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State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapter Comm 32

Relating to: Public Employee Safety and Health

Clearinghouse Rule No.: 01-062

COM-10535 (N.03/97)

The Department of Commerce proposes an order to repeal s. Comm 32.27; to amend ss. Comm 32.16 (intro.) and Comm 32.50 Table 32.50-1 heading; and to create ss. Comm 32.10, Comm 32.205, Comm 32.345, Comm 32.50 Table 32.50-1 items 11. to 14., and Comm 32.50 Table 32.50-1 Note, relating to public employee safety and health.

Analysis of Proposed Rules

Statutory Authority: s. 101.055 (3) and (7), Stats.
Statutes Interpreted: s. 101.055 (3) and (7), Stats.

The Department of Commerce is responsible for adopting standards to protect the safety and health of public employees in the state of Wisconsin. The adopted standards must provide protection at least equivalent to that afforded to private sector employees under standards administered and enforced by the federal Occupational Safety and Health Administration (OSHA).

Chapter Comm 32 currently contains general safety and health standards for all public employees through the incorporation by reference of several OSHA standards. Chapter Comm 32 also contains requirements that add to or modify the OSHA standards.

The proposed rules consist of revisions in chapter Comm 32. In accordance with section 101.055 (7) (a), Stats., the proposed rules contain a new requirement for public employers to annually report work-related injuries and illnesses to the Department. Beginning January 1, 2004, the report must be submitted by March 1 of each year. The proposed rules modify the OSHA standards by removing the governmental agency exemption from compliance with the OSHA regulations covering diving operations. The proposed rules also incorporate by reference 4 new OSHA standards relating to marine terminals, needlesticks/bloodborne pathogens, steel erection and recordkeeping.

The proposed rules have been developed with the assistance of the Public Safety Advisory Council. At the time the proposed rules were developed, the members of that citizen advisory council were as follows:

<u>Name</u>	<u>Representing</u>
Sheri Ackley	State Risk Management
Ken Blomberg	Wisconsin Rural Water Association
Jose Bucio	Wisconsin State AFL-CIO
Vance Forrest	Wisconsin Counties Association
David Hanneman	Wisconsin Education Association Council
Ron Kent	American Federation of State, County & Municipal Employees
Dave Kodel	Wisconsin Alliance of Cities
James Kropp	Wisconsin Department of Administration
Ned Paschke	Madison Metropolitan Sewerage district
Thomas Rowe	City of Milwaukee
Richard Stadelman	Wisconsin Towns Association
Ernest Stracener	University of Wisconsin System
Dennis Tweedale	League of Wisconsin Municipalities

SECTION 1. Comm 32.10 is created to read (at the end of subch. II):

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

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

SECTION 2. Comm 32.16 (title) and (intro.) are amended to read:

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

SECTION 3. Comm 32.205 is created to read:

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

SECTION 4. Comm 32.27 is repealed.

SECTION 5. Comm 32.345 is created to read:

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

SECTION 6. Comm 32.50 Table 32.50-1 heading is amended to read:

Table 32.50-1
(heading)

OSHA	Occupational Safety and Health Administration <u>Standards</u> Superintendent of Documents <u>U.S. Government Bookstore</u> 310 West Wisconsin Avenue, Suite 450 <u>150W</u> Milwaukee, WI 53203-2228 Telephone: 414/297-1304
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SECTION 7. Comm 32.50 Table 32.50-1 items 11. to 14. are created to read:

Table 32.50-1

(partial table)

11. Marine Terminals, Title 29 CFR Part 1917, Federal Register, Vol. 65, No. 127, June 30, 2000.

12. Needlesticks/Bloodborne Pathogens, Title 29 CFR Part 1910, Federal Register, Vol. 66, No. 12, January 18, 2001.

13. Steel Erection, Title 29 CFR Part 1926, Federal Register, Vol. 66, No. 12, January 18, 2001.

14. Recording and Reporting Occupational Injuries and Illnesses, Title 29 CFR Part 1904, Federal Register, Vol. 66, No. 13, January 19, 2001.

SECTION 8. Comm 32.50 Table 32.50-1 Note is created to read:

Table 32.50-1 Note: The standards listed in Table 32.50-1 are contained in the July 1, 2001 edition of the OSHA standards.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., s. Comm 32.50 Table 32.50-1 item 14. shall take effect on January 1, 2003.

Pursuant to s. 227.22 (2)(intro.), Stats., the remainder of these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
