

Chapter SPS 332

PUBLIC EMPLOYEE SAFETY AND HEALTH

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Chapters Ind 1, 6, 11, 12, 35, 200, 220, 221, 225, 226, 1000 to 2000 and ILHR 32 as they existed on March 31, 1991 were repealed and a new chapter ILHR 32 was created effective April 1, 1991. Chapter ILHR 31 as it existed on August 31, 1995 was repealed and sections ILHR 32.61 to 32.70 were created effective September 1, 1995.

Note: Chapter ILHR 32 as it existed on February 28, 1999, was repealed and recreated as chapter Comm 32, Register, February, 1999, No. 518. Chapter Comm 32 was renumbered chapter SPS 332 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Scope, Application and Definitions

SPS 332.001 Purpose. This chapter establishes minimum occupational safety and health standards for public employees.

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

SPS 332.002 Scope. This chapter applies to all workplaces of public employers, except it does not apply to any of the following:

(1) Workplaces under federal jurisdiction, Indian–sovereignty workplaces, or workplaces of the United States Postal Service.

(2) A workplace while no employee is authorized to be there.

Note: A private–sector employer’s workplace is not considered to be a workplace of a public employer while any public–sector employees perform their work there, such as a safety inspection or investigation.

Note: See chapter SPS 330 for additional safety and health standards for public–sector fire department employees.

History: Cr. Register, February, 1999, No. 518, eff. 3–1–99; CR 14–060: r. and recr. Register August 2015 No. 716, eff. 9–1–15.

SPS 332.003 Application. (1) **RETROACTIVITY.** The provisions of this chapter apply to all workplaces of a public employer whether existing prior to the effective date of this chapter or subsequently established, unless otherwise specified in this chapter.

(2) **CONFLICTS.** (a) Where any rule written by the department differs from a requirement within a document referenced in this chapter, the rule written by the department shall govern.

(b) Where a provision of this chapter prescribes a general requirement and another provision of this chapter prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(c) Where different sections of this chapter specify conflicting requirements, the most restrictive requirement, as determined by

the department, shall govern, except as provided in pars. (a) and (b).

Note: The Department and other state agencies may have additional rules that affect the design, construction, maintenance and use of places of employment, including chapters SPS 305, Licenses, Certifications, and Registrations; SPS 307, Explosives and Fireworks; SPS 314, Fire Prevention; SPS 316, Electrical; SPS 318, Elevators, Escalators, and Lift Devices; SPS 340, Gas Systems; SPS 341, Boilers and Pressure Vessels; SPS 343, Anhydrous Ammonia; SPS 345, Mechanical Refrigeration; SPS 375 to 379, Buildings Constructed Prior to 1914; SPS 381 to 387, Plumbing; SPS 390, Public Swimming Pools; and SPS 391, Sanitation. The Department’s Division of Industry Services administers all of these listed codes. Under chapter SPS 314, fire chiefs – who are authorized deputies of the Department – are responsible for providing semiannual fire–prevention inspections of places of employment.

(3) **INTERPRETATIONS.** Under s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

Note: Section 101.02 (1) of the Statutes reads as follows: “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.”

History: Cr. Register, February, 1999, No. 518, eff. 3–1–99; CR 04–009: am. (2) Register August 2004 No. 584, eff. 9–1–04; CR 14–060: am. (1), r. and recr. (2), cr. (3) Register August 2015 No. 716, eff. 9–1–15.

SPS 332.01 Definitions. In this chapter:

(1) “Agency” has the meaning given in s. 101.055 (2) (a), Stats.

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

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

(3) “Department” means the department of safety and professional services, unless otherwise specified.

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

(5) “Public employee” or “employee” has the meaning given in s. 101.055 (2) (b), Stats.

Note: Under s. 101.055 (2) (b), Stats., “public employee” or “employee” means any employee of the state, of any agency or of any political subdivision of the state.

(6) “Public employee representative” or “employee representative” has the meaning given in s. 101.055 (2) (c), Stats.

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

(7) “Public employer” or “employer” has the meaning given in s. 101.055 (2) (d), Stats.

Note: Under s. 101.055 (2) (b), Stats., (d) “public employer” or “employer” means the state, any agency or any political subdivision of the state.

(8) “Secretary” means the secretary of the department of safety and professional services or an authorized representative.

(9) “Workplace” means any site where public employees are required or directed to be by public employers to carryout assigned duties and functions, except a private-sector employer’s workplace is not considered to be a workplace of a public employer while any public-sector employees perform their work there, such as a safety inspection or investigation.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction in (4) was made under s. 13.93 (2m) (b) 7., Stats., Register June 2002 No. 558; correction in (3), (8) (intro.) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 14-060: r. and recr. (1), (5) to (7), renun. (8) to SPS 332.17, cr. (8) and (9) Register August 2015 No. 716, eff. 9-1-15.

Subchapter II — Administration and Enforcement

SPS 332.05 Inspections. (1) RIGHT OF ENTRY TO INVESTIGATE OR INSPECT. The authorized representatives of the department, upon presentation of the appropriate credentials to an employer, may perform any of the following activities:

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

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer or employee.

(2) INSPECTIONS. (a) Inspections, including the request for inspections, shall be handled in accordance with s. 101.055 (5), Stats.

(b) Any orders resulting from an inspection shall be issued in accordance with s. 101.055 (6), Stats.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: am. (1) (intro), (a), r. and recr. (2), r. (3), (4) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.07 Variances. Pursuant to s. 101.055 (4), Stats., the department shall consider and may grant a temporary variance, an experimental variance or a permanent variance in accordance with s. SPS 303.04 for a safety and health issue affecting public employees.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 332.08 Notices. Every employer shall post a notice that summarizes the employee’s protections and rights as granted under s. 101.055, Stats.

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

SPS 332.09 Penalties. Penalties for violations of this chapter may be assessed in accordance with s. 101.02, Stats.

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

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

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

Subchapter III — General Requirements

SPS 332.15 OSHA Safety and health standards. Except as provided in s. SPS 332.16 and subch. IV, all places of employment and public buildings of a public employer shall com-

ply with the federal Occupational Safety and Health Administration (OSHA) requirements adopted under s. SPS 332.50.

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 332.16 Wisconsin administrative code chapters. Except as provided in s. SPS 332.003 (2), the following chapters of the Wisconsin administrative code shall apply in place of the standards specified in s. SPS 332.15 for those safety and health issues which fall within the scope of the respective chapters.

- (1) Chapter SPS 307, Explosives and Fireworks.
- (2) Chapter SPS 308, Mines, Pits and Quarries.

Note: Ch. Comm 9 was repealed eff. 3-1-08 and a new Comm 9, now ch. SPS 309, subsequently created eff. 7-1-11, relating to anchoring or securing of movable soccer goals.

- (5) Chapter SPS 340, Gas Systems.
- (8) Chapter SPS 314, Fire Prevention.
- (10) Chapter SPS 316, Electrical.
- (11) Chapter SPS 318, Elevator.
- (12) Chapter SPS 330, Fire Department Safety and Health.
- (13) Chapter SPS 333, Passenger Ropeways.
- (14) Chapter SPS 334, Amusement Rides.
- (15) Chapter SPS 335, Infectious Agents.
- (16) Chapter SPS 341, Boilers and Pressure Vessels.
- (17) Chapter SPS 343, Anhydrous Ammonia.
- (18) Chapter SPS 345, Mechanical Refrigeration.
- (19) Chapters SPS 361 to 366, Wisconsin Commercial Building Code.
- (20) Chapters SPS 381 to 387, Plumbing.

Note: Ch. ATPC 93, Flammable, Combustible and Hazardous Liquids applies in place of the standards specified in s. SPS 332.15 for those safety and health issues which fall within the scope of ch. ATPC 93.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; correction in (15) and (16) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1999, No. 520; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534; CR 01-062: am. (intro.) CR 01-139: r. (9) and (21), am. (19) Register June 2002 No. 558, eff. 7-1-02; correction in (intro.), (1), (2), (4) to (20) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register December 2013 No. 696; CR 14-010: r. (4) Register August 2014 No. 704, eff. 9-1-14; CR 14-060: r. (3), am. (14), (16) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.17 Substitution of “secretary.” For the purpose of this chapter, substitute the term “secretary” for the following titles referenced in the adopted standards of s. SPS 332.50:

- (1) Secretary of labor;
- (2) Assistant secretary of labor for occupational safety and health, U.S. department of labor;
- (3) Director of the office of standards development, occupational safety and health administration, U.S. department of labor;
- (4) Area director, occupational safety and health administration; and
- (5) Director of the national institute for occupational safety and health, U.S. department of health and human services.

History: CR 14-060: renun. from SPS 332.01 (8) and am. Register August 2015 No. 716, eff. 9-1-15.

Subchapter IV — Amendments to OSHA Standards

SPS 332.20 Amendments to OSHA standards. The substitutions, additions or omissions to the adopted OSHA standards as specified in this subchapter are rules of the department and not federal standards of OSHA.

Note: The referenced or corresponding OSHA section or subsection is located in the brackets following the SPS designation and preceding the text of the rule. Example: SPS 332.23 [29 CFR 1910.27].

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

SPS 332.203 Safety and health program. This is a department rule in addition to the requirements in 29 CFR 1910, 1915, 1917, 1926 and 1928: Each employer shall develop and implement a safety and health program that describes the procedures, methods, processes and practices used to manage workplace safety and health. The program shall include elements for hazard identification and assessment, hazard prevention and control, and information and training.

History: CR 14-060: renum. from 332.11 (1) and am. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.205 Recording and reporting occupational injuries and illnesses [29 CFR 1904]. (1) Sections 29 CFR 1904.1 and 1904.2 are not included as part of this chapter.

(2) This is a department rule in addition to the requirements in 29 CFR 1904: Pursuant to s. 101.055 (7) (a), Stats., each employer shall report work-related injuries and illnesses to the department for the previous year by March 1 of each year. The report shall be made on form SBD-10710 or equivalent.

Note: Public sector employers may report work-related injuries and illnesses via the online reporting system at widoa.force.com/dsps/login or on form SBD-10710A, which is available on the department's website at dsps.wi.gov, or by request from the Department of Safety and Professional Services, P. O. Box 7302, Madison, Wisconsin 53707-7302, or call (608) 266-2112.

(3) Substitute the following wording for the requirements in 29 CFR 1904.39(a): Within 8 hours after the death of any employee from a work-related incident or the in-patient hospitalization of 3 or more employees as a result of a work-related incident, the employer shall orally report the fatality or multiple hospitalization by telephone or in person to the department.

Note: Fatalities and hospitalizations are to be reported to the Department's Division of Industry Services at P.O. Box 7302, Madison, WI 53707-7302. The Division can be contacted at telephone 608/266-3151 or 877/617-1565 or 411 (Telecommunications Relay) during normal business hours. During nonbusiness hours, report fatalities and hospitalizations to Wisconsin Emergency Management, which can be contacted at 800/943-0003.

History: CR 01-062: cr. Register June 2002 No. 558, eff. 7-1-02; CR 14-060: r. and recr. (title), renum. (intro.) to (1), renum. 332.10 to 332.205 (2) and am., cr. (3) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.21 General requirements [29 CFR 1910.22 and 1926.20]. These are department rules in addition to the requirements in 29 CFR 1910.22 and 1926.20:

(1) Any employee who works on highways, roads, streets or their easements, including any of these workplaces that are not permanent places of employment, shall be provided with and wear an approved traffic-safety vest, or other clothing or equipment that provides equivalent high visibility of the employee.

Note: For further information regarding safety vests and clothing that are acceptable for providing to employees, see American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) standard 107 - High-Visibility Safety Apparel and Headwear. Vests and clothing that are accepted under this standard typically do not become unacceptable upon publication of a later edition of the standard.

(2) An employer shall provide traffic control devices for the work under sub. (1), and the devices shall be used to regulate, warn, guide, or inform traffic of the work and of the presence of employees.

Note: Under s. 349.065, Stats., traffic control devices must be designed, installed and operated in accordance with the uniform traffic control devices manual adopted by the department of transportation under s. 84.02 (4) (e), Stats. The manual may be obtained from the American Traffic Safety Services Association, 15 Riverside Parkway, Suite 100, Fredericksburg, VA 22406-1022, telephone 800/231-3475. Electronic copies are available at the Federal Highway Administration website at <http://mutcd.fhwa.dot.gov/>.

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: r. and recr. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.22 Portable ladders [29 CFR 1910.25 and 1910.26]. These are department rules in addition to the requirements in 29 CFR 1910.25 and 1910.26:

(1) APPLICATION. The requirements of 29 CFR 1910.25 and 1910.26 also apply to portable fiberglass ladders.

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

Note: Further information relating to construction and use of portable ladders is available in the following American National Standards Institute (ANSI) standards: A14.1, for wood ladders; A14.2, for metal ladders; and A14.5, for reinforced-plastic ladders.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: renum. (1) (a) to (1), r. (1) (b) and (2) (a), renum. (2) (intro.) to (intro.) and am., renum. (2) (b) to (2) Register August 2015 No. 716, eff. 9-1-15; correction in (2) made under s. 13.92 (4) (b) 2., Stats., Register March 2019 No. 759.

SPS 332.23 Fixed ladders [29 CFR 1910.27]. This is a department rule in addition to the requirements in 29 CFR 1910.27(e)(2): Fixed ladders of a substandard pitch shall be equipped with handrails on both sides. The handrails shall be installed 30 to 34 inches vertically above the rung or the nose of the tread.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (1), renum. to (intro.) and am. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.24 Ventilation [29 CFR 1910.94]. These are department rules in addition to the requirements in 29 CFR 1910.94: Laboratory fume hoods shall be operated and maintained in accordance with all of the following:

(1) (a) Except as provided in sub. (2), a laboratory fume hood shall be operated at a minimum average face velocity of 100 feet per minute at one of the following positions:

1. A full open sash.
2. A sash stop position.

(b) The minimum face velocity shall be determined with the sash stop position no lower than 18 inches above the work surface.

(2) A fume hood may be operated at less than an average face velocity of 100 feet per minute if all of the following conditions are met:

(a) A spillage rate of less than 0.1 ppm at 4.0 liters per minute gas release is achieved.

(b) A minimum allowable average face velocity of 40 feet per minute occurs at a full open sash position.

(c) A continuous flow meter with an alarm is provided.

(3) (a) A visual and auditory warning alarm shall automatically occur when a vertical sash fume hood is operated above a sash stop position.

(b) A visual and auditory warning alarm shall automatically occur when a combination vertical and horizontal sash fume hood is operated above a sash stop position.

(4) A test shall be performed annually to determine the face velocity of each fume hood.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; am. (2) (a), (4) (c), (5) (a) and (c) 2., r. (2) (b) and Figure 32.24, renum. (2) (c) and (d) to be (2) (b) and (c) and am. (c), cr. (5) (d) and (6), Register, June, 2000, No. 534, eff. 7-1-00; CR 01-139: am. (5) (c) 1. Register June 2002 No. 558, eff. 7-1-02; correction in (5) (a) 3., (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-060: r. and recr. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.25 Compressed gases [29 CFR 1910.101]. This is a department rule in addition to the requirements in 29 CFR 1910.101: All compressed gas cylinders shall be secured around the body of the cylinder to prevent falling.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (1), renum. to (intro.) and am. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.26 Spray finishing using flammable and combustible materials [29 CFR 1910.107]. This is a department informational note to be used under 29 CFR 1910.107:

Note: See chs. SPS 361 to 366 and their incorporated standards, such as the *International Building Code*® and *International Fire Code*®, for building-design requirements relating to spray rooms, spraying spaces, and spray booths.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: renum. (intro.) to SPS 332.26, r. (1) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.28 Permit-required confined spaces [29 CFR 1910.146]. This is a department rule in addition to the

requirements in 29 CFR 1910.146 and apply only to permit-required confined spaces: An employer shall provide approved training in basic first aid and adult cardiopulmonary resuscitation for all authorized entrants and attendants.

Note: The Department recognizes courses conducted through such organizations as the American Red Cross or the American Heart Association as acceptable training.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (3), renum. to SPS 332.28 and am., r. (1), (2) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.29 Confined spaces [29 CFR 1910.146].

These are department rules in addition to the requirements in 29 CFR 1910.146, and apply to all confined spaces:

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

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

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

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

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

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: am. (title), (intro.), (1), (2) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.30 Medical services and first aid [29 CFR 1910.151]. Substitute the following wording for the requirements in 29 CFR 1910.151(c): Whenever the eyes or body of any person may be exposed to materials that are corrosive or can cause irreversible eye or bodily injury, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

Note: The Department will accept facilities that comply with American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) standard Z358.1, Emergency Eyewash and Shower Equipment, or other equipment that provides similar protection.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (1), renum. to (intro.) and am. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.31 Fire brigades [29 CFR 1910.156]. Section 29 CFR 1910.156 is not included as part of this chapter.

Note: See ch. SPS 330 for fire department safety and health requirements.

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

SPS 332.32 Handling materials – general [29 CFR 1910.176]. This is a department rule in addition to the requirements in 29 CFR 1910.176: Conveyor systems passing through more than one room, or from one working level to another, shall be provided in each room, or working level, where exposed to contact, with means to disconnect the power.

Note: Storage of incompatible materials is regulated by NFPA 1, as established by the National Fire Protection Association and adopted in chapter SPS 314.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (1), renum. to (intro.) and am., r. (1) (title) and (2) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.33 General requirements for all machines [29 CFR 1910.212]. These are department rules in addition to the requirements in 29 CFR 1910.212:

(1) **DISCONNECTION FROM SOURCE OF POWER.** (a) Every machine shall be equipped with a loose pulley, clutch, switch or other adequate means within reaching distance of the normal

operating positions of the operator for the purpose of disconnecting the machine from the source of power.

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

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

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

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

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

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

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

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; cr. (4) and (5), Register, June, 2000, No. 534, eff. 7-1-00; CR 14-060: am. (intro.) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.34 Woodworking machinery requirements [29 CFR 1910.213]. These are department rules in addition to the requirements in 29 CFR 1910.213 (h):

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

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: am. (intro.), (2) Register August 2015 No. 716, eff. 9-1-15.

SPS 332.345 Commercial diving operations [29 CFR 1910.401]. Section 29 CFR 1910.401 (a) (2) (ii) is not included as part of this chapter.

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

SPS 332.37 Motor vehicles [29 CFR 1926.601]. (1) This is a department exception to the requirements in 29 CFR 1926.601(b)(9): Employees may ride on motor vehicles in other than factory-installed passenger seats equipped with seatbelts only when the speed of the motor vehicle is less than 10 miles per hour.

(2) Substitute the following wording for the requirements in 29 CFR 1926.601(b)(10): Dump bodies of all vehicles shall be equipped with a positive means of support that is permanently attached and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done or while the vehicle is left unattended.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 14-060: cons. (intro.) and (1), renum. to (2) and am., renum. 332.40 (intro.) to 332.37 (1) and am. Register August 2015 No. 716, eff. 9-1-15.

SPS 332.38 Specific excavation requirements [29 CFR 1926.651]. This is a department rule in addition to the requirements in 29 CFR 1926.651: No person may work in an excavation over 4 feet in depth without another person being present at the surface.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 04-009; am. (1) Register August 2004 No. 584, eff. 9-1-04; CR 14-060: cons. (intro.) and (3), renum. to SPS 332.38 and am., r. (1), (2) Register August 2015 No. 716, eff. 9-1-15.

Subchapter V — Incorporation of Standards by Reference

SPS 332.50 Incorporation of standards by reference. The standards listed in the following table are hereby incorporated by reference into this chapter under the authority provided in s. 101.055 (3) (a), Stats.

Note: Copies of the adopted standards are available through the sources listed in the table.

Table 332.50

Occupational Safety and Health Administration (OSHA) U. S. Government Printing Office 732 N. Capitol Street, NW Washington, DC 20401 Telephone: 866/512-1800 Online Bookstore: http://bookstore.gpo.gov E-copies: http://www.gpo.gov/fdsys/search/submitcitation.action?publication=CFR	
1.	Recording and Reporting Occupational Injuries and Illnesses, Title 29 CFR Part 1904, July 1, 2010.
2.	Occupational Safety and Health Standards, Title 29 CFR Part 1910, July 1, 2010.
3.	Occupational Safety and Health Standards for Shipyard Employment, Title 29 CFR Part 1915, July 1, 2010.
4.	Occupational Safety and Health Standards for Marine Terminals, Title 29 CFR Part 1917, July 1, 2010.
5.	Occupational Safety and Health Regulations for Construction, Title 29 CFR Part 1926, July 1, 2010.
6.	Occupational Safety and Health Standards for Agriculture, Title 29 CFR Part 1928, July 1, 2010.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; am. Table 32.50-1, r. and recr. 32.50-2, Register, June, 2000, No. 534, eff. 7-1-00; CR 01-062: cr. subd. 11. to 13. in Table 32.50-1 Register June 2002 No. 558, eff. 7-1-02 and cr. subd. 14. in Table 32.50-1 Register June 2002 No. 558, eff. 1-1-03; CR 04-009: am. (1) and r. and recr. Table 32.50-1 Register August 2004 No. 584, eff. 9-1-04; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 14-060: r. (1), (2) (title), 32.50. (2) to SPS 332.50 and am., renum. Table 332.50-1 to Table 332.50 and am., r. Table 332.50-2 Register August 2015 No. 716, eff. 9-1-15.