained.

The written safety program should describe the purpose for wanting to provide safety and health training and list the areas and individuals who require it.

Some circumstances within your facility when training may be required include:

- All new employees;
- Employees who are transferred to other departments;
- Managers, supervisors and foremen;
- Outside contractors entering your facility;
- Employee disregard for safety rules and regulations;
- Whenever new processes or equipment are added;
- Employees who volunteer for special teams or committees such as fire brigades, emergency response team, etc;
- Joint Loss Management Committee members

Section Nine

EMERGENCY EVACUATION AND RESPONSE PLANS

All employers, regardless of the size of the business, must establish procedures for dealing with emergencies such as fire, medical, hazardous material spill, or natural disaster.

Preparedness in the event of such an emergency is vital. All employees should know the correct procedures to follow so that there will be no delays in reaction and response. The specific plans for evacuation should be described in the program, indicating how employees leave the building and where they go after exiting. The method of alarm should be well defined and practice evacuation drills should be planned. Included in this plan should be the responsibilities of all supervisors, foremen and designated response teams.

In the event of a medical emergency, the plan should deal with concerns such as:

- Who notifies the ambulance?
- Are employees trained first aiders and supplies available on site?
- Who are the trained people?
- Who is designated to meet and direct medical help to the area where help is needed?
- Who from management must be notified?
- If an emergency is the result of accident, is the area safe?

In emergencies requiring response from either an in house fire brigade, first aid team or hazardous materials spill team, the procedures for their response must be included in their training, as well as, in the company's safety program.

It is important to remember that in the event of a fire emergency, one of the first questions you will be asked by the responding fire department will be

Is everyone out of the building?

Section Ten

SAFETY AND HEALTH COMMUNICATION

The key to success of any safety & health program is an open line of communication between employees and management.

The program should encourage employees to suggest safety and health changes to management, to notify management of any unsafe conditions or equipment, and to actively participate on company safety committees.

Some ways in which management can keep employees informed on issues of safety & health are:

- Providing all employees with a copy of the safety program;
- Posting information such as notification of safety meetings and the minutes of the meetings;
- Safety & Health signs and Posters;

Section Eleven

WORKPLACE VIOLENCE

Workplace violence can strike anywhere, anytime, and no one is immune.

Employees must be able to recognize the high risk behaviors.

“No single strategy for preventing occupational violence will ever fit all workplaces. Employers and workers should develop and pursue the mix of actions most appropriate for the specific circumstances”. NIOSH Director Linda Rosentock, M.D., M.P.H.

WHO IS AT RISK OF WORKPLACE VIOLENCE?

Factors that may increase the risk of violence for some workers are: *exchanging money with the public, working alone or in isolated areas, and working after hours in the evening.*

HOW TO REDUCE THE RISK:

1. Assessing the workplace, identify methods for reducing the risk.

- Implement engineering controls, administrative controls and training the employees to recognize dangerous situations.
- **Engineering Controls:** prudent cash-handling policies such as physical separation of workers from customers, good lighting, security devices, and any other controls to discourage would-be assailants.
- **Administrative controls:** Establish policies and work practices aimed at maintaining a safe working environment which covers all workers, clients, visitors and anyone else who can come in contact with employees.
- **Training** employees to anticipate, recognize and respond to conflict and potential violence in the workplace

2. Public Sector: Town Offices

- A. Clerk's counter should be at a height even to customer.
- B. Physical barrier separating customers and clerks with sliding window panels, banking windows, interior double hung windows, and wide counter space between customer and clerk.
- C. No swinging doors to allow intruders behind the work environment.
- D. Proper lighting in hallways, and parking lots.

TITLE XXIII
LABOR
CHAPTER 281-A
WORKERS' COMPENSATION

Section 281-A:64

281-A:64 Safety Provisions; Administrative Penalty. –

I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.

II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program.

III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

V. Notwithstanding paragraphs III and IV, an employer of 15 or more employees may satisfy the requirements of those paragraphs if such employer implements an equivalent loss management and safety program approved by the commissioner.

VI. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top 10 highest experience modification list in conjunction with the safety program on file with the commissioner.

VII. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be deposited in the general fund.

IX. [Repealed.]

Source. 1990, 254:36. 1994, 3:19. 1997, 343:9, 10, eff. Jan. 1, 1998. 2010, 134:1, eff. July 14, 2010. 2012, 144:1, 2, 4, I, eff. Jan. 1, 2013.

CHAPTER Lab 600 SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES

REVISION NOTE:

Document #5909, effective 10-13-94, made extensive changes to the wording, format, structure, and numbering of rules in Chapter Lab 600. Document #5909 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Lab 600 include the following documents:

Source. #5372, eff 4-14-92

PART Lab 601 DEFINITIONS

Lab 601.01 "Employer representative" as used in RSA 281-A: 64, III means any individual who serves as the management member of the joint loss management committee and who has the authority delegated by the employer to use his/her judgment in the interest of the employer to take the following actions:

- (a) Hire;
- (b) Transfer;
- (c) Suspend;
- (d) Lay off;
- (e) Recall;
- (f) Promote;
- (g) Discharge;
- (h) Assign;
- (i) Reward;
- (j) Discipline;
- (k) Direct them; or
- (l) Adjust grievances or effectively to recommend such actions.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

PART Lab 602 SAFETY PROGRAMS

Lab 602.01 Program Requirements. Asset forth in RSA 281-A: 64, II, the written safety program shall include the following:

- (a) The components required by Lab 603.03(g);
- (b) The process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program;
- (c) Provision(s) for the commitment of adequate resources solely for safety;
- (d) Provision(s) for medical services, emergency response, first aid, and accident reporting and investigation;
- (e) Provision(s) for review of the current written safety program by all employees;
- (f) Provision(s) for review and update of the written safety program by an employer representative at least every 2 years; and

(g) Provision(s) for a signature of the above employer representative which shall include the date the program was reviewed and updated.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 602.02 Filing Procedures. Under the authority of RSA 281-A: 64, II, an employer with 15 or more employees shall file a single submission of the summary of the above written safety program with the commissioner of labor by completing and submitting a Safety Summary Form WCSSF 10/07/15. See Appendix II.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94; ss by #6735, eff 4-23-98; ss by #8592,
eff 3-24-06; ss by #10379, eff 7-18-13 ss by: #11051, eff 3-
10-16

PART Lab 603 JOINT LOSS MANAGEMENT COMMITTEES

Lab 603.01 Purpose. To carry out the purpose of RSA 281-A: 64, a joint loss management committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.02 Establishment of Joint Loss Management Committee.

(a) Pursuant to RSA281-A: 64, III, all employers of 15 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives or more employee representatives as follows:

- (1) The size of the joint loss management committee shall be determined as follows:
 - a. Employers with 15 to 20 employees shall have a minimum of 2 members; and
 - b. Employers with more than 20 employees shall have a minimum of 4 members;
- (2) Employee representatives shall be selected by the employees;
- (3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;
- (4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group of employees not represented shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group; and
- (5) Committee members shall be representative of the major work activities of the employer.

(b) An employer's auxiliary, mobile or satellite location, maybe combined into a single, centralized joint loss management committee when an employer owned/leased facility is physically and/or geographically separated from the employer's primary facility such as would be found in construction operations, trucking, branch or field offices, sales operations or highly mobile activities, which shall represent the safety and health concerns of all locations.

(c) A joint loss management committee shall be located at each of the employer's primary places of employment at a major economic unit at a single geographic location comprised of a building or group of buildings and all surrounding facilities. The location shall have both employer and employee representatives present, control of a portion of a budget, and the ability to take action on the majority of the recommendations made by the joint loss management committee.

(d) Committee members shall be trained in workplace hazard identification and accident/incident investigation adequate to carry out the committee's responsibilities.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

- (a) Meet at least quarterly to carry out their duties and responsibilities.
- (b) Keep minutes of meetings which shall be made available for review of all employees;
- (c) Elect a chairperson, alternating between employee and employer representatives;
- (d) Develop and disseminate to all employees a committee policy statement;
- (e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- (f) Review workplace accident and injury data to help establish the committee's goals and objectives;
- (g) Establish specific safety programs which include, but are not be limited to, the following:
 - (1) Designation, by name and title, of a person who shall be knowledgeable of site specific safety requirements and be accountable for their implementation and adherence;
 - (2) Provisions for health and safety inspections at least annually for hazard identification purposes;
 - (3) Performance of audits at least annually regarding the inspection findings; and
 - (4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
- (h) Assist with the identification of necessary safety and health training for employees; and
- (i) Assist with the identification and definition of temporary, alternate tasks.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

Lab 603.04 Duties and Responsibilities of the Employer. To carry out the intent of RSA 281-A: 64, the employer shall:

- (a) Respond in writing to recommendations made by the committee, or make a verbal response that is recorded in the committee's official minutes;
- (b) Pay any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, at his/her regular rate of pay for all time spent on such activities; and
- (c) Provide for the required and necessary safety and health training for employees, at no cost and without any loss of pay so they can perform their work in a safe and healthy manner and environment.

Source. (See Revision Note at chapter heading for Lab 600)
#5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06; ss by #10379, eff 7-18-13

APPENDIX I

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 602	RSA 281-A: 64
Lab 602.02	RSA 281-A: 64, II
Lab 603	RSA 281-A: 64

Appendix II

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR

PO BOX 2076
CONCORD, NH 03302-2076
FAX (603) 271-2668

SAFETY SUMMARY FORM DATED_____

COMPANY
NAME:_____

COMPANY N.H. PHYSICAL
ADDRESS:_____CITY_____ST____ZIP_____

COMPANY MAILING ADDRESS
(Included in this
form):_____CITY_____ST____ZIP_____

CONTACT PERSON:_____TITLE:_____

PHONE#:_____FAX#:_____EMAIL:_____

NUMBER OF N. H. EMPLOYEES: _____ (This includes anyone, who at any time works, in N.H. within the year.)

North American Industry Classification CODE (NCICS): _____ FED. ID. #: _____

NATURE OF BUSINESS:_____

Please list additional NH locations, if any, at the end of this report.

*Answer all of the following questions. If you are not sure how a particular question applies to your company, **contact NH DOL or view the supplemental instructions**, a separate document available for viewing or download at <http://www.nh.gov/labor/documents/safety-summary-instructions.pdf> on the NH DOL web site.*

“Does not apply” is not an acceptable response to any of the questions.

- 1) List **potential** safety and health hazards of your company. (Example: burns, trips/falls, or violence, etc.)
- 2) List the members of your company's joint loss management committee by name and job title. Please indicate which members represent the employer and those which represent employees and identify chairperson. There should be equal representation between management and employees or more employees than management representation.
Management Member(s)-(supervisor) Employee Member(s)-(non-supervisory)
- 3) Specify your emergency response procedures. (Example: call manager; call 911; transport injured employee, etc.)

- 4) Identify person(s) by name and title qualified to take corrective actions on safety and health hazards, conduct on-site inspections, and responsible for employees' safety training.
- 5) Indicate your policy to communicate safety and health concerns with the activities of **sub-contractors or outside service providers**, when, or if utilized. (Example: are they in compliance with OSHA Regulations? Do they have workers' compensation coverage?)
- 6) Summarize your disciplinary policy with regard to violations of your safety and health policies.
- 7) Summarize your policy for providing adequate resources dedicated to safety including providing safety training, posting minutes of the JLMC meetings, providing access to your safety and health manual, and when required, providing personal protective equipment.

Person completing the form

Date

ADDITIONAL NH COMPANY LOCATIONS
(common owner and same industry type)

NAME	STREET	CITY	FED ID NO.	NO. of EMP.
------	--------	------	------------	-------------

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
PO BOX 2076
CONCORD, NH 03302-2076

SAFETY SUMMARY FORM SUPPLEMENTAL INSTRUCTIONS*

The information on the summary of safety and health program form must be specific and completed in full. Forms that are incomplete and/or are too generalized will be sent back for further information. If you do not have enough space on this form, please feel free to use additional paper as necessary. In addition, this form is available and can be submitted on the NH DOL website at www.nh.gov/labor. Businesses with 15 or more employees must file this form only once. If you have questions about the form itself, or with your company's needs, please do not hesitate to call a safety inspector at 271-6850 or 271-6297.

Topics on form which need further instructions:

- ☐ Please include Corporate address if filing for more than one New Hampshire Division.
- ☐ You are accountable for your total number of employees for establishing your joint loss management committee and for your written safety program. If you have, at any time of the year 15 or more employees, you need to set up a joint loss management committee and develop a written safety program.
- ☐ On item #1, **be specific** about both existing or potential safety and health hazards or concerns of your company.
- ☐ On item #2, be sure to identify by name and job title, employee representatives as well as employer representatives of your joint loss management committee. Also, identify chairperson. There should be equal representation of both employee/employer representatives.
- ☐ On item #3, specify the emergency response procedures as outlined in your written safety program. This should include everything from emergency numbers and evacuation and head count to dealing with any minor or major injuries. Be specific about procedures used in case an emergency occurs.
- ☐ On item #5, indicate the safety and health policies or procedures you use, **or would use** if sub-contractors perform work in your facility. This would include anyone from outside of your company coming in to perform any type of work or service.
- ☐ On item #7, summarize your policy for providing adequate **time and resources** dedicated to safety. Resources could be equipment, training, personal time, commitment to safety and/or financial investments.

* Please refer to Chapter 600, Safety Programs and Joint Loss Management Committees for further information.

SAFETY AND HEALTH PROGRAM UPDATE LOG

COMPANY NAME:

ADDRESS:

CITY/TOWN:

<i>COMPANY SAFETY AND HEALTH PROGRAM</i>

REVIEW DATE or REVISION DATE	AUTHORIZED SIGNATURES	TITLE

NH DOL, RSA 281-A:64, LAB 602.2

SAFETY & HEALTH ASSISTANCE RESOURCES

The following is a list of agencies or associations which can be of assistance to employers in issues concerning safety & health.

New Hampshire Department of Labor
PO Box 2076
Concord, New Hampshire 03302-2230
Tel. (603) 271-6850 or (603) 271-7822
www.nh.gov/labor

Safety & Health Council of New Hampshire
57 Regional Drive Unit # 6
Concord, New Hampshire 03301
Tel. (603) 228-1401
www.shcnne.org

WorkWISE NH
(formerly NH Occupational Safety & Health Consultation Program)
Keene State College
175 Ammon Drive Suite 101
Manchester, New Hampshire 03103
Tel. (603) 222-1569
www.keene.edu/workwisenh

Section 4:
Chapter 277
Safety &
Health of
Employees

TITLE XXIII LABOR

CHAPTER 277 SAFETY AND HEALTH OF EMPLOYEES

Generally

Section 277:1

277:1 Application. – This chapter shall apply to all places of employment in which one or more persons are regularly employed.

Source. 1917, 183:1. 1919, 66:1. 1921, 130:1. PL 177:1. RL 215:1. RSA 277:1. 1955, 291:1. 1963, 220:1. 1985, 243:1, eff. Jan. 1, 1986.

Section 277:1-a

277:1-a Elevator Law. – The provisions of RSA 157-B also apply to all places covered by RSA 277:1.

Source. 1967, 310:2, eff. Jan. 1, 1968.

Section 277:1-b

277:1-b Definitions. –

In this chapter:

I. "Employee" means any person employed to work in a place of employment. Volunteers or auxiliary members of a fire, police department, ambulance service or the state police, whether paid or not paid, shall be deemed to be in the employment of a political subdivision when performing official service or duty for a political subdivision.

II. "Employer" means the state or any of its political subdivisions operating a place of employment.

III. "Imminent danger" means a situation created by any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm either immediately or before such danger could be eliminated through the procedures provided by this chapter.

IV. "Place of employment" means all buildings, offices or other sites owned or leased by the state or by any political subdivision of the state. "Place of employment" includes all buildings, sheds, structures or places used in connection with employee activity at a place of employment.

V. "Serious injury" means an incident that results in an amputation, loss or fracture of any body part, head injury, or internal injury that necessitates immediate hospitalization.

Source. 1985, 243:2, eff. Jan. 1, 1986. 2019, 29:1, eff. July 14, 2019.

Building Construction and Repair Work

Section 277:2

277:2 Scaffolding and Other Devices for Use of Employees. – A person employing or directing another to perform labor of any kind in the erection, demolition, repairing, altering, painting, cleaning or pointing of a

building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed and operated as to give proper protection to a person so employed or directed.

Source. 1953, 201:1 par. 39-a, eff. June 3, 1953.

Section 277:3

277:3 Requirements. – Scaffolding or staging more than 14 feet from the ground or floor, swung or suspended from an overhead support or erected with stationary supports, except scaffolding wholly within the interior of a building and covering the entire floor space of any room therein, shall have a safety rail of suitable material properly attached, bolted, braced or otherwise secured, rising at least 34 inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with only such openings as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

Source. 1953, 201:1 par. 39-b, eff. June 3, 1953.

Section 277:4

277:4 Weight Requirement. – All scaffolding shall be so constructed as to bear 4 times the maximum weight required to be dependent therefrom or placed thereon when in use.

Source. 1953, 201:1 par. 39-c, eff. June 3, 1953.

Section 277:5

277:5 Duty of Commissioner. – The labor commissioner shall immediately inspect a scaffold, ladder, or device concerning which complaint is made. He shall attach to every scaffold, ladder, or device that he inspects a certificate stating that he has made the inspection and has found the same safe or unsafe as the case may be. If unsafe, the commissioner shall at once, in writing, notify the person responsible for the scaffold, ladder, or mechanical device of the fact and shall prohibit the use of it by him or by any other person until all danger is removed by alteration, reconstruction or replacement as the commissioner may direct. Such notice may be served personally upon the person responsible or by affixing it conspicuously to the scaffold, ladder, or device declared unsafe.

Source. 1953, 201:1 par. 39-d, eff. June 3, 1953.

Section 277:5-a

277:5-a Occupational Safety and Health Administration Certification. –

I. Any person signing a contract to work on a construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency, municipality, or instrumentality thereof, and with a total project cost of \$100,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program prior to beginning work. The training program shall utilize an OSHA-approved curriculum. Graduates shall receive a card from OSHA certifying the successful completion of the training program. This section shall apply to the construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building paid for in whole or in part with state funds.

II. Any employee required to complete the OSHA 10-hour construction safety program under this section who has not completed the program shall be subject to removal from the worksite if the employee does not provide documentation of having completed such program by the fifteenth day after the date the employee is found to be in noncompliance. Proof of such documentation provided by the employer shall constitute compliance with this

section. The labor commissioner or commissioner's designee shall enforce this section.

III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of noncompliance. All funds collected under this section shall be deposited into the general fund. The labor commissioner shall appoint as many individuals as necessary to carry out the department's responsibilities under this section.

IV. The following individuals are exempt from the requirements of the OSHA 10-hour construction safety program:

(a) Law enforcement officers involved with traffic control or jobsite security.

(b) Flagging personnel who have completed the training required by the department of transportation.

(c) All relevant federal, state, and municipal government employees and inspectors.

(d) All individuals who are not considered to be on the site of work under the federal Davis-Bacon Act, including, but not limited to, construction and non-construction delivery personnel and non-trade personnel.

Source. 2007, 326:1, eff. Sept. 14, 2007. 2012, 144:3, eff. Jan. 1, 2013.

Maintenance of First Aid Equipment, Appliances, Etc.

Section 277:6

277:6 Medical Chests. – Every employer shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of the city or town, containing plasters, bandages, absorbent cotton, gauze and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Source. 1911, 30:1. PL 177:2. RL 215:2.

Section 277:7

277:7 Penalty. – Whoever violates RSA 277:6 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Each week during which such violation continues shall constitute a separate offense.

Source. 1911, 30:2. PL 177:3. RL 215:3. RSA 277:7. 1973, 529:55, eff. Oct. 31, 1973 at 11:59 p.m.

Section 277:8

277:8 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –

Section 277:9

277:9 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –

Section 277:10

277:10 Sanitation, Provision for. – Every employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for employees.

Source. 1917, 183:2. PL 177:6. RL 215:6.

Section 277:11

277:11 Safeguards. – Whenever the nature or condition of any such place of employment, or the machinery or other appliances therein, are such as to render work therein or in proximity thereto dangerous to the safety or health of employees, it shall be the duty of the employer to provide and maintain such safeguards, safety devices, appliances and lighting facilities, and to do such other things as may be reasonably necessary and practicable to lessen the dangers of such employment.

Source. 1917, 183:2. PL 177:7. RL 215:7.

Section 277:12

277:12 Interference With. – No person shall remove, displace, damage or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment so as to interfere with the intended use thereof, or interfere in any way with the use thereof by any other person, and no person shall interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment.

Source. 1917, 183:3. PL 177:8. RL 215:8.

Inspections and Orders by Commissioner

Section 277:13

277:13 Inspection. – The labor commissioner shall cause all places of employment subject to this law to be inspected at intervals to be determined by him, for the purpose of determining whether the provisions of this chapter have been complied with and the conditions therein with respect to the safety and health of the employees.

Source. 1917, 183:4. PL 177:9. RL 215:9. RSA 277:13. 1957, 187:15. 1963, 220:2, eff. July 1, 1963.

Section 277:13-a

277:13-a Petition for Inspection. – Any employee may petition the commissioner to inspect any place of employment in which the employee is employed for the purpose of determining whether the employer has violated any of the provisions of this chapter or rules adopted under this chapter. Upon receipt of such petition, the commissioner shall cause such place of employment to be inspected within a reasonable time.

Source. 1985, 243:4, eff. Jan. 1, 1986.

Section 277:14

277:14 Report. – A report of such inspection shall be filed in the office of the commissioner and a copy thereof given the employer.

Source. 1917, 183:4. PL 177:10. RL 215:10.

Section 277:15

277:15 Entry. – The commissioner, factory inspectors and other assistants of the commissioner shall have the right to enter any such place of employment and to examine the same for the purposes of this chapter.

Source. 1917, 183:4. PL 177:11. RL 215:11.

Section 277:15-a

277:15-a Inspections. – In the case of a workplace incident resulting in a serious injury or death involving the state, a state agency, a county, a municipality or municipal agency, a school district, or other public corporation or political subdivision, the commissioner of labor, or his or her designee, shall inspect such place of employment.

Source. 2019, 29:2, eff. July 14, 2019.

Section 277:15-b

277:15-b Reports of Death or Serious Injury. –

I. Every employer shall report the death of any person in the workplace or on the workplace premises within 8 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the death and the place where the body of the deceased person was sent, and supplying any other information relative to the death that may be required by the commissioner. The commissioner shall investigate the cause of death and may notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the death reported.

II. Every employer shall report the serious injury of any person in the workplace or on the workplace premises within 24 hours of such occurrence to the commissioner of the department of labor by telephone or electronically, stating as fully as possible the cause of the injury and the place where the injured person was sent for medical evaluation or treatment, and supplying any other information relative to the injury that may be required by the commissioner. The commissioner may investigate the cause of the injury and notify the employer of precautions to be taken that may prevent the recurrence of similar events. A statement contained in any such report shall not be admissible in evidence in any action arising out of the injury reported.

Source. 2019, 29:2, eff. July 14, 2019.

Section 277:16

277:16 Rulemaking. –

I. The commissioner of labor shall adopt such rules, under RSA 541-A, as he deems reasonable and necessary in order to carry out properly the provisions of RSA 277:10 and 277:11.

II. Prior to January 1, 1987, the commissioner of labor shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in as narrow a manner as possible, consistent with the need to provide the commissioner of labor with sufficient authority to fulfill the regulatory role assigned to him under RSA 277:10-11.

Source. 1917, 183:5. PL 177:12. RL 215:12. RSA 277:16. 1963, 220:3. 1985, 243:6. 1987, 140:1, eff. May 7, 1987.

Section 277:17

277:17 Modification. – Whenever the commissioner, after any place of employment subject to this chapter shall have been inspected in accordance with RSA 277:13, shall be of the opinion that the special conditions in that place of employment render the standards inadequate or unreasonable, as applied to such place of employment, he may, by special order applicable to that place, so modify or extend the requirements of such standards as to make the same adequate and reasonable with respect to such special conditions.

Source. 1917, 183:5. PL 177:13. RL 215:13. RSA 277:17. 1963, 220:4, eff. July 1, 1963.

Section 277:18

277:18 Added Safeguards. – Whenever, after inspection as provided in RSA 277:13, the commissioner shall be of the opinion that compliance with the standards, under the special conditions obtaining in any place of employment, necessitates the use of any safeguard, or the doing of any other act for which the standards adopted by him do not provide, he shall have power, by special order, to require the adoption in that place of employment of such particular safeguards, safety devices, appliances, lighting facilities, or other means as may be reasonable and practicable for the safety and health of the employees.

Source. 1917, 183:5. PL 177:14. RL 215:14. RSA 277:18. 1963, 220:5, eff. July 1, 1963.

Section 277:19

277:19 Repealed by 1963, 220:6, eff. July 1, 1963. –

Section 277:20

277:20 Compliance, Time. – Every order made by the commissioner shall fix the time when it shall take effect, and in every case a reasonable time shall be allowed to the employer affected thereby for compliance with the order.

Source. 1917, 183:6. PL 177:16. RL 215:16. RSA 277:20. 1985, 243:7, eff. Jan. 1, 1986.

Section 277:21

277:21 Notice of Orders. – Notice shall be given by certified mail of every order to those who are required to comply with the order. Notice of any such order of general application may be given by publication in some newspaper having circulation throughout the state.

Source. 1917, 183:6. PL 177:17. RL 215:17. RSA 277:21. 1985, 243:7, eff. Jan. 1, 1986.

Section 277:21-a

277:21-a Consultation. – The commissioner shall provide occupational health and safety services to public and private employers, and shall consult with the commissioner of the department of health and human services relative to the implementation of occupational health unit programs authorized by RSA 125:16-16-d.

Source. 1983, 291:1, I; 410:2. 1995, 310:182, eff. Nov. 1, 1995.

Proceedings Before the Commissioner

Section 277:22

277:22 Powers. – For the purpose of carrying into effect the provisions of this chapter the commissioner shall have power to administer oaths, certify to official acts, issue subpoenas and compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony.

Source. 1917, 183:10. PL 177:18. RL 215:18.

Section 277:23

277:23 Depositions. – The deposition of any witness within or without the state, taken in the manner prescribed by law for depositions in civil actions, may be used in any proceeding for review or appeal.

Source. 1917, 183:11. PL 177:19. RL 215:19.

Section 277:24

277:24 Record. – The commissioner shall keep a complete record of all orders, rules or regulations made and adopted by him.

Source. 1917, 183:10. PL 177:20. RL 215:20.

Review of Orders

Section 277:25

277:25 Petition. – Any employer affected by such order, rule or regulation may petition the commissioner for a review of the validity or reasonableness thereof. The commissioner may join in one proceeding all petitions alleging invalidity or unreasonableness of the same or substantially similar orders, rules or regulations. The petition for review shall be filed within 30 days after notice of the adoption of the order, rule or regulation; provided, that the commissioner may, whenever in his opinion justice may require it, extend the time for filing such petition.

Source. 1917, 183:7. PL 177:21. RL 215:21.

Section 277:26

277:26 Hearing. – Upon receipt of the petition the commissioner shall, if necessary to determine the issue raised, order a hearing. Notice of the time and place of hearing, which shall be open to the public, shall be given to the petitioner and to such other persons as the commissioner may find to be directly interested in the issues raised.

Source. 1917, 183:7. PL 177:22. RL 215:22.

Section 277:27

277:27 Revocation of Order or Regulation. – If, upon such hearing, the commissioner finds that the order, rule or regulation complained of is invalid or unreasonable he shall revoke it, or substitute therefor a new or amended one.

Source. 1917, 183:7. PL 177:23. RL 215:23.

Section 277:28

277:28 Effect of Commissioner's Decision. – The decision of the commissioner upon such petition shall be final unless appeal is taken in the manner herein provided.

Source. 1917, 183:7. PL 177:24. RL 215:24.

Appeals From Orders

Section 277:29

277:29 Petition. – Any employer aggrieved by any order, rule or regulation of the commissioner may file a petition in the superior court against the commissioner to determine the validity and reasonableness thereof. Such petition shall be filed within 30 days after notice of the adoption of the order, rule or regulation, or, if a petition for review is filed, within 30 days from the decision upon such petition.

Source. 1917, 183:8. PL 177:25. RL 215:25.

Section 277:30

277:30 Notice; Procedure. – Such notice shall be given to the commissioner of the pendency of such proceedings as the superior court may order. Such petition, so far as practicable, shall have precedence over other actions in the same court, and the order appealed from shall be prima facie valid and reasonable. The proceedings upon such petition shall be as nearly as may be in accordance with proceedings in equity, and the court shall make such order or decree as justice may require.

Source. 1917, 183:8. PL 177:26. RL 215:26.

Section 277:31

277:31 Reference. – The court may, and on the request of the parties shall, refer any issues arising in such action to one or more persons, who shall find and report the facts, together with his or their recommendations, to the court. One or more of such persons may be a layman conversant with the subject matter involved in such appeal.

Source. 1917, 183:8. PL 177:27. RL 215:27.

Section 277:32

277:32 Effect of Appeal, Etc. – During the pendency of any petition for review, the order, rule or regulation under review shall be suspended, and during the pendency of an appeal to the superior court, it may be suspended by the superior court if justice requires. Except as herein provided, every order, rule or regulation made and adopted under the provisions of this chapter shall have the effect of law.

Source. 1917, 183:9. PL 177:28. RL 215:28.

Inspectors and Other Assistants

Section 277:33

277:33 Inspectors. – For the purpose of inspecting establishments subject to this chapter, the commissioner may employ competent persons who shall be known as inspectors, one of whom shall be a woman, and shall fix their compensation in accordance with the state personnel regulations and within the limits of available appropriations and funds.

Source. 1917, 183:12. 1921, 130:2. PL 177:29. RL 215:29. 1950, 5, part 18:13. 1951, 168:1. RSA 277:33. 1957, 172:1. 1963, 220:7, eff. July 1, 1963.

Section 277:34

277:34 Assistants. – The commissioner may employ such other assistants and clerical employees as may be necessary to the proper discharge of his duties.

Source. 1917, 183:12. 1921, 130:2. PL 177:30. RL 215:30. RSA 277:34. 1963, 220:8, eff. July 1, 1963.

Prosecutions, Penalties, Etc.

Section 277:35

277:35 Preliminary Requirements. – No prosecution against any employer shall be commenced under this chapter until the commissioner shall have made an order in accordance with the provisions hereof, and the employer affected thereby shall have had a reasonable opportunity to comply therewith.

Source. 1917, 183:13. PL 177:31. RL 215:31.

Section 277:35-a

277:35-a Petition for Review. – If an employer retaliates or takes any action against an employee who exercises his rights under this chapter, the employee may petition the commissioner for a review of the employer's action. The commissioner shall hold a hearing pursuant to RSA 277:25. The commissioner may order reinstatement of the employee or such other action as he deems necessary pending his decision.

Source. 1985, 243:3, eff. Jan. 1, 1986.

Section 277:36

277:36 Penalties; Stop Work Order. –

I. Any employer who does not comply with any lawful order or rule made under this chapter shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

II. Any person who willfully violates RSA 277:12 shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

III. In case of imminent danger in any place of employment, the commissioner shall direct that work in the area of endangerment cease until the danger is abated. No employee shall suffer loss of wages, salary, seniority, fringe benefit or other benefit as a result of the commissioner's order.

Source. 1917, 183:13. PL 177:32. RL 215:32. RSA 277:36. 1973, 529:56. 1985, 243:5, eff. Jan. 1, 1986.

Section 277:37

277:37 Statements. – Every employer subject to the provisions of RSA 277 shall immediately send to the commissioner a statement setting forth his name, address, business and approximate number of employees. Any employer wilfully neglecting to comply with the provisions of this section shall be guilty of a violation.

Source. 1917, 183:14. PL 177:33. RL 215:33. RSA 277:37. 1973, 531:95, eff. Oct. 31, 1973 at 11:59 p.m.

Section 277:38

277:38 Enforcement of Laws, Orders, and Regulations. – It shall be the duty of the commissioner to administer and enforce, so far as not otherwise provided for, all laws relating to factories, workshops, commercial and mercantile establishments, and all valid orders, rules or regulations.

Source. 1917, 183:12. 1921, 130:2. PL 177:34. RL 215:34.

Section 5:
Chapter 277-A
Toxic
Substances in
the Workplace

TITLE XXIII

LABOR

CHAPTER 277-A

TOXIC SUBSTANCES IN THE WORKPLACE

Section 277-A:1

277-A:1 Name. – This chapter shall be known and may be cited as the "Worker's Right to Know Act."

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:2

277-A:2 Purpose. – The general court hereby finds and declares that the proliferation of toxic substances in the workplace poses a growing threat to the health of employees exposed to these substances; that the number and variety of these substances makes effective monitoring of these potential health hazards by governmental agencies difficult and expensive; that employees themselves are often in the best position to detect symptoms of toxicity, provided they are aware of the nature of the substances to which they are exposed; that employees have an inherent right to know the dangers to which they are potentially exposed in their workplace so that they may make knowledgeable and reasoned decisions with respect to their continued employment under the circumstances and the need for corrective action; and that the workplace often serves as an early warning mechanism for the outside environment. The general court therefore determines that it is appropriate for employers to provide their employees with all available information concerning the nature of the toxic substances to which such employees may be exposed during the course of their employment and the suspected hazards these substances pose and to take all other practicable and feasible measures to protect their employees from the risks of toxic substances.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:3

277-A:3 Definitions. –

As used in this chapter:

- I. "Employee" means any person who currently works or formerly worked, with or without compensation, in a workplace. The term "employee" does not include domestic workers or casual laborers employed at the place of residence of the employer.
- II. "Employee representative" means an individual or organization to which an employee gives written authorization to exercise his rights under this chapter. A recognized or certified collective bargaining agent shall be considered to be an employee representative without regard to written employee authorization.
- III. "Employer" means any person, firm, corporation, partnership, association, the state, any political subdivision of the state, or any other entity which is engaged in a business or in providing services and which employs employees in connection with such business or services.
- IV. "Safety data sheet" means a written document prepared on a toxic substance containing all of the following information except as provided by RSA 277-A:4, III(c):
 - (a) Identification including product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
 - (b) The hazards of the substance.
 - (c) Composition and information on ingredients, including information on chemical ingredients and trade secret

claims.

(d) First aid measures including important symptoms or effects, if acute or delayed, and required treatment.

(e) Firefighting measures including suitable extinguishing techniques and equipment and any chemical hazards from fire.

(f) Accidental release measures including emergency procedures, protective equipment, and proper methods of containment and cleanup.

(g) Handling and storage precautions, including incompatibilities.

(h) Exposure controls and personal protection, including Occupational Safety and Health Administration Permissible Exposure Limits, Threshold Limit Values, appropriate engineering controls, and personal protective equipment.

(i) Physical and chemical properties and characteristics.

(j) Stability, reactivity, and the possibility of hazardous reactions.

(k) Toxicological information including routes of exposure, related symptoms, acute and chronic effects, and numerical measures of toxicity.

(l) The date such information was compiled and the name and address of the manufacturer, producer, or formulator responsible for compiling it.

V. "Toxic substance" means any radioactive or other substance which is defined as a toxic substance by a rule adopted pursuant to RSA 541-A by the department of health and human services. The department shall define as a toxic substance:

(a) Any substance which appears on any list of toxic or hazardous substances which is included in any of the following:

(1) The United States Department of Transportation's 1980 Emergency Response Guidebook of Hazardous Waste Materials.

(2) TLV's: Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment, published by the American Conference of Government Industrial Hygienists.

(3) Title 29, Code of Federal Regulations, Section 1910.1000.

(4) Standards issued under Section 6(b)(5) of the Occupational Safety and Health Act of 1970.

(5) The Director of the Department of Industrial Relations' List of Hazardous Substances, published by the State of California.

(b) Any substance which has yielded positive evidence of acute or chronic health hazards in human, animal or other biological testing which could be applicable to human beings;

(c) Any other substance which the department determines should be so defined consistent with the purposes of this chapter and consistent to the extent possible with the methods and criteria used in compiling the lists of toxic or hazardous substances referred to in subparagraph (a). For the purposes of this chapter, the term "toxic substance" shall not include any liquor or beverage, as those terms are defined in RSA 175:1, VIII and XLII, or any other substance which has been packaged for retail sale or which is contained in a product which has been packaged for retail sale; and

(d) Any substance which is combustible, a compressed gas, explosive, flammable, a health hazard, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive as established by the latest edition of the Fire Protection Guide on Hazardous Materials published by the National Fire Protective Association.

VI. "Trade secret" means any confidential formula, pattern, device or compilation of information which does all of the following:

(a) Is used in the employer's business.

(b) Gives the employer the opportunity to obtain an advantage over competitors who do not know or use it.

(c) Is known only to the employer and to those employees to whom it is necessary to confide.

VII. "Workplace" means any location, permanent or temporary, where an employee performs any work-related duty in the course of his employment.

VIII. "Commissioner" means the commissioner of labor.

Source. 1983, 466:1. 1990, 255:10. 1995, 310:175, 181, eff. Nov. 1, 1995. 2015, 141:1, eff. Jan. 1, 2016.

Section 277-A:4

277-A:4 Safety Data Sheets. –

I. Except as provided in paragraph III, no person shall obtain, purchase, manufacture, formulate, transport or distribute any toxic substance within this state unless the substance is accompanied by a complete safety data sheet prepared by the manufacturer, producer, or formulator of such substance no more than one year prior to the obtainment, purchase, manufacture, formulation, transportation or distribution.

II. A manufacturer, producer or formulator may provide a single safety data sheet for a product mixture containing 2 or more toxic substances instead of providing a safety data sheet for each toxic substance component of such mixture if all of the following are applicable:

(a) The product mixture itself has been submitted to sufficient analysis and testing to justify a valid judgment on its hazardous properties.

(b) Each component toxic substance is identified on the product label individually, within the limits of practicability and feasibility.

(c) A safety data sheet on each component toxic substance identified pursuant to subparagraph (b) is available upon request.

III. (a) When a manufacturer, producer, formulator or employer considers the identity of or other information concerning a toxic substance to be a protectable trade secret whose disclosure would compromise his or her competitive advantage, he or she shall register this information as secret with the commissioner of labor provided that such information is already registered as a trade secret pursuant to any provision of federal law or such information is not registered as a trade secret but is related to a proprietary process the disclosure of which would compromise his or her competitive position.

(b) The commissioner of labor shall not release any data which discloses any trade secret or proprietary process unless he or she shall notify, in writing and by certified mail, the submitter of such information of the intent to release the data. The commissioner may not release the information, without the submitter's consent, until the thirtieth day after the submitter has been furnished such notice. Any subsequent release shall be pursuant to applicable provisions relating to trade secrets or the Freedom of Information Act.

(c) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered by a manufacturer, producer or formulator as a component of a trade secret or otherwise protected as a proprietary process, such manufacturer, producer or formulator shall not be required to divulge the specific identity of the substance, but shall be required to provide a safety data sheet containing the information specified in RSA 277-A:3, IV(b)-(l).

(d) In the event that a toxic substance or product mixture containing 2 or more toxic substances is registered as a component of a trade secret or otherwise protected as a proprietary process, the employer shall not be required to divulge the specific identity of the substance but shall otherwise be subject to all of the duties imposed by RSA 277-A:5.

IV. Notwithstanding the provisions of paragraph III, full and complete information regarding any toxic substance or substances to which an employee has been exposed shall be made available to a licensed physician if the information is needed for the purpose of medical diagnosis or treatment of such person.

Source. 1983, 466:1, eff. Oct. 26, 1983. 2015, 141:2, eff. Jan. 1, 2016.

Section 277-A:5

277-A:5 Employer's Duty to Provide Information. –

Subject to the limitations of RSA 277-A:4, III, every employer whose employees handle, use, or are otherwise exposed to any toxic substance during the course and scope of their employment shall:

I. Keep on file in a convenient office location and make available for examination and reproduction upon request a safety data sheet for each toxic substance or product mixture containing 2 or more toxic substances to which an employee may be exposed in carrying out his or her duties.

II. Post a notice, written in clearly understandable nontechnical language, in a conspicuous location accessible to the employees and as close to the work area as possible containing the word "Warning" in large letters and all the following information on each toxic substance to which employees may be exposed:

(a) The name or names of the substance.

(b) The acute and chronic hazards of exposure to the substance.

(c) Symptoms of exposure and overexposure, including known behavioral effects.

- (d) Appropriate emergency treatment for exposure and overexposure.
 - (e) Proper conditions for safe use of and exposure to the substance.
 - (f) Procedures for cleanup of leaks and spills of the substance.
 - (g) Procedures in case of fire or other environmental changes which would result in increasing the substance's hazardous or toxic properties.
- III. Post a notice of the availability of a safety data sheet for each of the toxic substances to which the employee may be exposed and, upon request by an employee for a safety data sheet, supply such data sheet within 72 hours.
- IV. Conduct an education and training program within 180 days of October 26, 1983, for all employees routinely exposed to toxic substances, and thereafter during the first month of employment of any such new employee, informing such employees of the nature of the toxic substances to which they will be exposed, prescribing proper and safe procedures for handling under all circumstances, and advising them of the potential risks involved.
- V. Make every reasonable effort to obtain from manufacturers, producers, formulators, the Federal Environmental Protection Agency, or any other authoritative source, any new or updated information concerning the toxic substances in his or her workplace and to make such information available to all affected employees immediately.
- VI. Notify all employees of their rights under this chapter.
- VII. Send a copy of each safety data sheet with details of the specific locations of each toxic substance and available extinguishing agents to the local fire department. Such safety data sheets shall be available for public inspection at such fire departments.
- VIII. Maintain on file at the workplace safety data sheets for a period of at least 30 years after discontinuation of the use of each toxic substance. In the event that the employer ceases operations or relocates, all safety data sheets shall be submitted to the department of labor to be maintained on file for the statutorily required 30 year period. All rights of access to safety data sheets provided in this chapter shall apply to the full 30 year period.

Source. 1983, 466:1, eff. Oct. 26, 1983. 2015, 141:2, eff. Jan. 1, 2016.

Section 277-A:6

277-A:6 Employees' Rights if Information Not Provided. – Any employee who requests information about a toxic substance required pursuant to RSA 277-A:5, III may, if he does not receive such information within 5 working days, refuse to work with such substance until such time as the employer provides him with such information.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:7

277-A:7 Discharge or Discrimination for Exercise of Rights Forbidden. –

- I. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter, or has exercised any right provided in this chapter.
- II. Any employee, prospective employee or employee representative who believes that he has been discharged, disciplined, or otherwise discriminated against by an employer pursuant to paragraph I shall, within 30 days of such violation, or 30 days after he first obtains knowledge of such violation, file a complaint with the commissioner of labor alleging such discrimination. Upon receipt of such a complaint, the commissioner shall conduct an investigation as he deems appropriate. If, upon investigation, the commissioner determines the allegation to have substance, he may refer the matter to the attorney general for appropriate action.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:8

277-A:8 Inspection by Department of Labor Permitted. –

I. If the commissioner or his designee finds, or has cause to believe, that any provision of this chapter is being violated, he may enter and inspect the premises of any employer's place of business and take samples of any unknown substance in order to ascertain compliance with this chapter. The laboratory services of the department of health and human services shall be made available to the department of labor for purposes related to enforcement of this chapter, subject to the availability of adequate laboratory support.

II. The following persons may, if they so desire, accompany such agent or employee of the department of labor:

(a) The affected employer.

(b) An employee of the affected employer or an employee representative.

III. It shall be a violation of this chapter for any person to interfere with the agent or employee of the department of labor in the discharge of his duties as prescribed by this chapter.

Source. 1983, 466:1. 1995, 310:181, eff. Nov. 1, 1995.

Section 277-A:9

277-A:9 Penalty. – Any person who violates any provisions of this chapter shall be liable for a penalty of not more than \$2,500 for each such violation, to be collected in a civil action by the commissioner of labor. If the violation is of a continuing nature, each day during which it continues shall constitute an additional and separate offense.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 277-A:10

277-A:10 Construction of Chapter. – The provisions of this chapter shall be construed as being complementary to and not in lieu of any other law or of any rule adopted under authority of law relative to toxic substances or toxic waste including but not limited to RSA 147-A and RSA 147-B. However, any conflict between this chapter and an existing statute or rule shall be resolved at all times by following the stricter requirement.

Source. 1983, 466:1, eff. Oct. 26, 1983.

Section 6:
Chapter 281-
A:53 Workers
Compensation

TITLE XXIII

LABOR

CHAPTER 281-A

WORKERS' COMPENSATION

Section 281-A:53

281-A:53 Responsibility of Employer to Provide Vital Information. –

I. Every employer or self-insurer shall record in sufficient detail and shall report or cause to be reported to the commissioner any injury sustained by an employee in the course of employment as soon as possible, but no later than 5 days after the employer learns of the occurrence of such an injury. If an injury results in a disability extending beyond 3 days, the employer shall file with the commissioner a supplemental report giving notice of such disability as soon as possible after such waiting period, but no later than 7 days after the accidental injury. The employer shall supply a copy of either report to the nearest claims office of the employer's insurance carrier. A self-insurer need not file the supplemental report with the commissioner and may keep the insurance copy of the employer's first report as a file copy. If any employer fails without sufficient cause as determined by the commissioner to file a first report as set forth in this paragraph, the commissioner shall assess a civil penalty of up to \$2,500. No employer shall discourage an employee from reporting such injuries to their employer or adversely affect the employee's material terms of employment for doing so. Any employer who is found to have discouraged employees from reporting such injuries to their employer shall be subject to a civil penalty of not more than \$2,500 per violation. If any employer fails to pay a civil penalty, the commissioner shall recover such penalty payment by a civil action in the superior court of the county of jurisdiction. Civil penalties owed under this section shall be paid to the commissioner, who shall deposit them into the department of labor restricted fund established in RSA 273:1-b.

II. Any employer who consistently fails to make available to the commissioner and to that employer's insurance carrier the information required by the carrier to make payment of disability compensation in a manner consistent with RSA 281-A:42 shall, after such employer has been given due notice of noncompliance and an opportunity to comply, be assessed by the commissioner a civil penalty of not more than \$100. If an employer fails to pay such penalty or to comply with the requirements of paragraph I, the commissioner shall recover the penalty and petition for an injunction in a civil action in the superior court of the county of jurisdiction.

III. On or after July 1, 2006, all "First Reports of Injury" shall be filed by the insurance carrier or self-insured employer electronically in a manner prescribed by the department. The commissioner may grant an insurance carrier or self-insured employer a variance if the carrier or self-insured employer documents to the satisfaction of the commissioner that compliance would cause the carrier or self-insured employer "undue hardship" which, for the purposes of this section, means significant difficulty or expense.

Source. 1988, 194:2. 1990, 254:31. 2005, 85:5, eff. June 7, 2005. 2011, 224:58, eff. July 1, 2011. 2020, 38:12, eff. Sept. 27, 2020.

Section 7:
Chapter 281-
A:64
Workers
Compensation

TITLE XXIII

LABOR

CHAPTER 281-A

WORKERS' COMPENSATION

Section 281-A:64

281-A:64 Safety Provisions; Administrative Penalty. –

I. Every employer shall provide employees with safe employment. Safe employment includes but is not limited to furnishing personal protective equipment, safety appliances and safeguards; ensuring that such equipment, appliances, and safeguards are used regularly; and adopting work methods and procedures which will protect the life, health, and safety of the employees. For the purposes of this section, "employer" shall include railroads, even if the employees of such railroads receive compensation for work injuries under federal law rather than RSA 281-A.

II. All employers with 15 or more employees shall prepare, with the assistance of the commissioner, a current written safety program and file this program with the commissioner. After a written safety program has been filed, the program shall be reviewed and updated by the employer at least every 2 years. Employer programs shall, in addition to the specific rules and regulations regarding worker safety, include the process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program. Where the employer is a public school district, administrative unit, or chartered public school, the safety program shall contain a plan for responding to violent acts committed by students against employees, volunteers, and visitors.

III. Every employer of 15 or more employees shall establish and administer a joint loss management committee composed of equal numbers of employer and employee representatives. Employee representatives shall be selected by the employees. If workers are represented by a union, the union shall select the employee representatives. The joint loss management committee shall meet regularly to develop and carry out workplace safety programs, alternative work programs that allow and encourage injured employees to return to work, and programs for continuing education of employers and employees on the subject of workplace safety. The committee shall perform all duties required in rules adopted pursuant to this section. For any public school district, administrative unit, or chartered public school, the joint loss management committee shall also address protocols for employees to follow in relation to workplace violence, including training. The department of labor shall adopt rules, pursuant to RSA 541-A, relative to safety programs, joint loss management committees, and employee safety in public schools.

IV. Employers subject to the requirements of paragraph III, other than employers participating in the safety incentive program under RSA 281-A:64-a, shall be placed on a list for early and periodic workplace inspections by the department's safety inspectors in accordance with rules adopted by the commissioner. Such employers shall comply with the directives of the department resulting from such inspections.

V. Notwithstanding paragraphs III and IV, an employer of 15 or more employees may satisfy the requirements of those paragraphs if such employer implements an equivalent loss management and safety program approved by the commissioner.

VI. The commissioner, in conjunction with the National Council of Compensation Insurance (NCCI), shall develop a list of the best and worst performers based on the experience modification factors promulgated by NCCI. The list shall include the top 10 lowest experience modification employers. The commissioner shall publicly recognize these low experience modification employers by presenting them with an award at the department's annual workers' compensation conference. The list of the top 10 highest and lowest experience modification employers shall be provided to the advisory council. The department shall review any specific claim against any employer listed in the top 10 highest experience modification list in conjunction with the safety program on file with the commissioner.

VII. In order to assist self-insurers in developing experience modification factors, self-insurers may submit the

appropriate statistical information to the National Council of Compensation Insurance for calculating experience modifications.

VIII. The commissioner may assess an administrative penalty of up to \$250 a day on any employer not in compliance with the written safety program required under paragraph II of this section, the joint loss management committee required under paragraph III of this section, or the directives of the department under paragraph IV of this section. Each violation shall be subject to a separate administrative penalty. All penalties collected under this paragraph shall be deposited in the department of labor restricted fund established pursuant to RSA 273:1-b.

IX. [Repealed.]

Source. 1990, 254:36. 1994, 3:19. 1997, 343:9, 10, eff. Jan. 1, 1998. 2010, 134:1, eff. July 14, 2010. 2012, 144:1, 2, 4, I, eff. Jan. 1, 2013. 2019, 134:20, eff. June 25, 2019; 346:142, eff. July 1, 2019. 2020, 38:11, eff. Sept. 27, 2020.

Section 8:
Safety
Inspection
Compliance
Instructions

Safety Inspection Compliance Instructions

The State of New Hampshire has adopted its own safety rules and regulations that apply to all public entities. A public entity is any State or local government and any department, agency, special purpose district, or other instrumentality of a State or States or local government. The Safety Inspection will take place at the public entity's place of employment. "Place of Employment" means all buildings, offices, or other sites owned or leased by the state or by any political subdivision of the state. "Place of Employment" includes all buildings, sheds, structures or places used in connection with employee activity at a place of employment ([RSA 277 1-b \(IV\)](#)).

All public employers are subject to the safety requirements of:

- [RSA 281-A: 64](#)
- [Administrative Rule 600: Safety Programs and Joint Loss Management Committees](#)
- [1400: Administrative Rules for Safety and Health](#)
- [RSA 277: Safety and Health of Employees](#)
- [Chapter 157-A: Boilers & Pressure Vessels](#)
- [Chapter 157-B: Elevators & Accessibility Lifts](#)

The Inspection Process

The goal of this inspection is to bring awareness to Safety & Health issues throughout the public sector. It is also a training opportunity for you so that you may be able to assess and address hazards on your own to prevent employee injuries at work. Proper Safety & Health training can save lives, total costs, and reduce lost productivity. The inspection process may take more than one day, depending on the size of the entity and the time allotted. As always, it is welcomed when managers and non-manager employees accompany the Safety Inspector on their inspection. *Please coordinate with all departments to provide the safety inspector access to all buildings and rooms for the inspection!*

This inspection will be broken down into two parts:

- Documentation Inspection
- Physical Inspection

During the documentation portion of the inspection, the Safety Inspector will assess compliance with Administrative Rule Lab [600: Safety Programs and Joint Loss Management Committees](#). Employers are required to provide their written safety and health program and quarterly Joint Loss Management Committee meeting minutes. During the physical portion of the inspection, a NHDOL Safety Inspector will visit your places of employment to assess compliance with the [1400 Administrative Rules for Safety & Health](#).

Post-Inspection & Compliance Process

Once the inspection process has been completed, the Safety Inspector will write a report. Once the safety technical inspection report has been finalized in-house, you will receive a finalized copy in the mail from the Administrator of the NHDOL-Inspection Division. This letter will give **30 days from the receipt of the letter** to correct **all** noted violations in the inspection report. You will be required to send a **written** letter to the NHDOL- Inspection Division, Attn: Inspector (Insert Name) that verifies **each individual violation** has been corrected within the indicated 30 day time frame. This letter can be sent to us by e-mail, fax, or hard copy.

If you cannot correct all the safety violations listed in the safety technical inspection report in the indicated 30 day time frame, a time extension request is required for each individual violation.

The time extension request must be written, sent to the NHDOL via email, fax, or hardcopy, and must contain the following information:

- Specify **each** safety violation that has not been corrected within 30 days and a proposed date of correction
- Specify the proposed date when **all** safety violations listed on the safety technical report will be corrected in order to schedule a safety re-inspection

Example Extension Request Statement:

According to 1403.32, fixed ladders are required to have side rails that extend 3.5 ft. above the landing. Per the Safety Inspector's Safety Technical Inspection Report, this standard was noted as a violation. We (the inspected entity) are unable to correct this violation in the 30 day indicated time frame and request an extension. Our proposed date of compliance for this violation is (insert proposed date).

Once you have addressed **all** items listed in the Safety Technical Inspection Report, you are required to contact the Safety Inspector that conducted the initial inspection (unless otherwise advised by the NHDOL) to return and conduct a re-inspection. The goal of the re-inspection is to ensure all violations on the report have been corrected.

Please note, all safety violations shall be corrected prior to scheduling a safety re-inspection with the NHDOL.

The **written** time extension request and all other information can be sent to us three ways:

Email: Safety@dol.nh.gov

Fax: (603) 271-2668,

Hard Copy: Safety & Training,
New Hampshire Department of Labor,
P.O. Box 2076, Concord, NH. 03302-2076

Contact us by email: Safety@dol.nh.gov Contact us by phone: (603) 271-6850 or (603) 271-6297