

Wisconsin Department of Safety and Professional Services (DSPS)

Updates and How DSPS Differs from OSHA

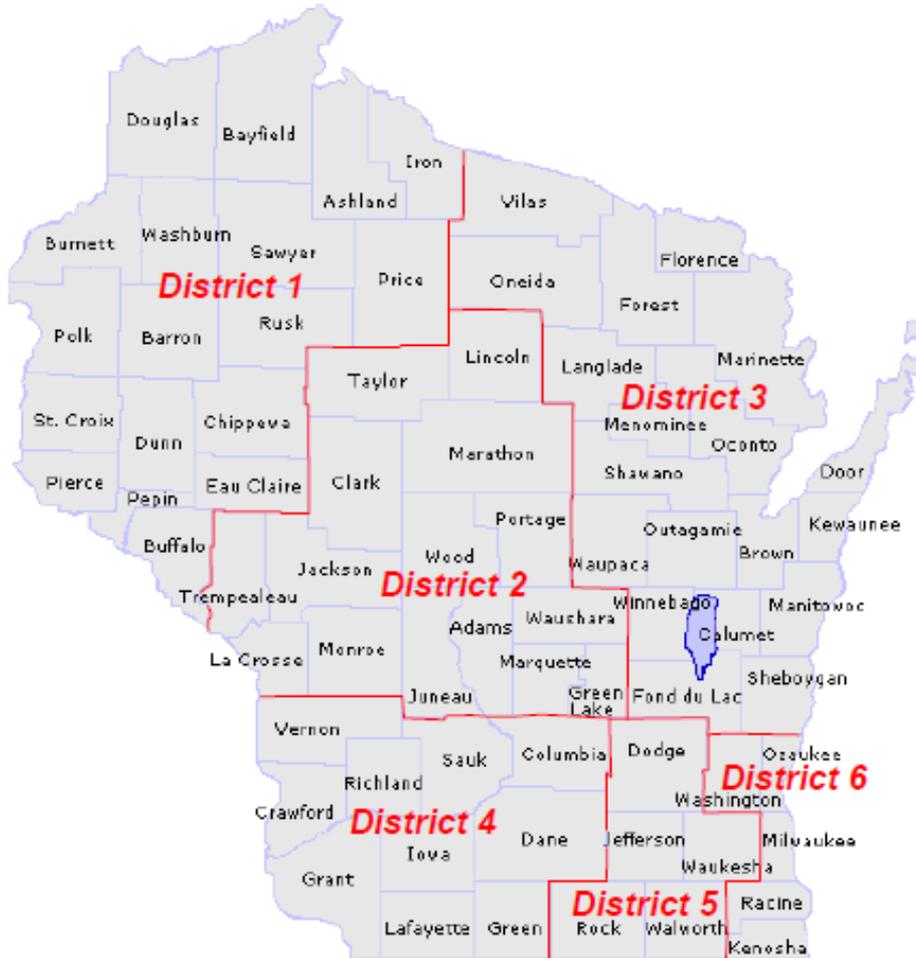


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Personnel



1. Alex Trentor 608-800-1232
2. Vacant
3. Tim Condon 414-852-3660
4. April Hammond 608-225-6593
5. Dave Vriezen 414-416-3196
6. Jim Creegan 608-266-3723

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DSPS Updates

July 1, 2010 OSHA Regulations, 29 CFR:

- 1904 OI&I
 - 1910 General Industry
 - 1915 Shipyard
 - 1917 Marine Terminals
 - 1926 Construction
 - 1928 Agriculture
-
- Adopted through Chapter SPS 332
-
- Anticipate Chapter SPS 332 will be open for comment in 2017

How We Differ From OSHA

- No 5(a)(1) General Duty Clause
 - Can only enforce actual standards
 - i.e. workplace violence



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How We Differ From OSHA

- No classifications or penalties
 - Willful, serious, other-than-serious, *de minis*, failure to abate, repeated
- Write orders
- Appeals, Wis. Stats. Chapter 101
 - §101.02(6)(e) “. . . may petition for a hearing on the reasonableness of any order of the department. . .”



How We Differ From OSHA

- Can request an extension for compliance time frame
- If not in compliance by specified time, write second set of orders
- After third attempt, refer to Attorney General or County District Attorney
 - Potential forfeiture or fines, §101.02(13)(a)
 - “. . . Shall forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each such offense.”

How We Differ From OSHA

- Protection from Retaliation For Wisconsin Workers - the Whistleblower Law
- Under Sections 230.80-85 of the Wisconsin Statutes, an employee of the State of Wisconsin, except for certain exceptions listed in s. 230.80(3), may not be retaliated against for disclosing information regarding a violation of any state or federal law, rule or regulation, mismanagement or abuse of authority in state or local government, substantial waste of public funds or a danger to public health or safety.
- An employee may disclose information to any other person. However, before disclosing information to anyone other than an attorney, collective bargaining representative or legislature, the employee must do one of the following: disclose the information in writing to the employee's supervisor, or disclose the information in writing to an appropriate governmental unit designated by the Equal Rights Division.



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Whistle Blower cont.

- §230.80(3) "Employee" means any person employed by any governmental unit except:
 - (a) A person employed by the office of the governor, the courts, the legislature or a service agency under subch. IV of ch. 13.
 - (b) A person who is, or whose immediate supervisor is, assigned to an executive salary group under s. 20.923 or a person who has, or whose immediate supervisor has, a position specified in s. 36.115 (3m) (ae) to (f).

How We Differ From OSHA

- Anonymous Complaints
 - Open records access when investigation is completed



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SPS 332.203

- Safety & Health Program shall include elements for:
 - Hazard identification, assessment, prevention and control
 - Information and training
- Injury & Illness Reporting
 - Partial exemptions for 10 or fewer employees (§1904.1) and establishments in certain industries (§1904.2) were not adopted, therefore such entities must report

How We Differ From OSHA

- No special emphasis programs

[OSHA Enforcement](#) / OSHA's Active National & Special Emphasis Program Index

OSHA's Active National & Special Emphasis Program Index

COMBUSTIBLE DUST

- [OSHA Instruction CPL 03-00-008](#) - National Emphasis Program on Combustible Dust (Reissued) (Date: 03/11/2008)

FEDERAL AGENCIES

- Federal Agency Targeting Inspection Program for FY2017 (FEDTARG17) is pending.
Note: OSHA Notice FAP 01 16-01, (FEDTARG16) expired on 09/30/2016; *see also*, [Archived Directives](#).

HAZARDOUS MACHINERY

- [OSHA Instruction CPL 03-00-019](#) - National Emphasis Program on Amputations (Date: 08/13/2015) [[PDF](#)]

- Top 25
 - Generated from OI&I Summaries

SPS 332.21 General Requirements

- Supplement to 1910.22 Walking, Working Surfaces & 1926.20 General Safety and Health Provisions
 - High Visibility Clothing for employees working on:
 - Highways, roads, streets or their easements
- Employer to provide traffic control devices for work referenced above
- Slippery work surfaces must be “cleaned, sprinkled with sand or made non-slippery insofar as the nature of the work will permit.”



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SPS 332.22 Portable Ladders

- 1910.25 Portable wood ladders and 1910.26 Portable metal ladders apply to portable fiberglass ladders
- The top of portable ladder used to gain access to a roof or platform must extend at least 3 feet above the point of support



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SPS 332.23 Fixed Ladders

- Fixed ladders of a substantial pitch shall be equipped with handrails on both sides
- Handrails shall be installed 30 to 34 inches vertically above the rung or the nose of the tread



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SPS 332.24 Ventilation

- Laboratory fume hoods
 - Average face velocity of 100 fpm at
 - Full open sash
 - A sash stop position
 - Minimum face velocity shall be determined with the sash stop position no lower 18 inches above work surface
- Operated at less than 100 fpm if:
 - A spillage rate of less than 0.1 ppm at 4.0 lpm at a full sash position, and
 - At a minimum an average face velocity of 40 fpm at full open sash, and
 - A continuous flow meter with an alarm is provided



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SPS 332.24 Ventilation Cont.

- A visual and auditory warning alarm required
 - When a vertical sash fume hood is operated above a sash stop position
 - When a combination vertical and horizontal sash fume hood is operated above a sash stop position
- An annual test is required to determine the face velocity of each fume hood



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SPS 332.25 Compressed Gases

- All compressed gas cylinders shall be secured around the body of the cylinder to prevent falling



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SPS 332.26 Spray Finishing Using Flammable and Combustible Materials

- For building design requirements relating to spray rooms, spraying spaces and spray booths, refers to:
 - Chapter SPS 361 Administration and Enforcement -design, construction and maintenance standard for public buildings and
 - Chapter SPS 366 Existing Buildings
 - And incorporated standards such as International Building Code[®] and International Fire Code[®]

SPS 332.28 Permit-Required Confined Spaces

- Employer shall provide approved training in basic first aid and adult CPR for all authorized entrants and attendants



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SPS 332.29 Confined Spaces

- Cannot enter a confined space in which the combustible gas content is 10% or more of the LEL
- No smoking or open flames are permitted within 10 feet of confined space
- Street confined spaces, a vehicle's:
 - Beacon and 4-way flashers activated
 - Parked to allow traffic to flow unobstructed and where possible, provide protection for the employees
 - Parked or exhaust pipe extended such that exhaust does not enter confined space



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SPS 332.30 Medical Services and First Aid

- Adds materials that “can cause irreversible eye or bodily injury” to eye wash and safety shower requirements



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Exclusions

- 1910.156 Fire Brigades
 - SPS 330 Fire Dept Health & Safety Standards apply
- 1910.401 Commercial Diving Operations
 - SPS 332.345 excludes 1910.401(a)(2)(ii) exception for operations performed solely for search, rescue or related public safety purposes by or under the control of a governmental agency, thus 1910.401 requirements apply to public sector employers
- 1926.601(b)(9) seat belts and anchorages
 - 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 mph

SPS 332.32 Handling Materials

- In addition to 1910.176 Handling materials:
 - Where exposed to contact, conveyor systems passing through more than one room or from one working level to another, shall have a power disconnect in each room or working level



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SPS 332.33 General Requirements for All Machines

- In addition to 1910.212 Machinery and Machine Guarding,
 - Within reaching distance of the normal operation position, every machine shall be equipped with a loose pulley, clutch, switch or other adequate means of power disconnect
 - If 2 or more persons work on a machine, one or more controls shall be located such that more than one person can access the power disconnect



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SPS 332.33 General Requirements for All Machines cont.

- Counterweights, tension weights and springs, where exposed to contact:
 - Shall be enclosed or equipped with a safety device attached independent of the counterweight support, that prevents the weight from falling less than 7 feet above working level
 - Every tension weight exposed to contact shall be enclosed or securely fastened to the tension bar
 - All springs shall be guarded or otherwise equipped to eliminate any hazard due to breakage or the spring or failure of the mounting



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SPS 332.33 General Requirements for All Machines cont.

- All pipes exposed to contact and within 7 feet of the working surface, which carry steam or other hot materials shall be covered with insulating material or guarded to prevent contact
- On applications where the operator may be injured upon restart after power failures, machines shall be prevented from automatically restarting upon restoration of power
- All equipment, machine tools, guards and power-driven machinery shall be operated and maintained in safe condition



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SPS 332.34 Woodworking Machinery Requirements

- In addition to 1910.213(h) Radial saws,
 - A stop shall be provided to prevent the forward travel of the blade beyond the front of the table
 - At any point in its travel, every radial saw arm shall be equipped with a means to automatically return the saw to the back of the table when released
 - The means shall prevent the saw from rebounding and may not depend on fiber rope or cord for this function



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SPS 332.37 Motor Vehicles

- Supplements 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



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SPS 332.38 Specific Excavation Requirements

- No person may work in an excavation over 4 feet in depth without another person being present at the surface



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Hazcom-GHS

- DSPS Web Page
 - [FAQ-"Globally Harmonized System"](#)
- Do not need to replace all your existing chemical products because of “old” labels
- Will need to train on:
 - SDS
 - Harmonized signal words, pictograms



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Hazcom-GHS

“Currently DSPS follows the July 1, 2010 version of the HCS which does not reference the GHS. This situation has raised questions as to whether employers who have adopted the 2012 version of the HCS will be cited for non-compliance with DSPS regulations. DSPS recognizes the benefit of employers following the 2012 HCS and will not issue citations solely on the basis of implementation of the 2012 HCS. DSPS further recognizes that in order for employees to understand labeling and SDS information, employers will need to include GHS aspects into their HCS training.”



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Questions/Comments?



Thank you!



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