

# CITY OF PORTSMOUTH

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## WRITTEN HEALTH & SAFETY PROGRAM

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## SECTION 1

### THE CITY OF PORTSMOUTH STATEMENT OF COMMITMENT

#### INTRODUCTION

The City of Portsmouth Safety Program is designed to accomplish one primary purpose, to prevent accidents. Preventing accidents results in saving lives, eliminating injuries, increasing efficiency of operations, and directly and indirectly saving thousands of dollars for both the municipality and its employees. This Safety Program provides not only for the safety of all employees, but also for the safety of the public in regard to the operations of the various departments.

To be successful, the Safety Program must have the continuous, active support of all employees and particularly of those in supervisory and management positions. The “push” for an effective Safety Program must come from the “top” person in each department, section, or crew. If a Department Head or Supervisor appears to be unconcerned about the Safety Program, this attitude will be adopted by their employees.

Remaining healthy and free from injury should be the goal of every employee. Time must be taken to assess each operation we do to determine the best and safest way to go about it. It is the responsibility of each and every employee to be as safe as possible each and every hour of every day. With the understanding that compliance with this program is mandatory and a condition of employment, it should become clear that safety is now a central part of the operation of all Portsmouth City services. This manual has been created to help us meet this goal. It has been published and will be updated to provide a readily available reference of written policies and procedures for the guidance of all personnel. All employees are responsible to abide by any and all applicable sections of this manual.

The intent of this manual is to comply with all Department of Labor standards designed for the protection of our employees. It is understood that the protective gear and devices will meet the minimum standards as set by the American National Standards Institute.

#### MISSION STATEMENT

The City of Portsmouth recognizes its employees as one of its most important assets. As such, Management has set a goal of providing a safe and healthful workplace for all employees. The City’s Safety Program recognizes that the safe work behavior of each employee is the key for meeting this goal. Our ultimate goal is to achieve an accident free, healthy work environment for our employees.

To help meet these goals the City will provide on-going safety training to all employees based on the particular potential hazards of their job duties. We will also provide the necessary personal protective equipment to help reduce exposure to potential hazards and will allocate resources as needed to correct hazardous conditions that are brought to our attention.

It is the responsibility of each employee to follow all safe work rules and procedures. If an employee is unsure of how to do a particular task safely, they should not proceed until they have received instructions from their supervisor. Each employee is also obligated to report all unsafe working conditions to their supervisor and/or manager. It is the responsibility of each supervisor and/or manager to monitor and assist employees in the safe performance of their duties. Safe work behavior and attitudes are expected as part of each employee's job performance.

This Mission Statement will be reviewed and revised on an annual basis to allow the City of Portsmouth to meet the mutually beneficial goal of a zero workplace of injuries and illnesses.

#### ELEMENTS OF THE SAFETY PROGRAM

To ensure that the City of Portsmouth Safety Program remains effective, certain elements and objectives of the Program have been outlined. These are:

1. TO ASSIGN SAFETY-RELATED RESPONSIBILITIES TO PERSONNEL.
2. TO MAKE EQUIPMENT, WORK AREAS, AND WORK METHODS SAFE.
3. TO SEARCH OUT SAFETY HAZARDS AND ELIMINATE THEM IMMEDIATELY.
4. TO ENCOURAGE EMPLOYEE INTEREST IN SAFETY AND TO MAINTAIN THAT INTEREST.
5. TO CONTROL THE WORK HABITS OF PERSONNEL BY ADEQUATE AND EFFECTIVE SUPERVISION.

6. TO PROVIDE PROPER PROTECTIVE EQUIPMENT AND TO MAKE ITS USE MANDATORY.

7. TO EDUCATE AND TRAIN EMPLOYEES AS TO THE SPECIFIC HAZARDS OF THEIR JOBS.

8. TO INVESTIGATE ACCIDENTS IN ORDER TO DETERMINE CAUSE AND THEN TO TAKE THE ACTION NECESSARY TO PREVENT THEIR RECURRENCE.

9. TO PREPARE AND MAINTAIN PROPER AND COMPLETE ACCIDENT RECORDS WHICH WILL ALLOW FOR EVALUATION OF THE SAFETY PROGRAM.

10. TO ADOPT AND ENFORCE SAFETY RULES, POLICIES AND PROCEDURES.

## SECTION 2 RESPONSIBILITIES OF INDIVIDUALS

### DEPARTMENT HEAD

Each Department Head shall have complete responsibility for the Safety Program within their department. In addition:

- The Department Head shall ensure that employees are properly instructed regarding safe working methods and that Supervisors fulfill their assigned responsibilities in regard to safety instruction and responsibility.
- The Department Head shall assure that required reports pertaining to injuries, vehicle accidents, and investigations are promptly prepared and forwarded for further processing.
- The Department Head shall make frequent inspections of work areas for the purpose of discovering and correcting unsafe conditions or unsafe working practices.



- The Department Head shall encourage employees to report immediately any unsafe conditions, equipment, etc., and shall take necessary action to correct same.
- The Department Head shall require all personnel to obey safety rules, procedures and policies, and shall take or recommend appropriate disciplinary action whenever deemed necessary.
- The Department Head shall require Supervisors to determine causes of accidents involving personnel or equipment under their supervision to prevent similar accidents.

## SUPERVISORS

The Supervisor is responsible to the Department Head for the Safety Program as it pertains to personnel and equipment under their supervision. The Supervisor is the “key person” involved in the Safety Program because they are in the best position to observe the work of the employees. Additional responsibilities include:

- Giving job instructions to staff with special emphasis on the hazards of the work to be performed.
- Constantly watching for and immediately correcting unsafe conditions and unsafe working practices as well as reporting to the Department Head those incidents which are beyond the scope of their authority to correct.
- Promptly informing the Department Head of all accidents involving personnel or equipment under their supervision, and taking immediate steps to investigate each accident to determine its cause.
- Assuring that proper action is taken any time an employee is injured. This includes:
  - Making sure that the injured employee receives appropriate medical attention, depending on the severity of the injury.
  - Completing any necessary forms, reports or other documentation related to the injury and treatment of the employee under their supervision. This includes, but is not limited to Workers’ Compensation Forms and Accident Investigation Forms.
- Enforcing safety rules, policies and procedures and making sure that protective equipment is worn as the hazards of the job dictate such use.
- Actively promoting safety of all personnel, and informing all employees of their responsibilities as outlined below.

## EMPLOYEES

Each employee is always responsible for their own safety, the safety of fellow workers, and the safety of the general public with regard to the work being performed. In addition:

- An employee shall be required to obey all safety rules, policies and procedures as a condition of employment.
- An employee shall wear protective equipment such as goggles, hard-hats, etc., as deemed necessary by the Supervisor, Department Head, or as common sense dictates.
- An employee, if injured on the job, shall be required to take the necessary action of:
  - Promptly giving verbal notice to Supervisor of any injury received while on the job regardless of the severity of the injury or whether or not medical attention is required.
  - Filing with the Supervisor, within 24 hours following any accident or injury, a written report of the accident.
- An employee shall promptly inform the Supervisor of any unsafe equipment, unsafe tools or other hazardous conditions.

## SECTION 3

### ACCIDENT AND INCIDENT REPORTING

#### PURPOSE

Any injuries to any employee or citizen, any damage to private or City property due to City operations must be reported as soon as possible to the immediate supervisor of the employee involved. If an incident does not result in immediate damage or injury, but in the best judgment of the City employee is likely to result in a liability to the City, the incident must be reported.

For the purpose of making the reporting of accidents or incidents as easy as possible, they have been grouped into five categories. These categories are:

- Reporting Deaths and Serious Injuries
- Accidents Causing Personal Injury (Non-Motor Vehicle)
- Accidents Causing Property Damage
- Motor Vehicle Accidents/Incidents

- Exposure to Infectious or Communicable Disease

## REPORTING DEATHS AND SERIOUS INJURIES

Employers are required to report any workplace deaths and serious injuries. Death of any person in the workplace must be reported by the Employer to the New Hampshire Department of Labor with eight (8) hours of the occurrence.

Serious injury of any person in the workplace (amputation, loss or fracture of any body part, head injury or internal injury that necessitates immediate hospitalization) must be reported by the employer to the NHDOL with twenty four (24) hours. The reports must be made electronically or telephonically, and must identify the cause and location of the incident, the place where the injured person is receiving medical care, and any other relevant information as requested. A prompt determination must be made on whether the incident is reportable and an employer representative must interact cooperatively with the NHDOL. Specific questions about whether an incident is reportable should be directed to the employer's legal counsel.

## ACCIDENTS CAUSING PERSONAL INJURY (NON – MOTOR VEHICLE)

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### EMPLOYEES RESPONSIBILITIES

- Get Emergency Treatment if Needed. If an employee is hurt and is in need of medical care, call 911 or go to an emergency room for help immediately. Tell the medical staff that the injury or illness is job-related. Our Workers Compensation Insurance is with:

Primex  
Bow Brook Place  
46 Donovan Street  
Concord, NH 03301-2624  
1-800-698-2364

- If the employee does not need emergency treatment, the employee should contact Occupational Health or Outside Medical Treatment.
- Report the Injury or Illness. The employee must notify his or her supervisor of a specific workplace injury immediately. A Notice of Accidental Injury or Occupational Disease form must be completed within 24 hours of injury or illness. This form is to be given to the Human Resources office as soon as possible.

- For follow-up care or non-emergent cases, it is the employee's responsibility to contact their primary treating physician for follow-up treatment, if necessary.
- An employee is responsible for keeping his or her supervisor apprised of work status by providing the New Hampshire Workers' Compensation Medical Forms directly to the supervisor.
- If the employee is put out of work by his or her primary treating physician, the employee is responsible for providing the supervisor with all medical certifications.

Leave of absence due to a workers' compensation injury or illness may be designated as Family and Medical Leave Act (FMLA) leave. Notice of eligibility for FMLA leave will be sent directly from the Benefits Administrator to the employee.

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### SUPERVISOR/EMPLOYER RESPONSIBILITIES

If a City of Portsmouth supervisor, manager or other department management representative becomes aware that an employee may have incurred an occupational injury:

In the event of an emergency, the employee should be escorted to the nearest emergency room for treatment. If needed, call 911.

- The Supervisor or other department management representative is required to give the employee the Notice of Accidental Injury or Occupational Disease Form immediately after report of injury or illness.
- The completed forms should be immediately forwarded to the Benefits Administrator and Human Resources Department.
- All physicians' notes and physicians' return to work releases should be forwarded to the Benefits Administrator and Human Resources Department immediately to facilitate a return to work or so that the proper supplemental reports can be filed with Primex.
- If the employee is released to modified or transitional work activity, the Supervisor or department management representative should consult with Human Resources.

## ACCIDENTS CAUSING PROPERTY DAMAGE

### SUPERVISOR/EMPLOYER RESPONSIBILITIES

- Complete the City of Portsmouth Supervisor's Accident / Incident Investigation Report Form within 24 hours of the initial report. This will be approved by the Department Head and submitted to the Human Resources Department.
- Make sure that any forms which are required by their own department's standard operating Procedures, in addition to those mentioned in this Section, are filled out and distributed.

### MOTOR VEHICLE ACCIDENTS / INCIDENTS

- Ensure all participants are accounted for and responsive.
- If any participant is injured call 911 immediately.
- If it is safe to do so, participants should remain in the vehicle with seat belts fastened for everyone's safety until help arrives.
- If it is unsafe to remain in the vehicle, participants should cautiously exit and move to a safe location away from traffic but adjacent to the accident site.
- Turn on hazard lights, put on a safety vest located in the vehicle glovebox and set out warning devices if possible to do so without endangering yourself or others.
- Do not smoke or place lit flares within 25' of damaged vehicles or fluids which have leaked from them.
- Exchange information with the other operator involved (if applicable), minimally obtaining driver's license and registration information, insurance company information and contact numbers. Also, obtain the names, addresses and telephone numbers of all witnesses.
- Don't admit fault or liability for the accident.
- Complete an accident report form located in all city-owned vehicle glove boxes or available at the Department of Public Works.
- Notify the Department of Public Works Vehicle Maintenance Department (603) 766-1424 of the accident as soon as possible. One of the garage employees will need to come and take photos and a report.
- The City's insurance company, Primex, may contact you to obtain accident information. Please respond as promptly as possible.

Information and records regarding accidents will be maintained by the Human Resources Department. Any accident documentation you have will need to be sent to the Human Resources Department.

- Other considerations when involved in a vehicle accident:
- Do be courteous.
- Don't discuss any conditions or defects of the automobile.
- Don't express any opinion or make any statement to anyone about the accident except to law officers and City representatives.
- Don't discuss the accident with anyone over the phone or in person, unless they represent the City.

## POST-ACCIDENT REVIEW

Vehicle accidents may undergo a post-accident review to determine the cause and preventability of an accident. Reviews could consist of representatives from the Safety Committee, Human Resources and the vehicle operator's Supervisor.

Once a determination as to cause and preventability is established, findings and recommendation will be forwarded to Human Resources for any corrective action.

## EXPOSURE TO INFECTIOUS OR COMMUNICABLE DISEASE

### EMPLOYEES RESPONSIBILITIES

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## FALSE STATEMENTS

Employees who make false statements concerning job injuries (which statements can be documented as being false), are subject to dismissal from their jobs as well as being held liable for the repayment of any compensation or medical payments received by them in connection with the injury.

## SECTION 4

### GUIDELINES FOR CONDUCTING INVESTIGATIONS

#### PURPOSE

Accident investigation is important and necessary if future accidents are to be prevented. Investigations are primarily concerned with finding the “cause” of the accident and are not necessarily concerned with fixing “blame”.

Investigations must be kept objective, factual, and free from the “punishment” motive, otherwise, they will do more harm than good. This is not to say that responsibility may not be fixed where personal failure has caused the accident, or that such person should be excused from the consequences. Investigations also provide information through which recommendations for corrective action can be developed. Corrective action may involve additional training, mechanical revision, and direct supervision or enforcement measures.

#### PRINCIPLE PURPOSES FOR ACCIDENT INVESTIGATION

- To determine the cause of an accident so that similar accidents may be prevented through mechanical improvement, better supervision, and/or employee instruction.
- To publicize the particular hazard among employees and their supervisors and to direct attention to accident prevention in general.
- To determine facts bearing on legal liability.

#### CASES TO BE INVESTIGATED

- Every accident which results in death, disabling injury or property damage shall be investigated.
- Near-accidents or accidents resulting in non-disabling injuries should also be investigated because they are equally important from a safety standpoint. An accident that results in only slight injury to a person may easily result in death to the next person.



## PERSONS MAKING INVESTIGATIONS

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### DEPARTMENT HEADS

- Department Heads are responsible for immediately notifying the Human Resource Director whenever a “lost-time” injury occurs.
- Every accident will be formally investigated. Investigation of all accidents and injuries shall be made by the Department Head, their designee, the Supervisor or a member of the Departmental Safety Committee.

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### SUPERVISORS

- A supervisor shall be required to investigate and document every accident and near-miss which involves personnel or equipment under their supervision. This should be for the purpose of taking or recommending corrective action, or preventing recurrence of similar accidents.

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## PROCEDURES FOR MAKING INVESTIGATIONS

- Each investigation should be started as soon as possible after the accident. A delay of only a few hours may permit important evidence to be destroyed, or removed, intentionally or unintentionally.

The following guides are to be used by persons conducting investigations:

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### ARRIVE AT THE ACCIDENT SCENE PROMPTLY

In order to obtain facts while they are still fresh, investigators should arrive at the scene as soon as possible after an accident has been reported.

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### CONDUCT INTERVIEWS WITH INVOLVED PARTIES.

The injured person, the supervisor and all witnesses will be interviewed to obtain results, and allow each person to relate what happened in his/her own way.

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## NOTE CONDITIONS AND EVIDENCE

Record information as to conditions present at the time of the accident. These could relate to weather, mechanical defects, or other unsafe working conditions. Also note any physical evidence that is available. If possible, photographs should be made of the scene.

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## NOTE ANY REFERENCE TO UNSAFE ACTS

Note any reported unsafe acts that may have contributed to the accident.

## REPORTS OF INVESTIGATION

Written reports of investigation will be as complete as possible, preferably in narrative form. The report should include information that would answer the following questions:

- WHO was injured or WHAT was damaged?
- HOW did the accident happen?
- WHERE and WHEN did it happen?
- WHO saw it happen?
- WHAT persons, equipment, materials and conditions were involved?
- WHY did the accident happen?

The investigator must be particularly thorough in determining the WHY of each accident. For example, in the case of an employee receiving an eye injury, the investigator might list the cause as “failure to wear goggles”. The WHY of this accident is: Why didn’t the employee wear goggles? Were goggles available?

If so, was the employee instructed to wear them? If so, why wasn’t the employee wearing them?

WHAT could and should have been done to prevent it and similar accidents?

## SECTION 5

### FUNDAMENTALS OF ACCIDENT PREVENTION

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#### SUCCESSFUL ACCIDENT PREVENTION

- A study of all working areas in order to detect, eliminate, or control physical hazards which contribute to accidents.
- A study of all operating methods and practices.
- Education, instruction, training and discipline to minimize human factors which contribute to accidents.

Accidents are preventable, and the identification, isolation and control of the causes of accidents are the underlying principles of all accident prevention techniques. No person in a supervisory position can be effective in the job of accident prevention without being convinced that accidents can be prevented and without a constant striving to prevent accidents in their immediate supervisory area.

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#### EDUCATION AND TRAINING

Just as safety engineering is the most effective way of preventing environmental accident causes (unsafe conditions), safety education is the most effective tool in the prevention of human causes (unsafe acts).

- Personnel will gain useful knowledge and develop safe attitudes through adequate instruction in safety principles.
- Safety consciousness developed in personnel through education will be supplemented and broadened by specific, additional, instruction in safe working habits, practices, and skills.
- Training gives each employee a personal safety tool by developing in them habits of safe practice and operation.

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#### ENFORCEMENT AND SUPERVISION

Usually accidents can be prevented through adequate safety education.

- Strict enforcement of safety practices is imperative, as accidents are frequently the direct result of violations of safety principles. This is particularly true of vehicle accidents, many of which are caused by unsafe acts constituting violations of traffic laws.
- Department Heads and Supervisors are responsible for enforcing safety standards and regulations. Failure to do so, in some cases, would be condoning conduct which may lead to an accident which otherwise would have been preventable.

- Employees who fail to comply with components of this Safety Program, as outlined in this program, may be subject to disciplinary action as referenced in this Safety Program and applicable Collective Bargaining Agreements.

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## ELIMINATION OF UNSAFE CONDITIONS

One of the most effective ways of preventing accidents is to eliminate unsafe conditions. To talk safety while unsafe conditions exist and remain unaddressed will obviously create a barrier to employee understanding of, acceptance of, and cooperation with the program.

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## SUPERVISOR INVOLVEMENT

- The supervisor must take the initiative in safety-related matters. This should be done without instruction from higher authority.
- The principle goal of the supervisor should be to search out hazardous conditions and eliminate them BEFORE they cause work interruption or injury.
- If the elimination of an unsafe working condition is beyond the supervisor's authority, it is his/her responsibility to bring it to the attention of the Department Head.

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## PROCEDURES FOR THE ELIMINATION OF UNSAFE CONDITIONS

- Remove all obstacles and impediments to the safe movement of personnel, vehicles or machines.
- Repair damaged floors, broken steps, broken glass, and cracked walls and ceilings.
- Replace worn or damaged tools.
- Install and maintain guards for moving parts of machinery, fans, etc.
- Provide protective equipment such as goggles and hard-hats.
- Insist on good housekeeping practices – remove debris, waste material and obsolete or useless equipment.
- Replace worn electrical wiring and fixtures.
- Post signs warning of hazards in certain areas.

## SAFETY ORIENTATION OF NEW EMPLOYEES

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### ATTITUDES WHICH PROMOTE SAFETY CONSCIOUSNESS

It is imperative that proper attitudes about accident prevention and safety be exhibited to all new employees by the Department Head, Supervisor and fellow employees.

New employees will be instructed that unsafe workers and work habits will not be tolerated. New employees should be told that they will always be required to obey safety rules and instructions, wear protective equipment whenever required, and attend safety meetings. These are necessary conditions which must be met in order to continue their employment with the City of Portsmouth.

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### THE SUPERVISOR WILL DO A REVIEW AND FOLLOW UP WITH THE NEW EMPLOYEE

- The supervisor will meet with the new employee, being sure to point out the possible hazards involved in doing the job.
- If possible, the new employee should be assigned to work with a safety-minded employee during the first few weeks on the job.
- The supervisor will check on the new employee at frequent intervals.
- The new employee will be asked about any problems that may have arisen.
- The new employee will be reminded of safe work practices.
- The new employee will be promptly and vigorously warned by his/her supervisor with regard to any tendency of overlooking safety procedures.

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### CONTROL OF WORK HABITS

Regardless of the degree of safety built into the job, unsafe actions on the part of human beings will always be a cause of injuries. Teaching employees good work habits means showing them how to do their tasks with less risk to themselves, less spoilage of materials, and less damage to equipment.

- Showing the “why” as well as the “how”.
  - An employee, from time to time, may need to be reminded why a safety procedure is in place. It may be necessary to insist that an employee repeat a certain step or work practice to stress the seriousness with which safe practices are regarded by the department.

- Demonstrations of “right” and “wrong” ways of performing tasks should be conducted as a basis for showing how one work habit is preferred over another.
- Providing Adequate and Constant Supervision
- Implementing Disciplinary Action for Failure to Comply
  - When the right way has been presented and agreed to by the individual workers, it is essential that failure to comply be noted. No matter how skillful an employee may be in performing his duties, if they are not performed safely, the employee will not be performing acceptably.

Flagrant or repeated disregard of safety rules should be met with appropriate disciplinary action, including discharge if necessary.

## SECTION 6

### GENERAL SAFETY PRACTICES

#### PURPOSE

It is the responsibility of the Department Head or their designated representatives to determine by examination of the job description to see which employees are exposed to hazards and see that they are afforded proper safety equipment.

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#### EYE PROTECTION

Goggles face shields, or other suitable eye protection shall be required for wear by employees whenever there is danger of exposing the eyes to flying particles, chemical substances, harmful light rays, dirt or grease falling from under vehicles or other conditions considered harmful by the Supervisor. Employees who wear corrective lenses should be required to use goggles over their corrective lenses.

- Suitable eye protection devices will be purchased and furnished by the department.  
Eye and face protection should be selected for the hazards anticipated while the work is being performed.

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#### HEAD PROTECTION

Approved hard hats shall be furnished to and shall be worn by personnel who are working in and around areas where there is a possibility of head injury from impact, falling or flying objects, or from electrical shock or burns.

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## HAND PROTECTION

- Employees may be required to use appropriate work gloves in completing their duties.
- Specialized hand protection such as rubber gloves, welding gloves, etc., shall be furnished by the department.

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## FOOT PROTECTION

- Employees are required to wear safety shoes whenever they are working in an area where heavy objects, machinery, tools, or other potential hazards pose an increased risk that foot injuries may occur.

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## CLOTHING

- Employees are required to dress appropriately. Standard dress will be trousers and shirt. Shorts and T-shirts may be worn in certain circumstances.

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## SPECIALTY PROTECTION

Some work environments require the use of special personal protective equipment such as:

- Noise limitation
- Respiratory protection against dust, fumes, vapors, smoke etc.
- Safety belts and life lines
- Self-contained breathing apparatus and
- Complete coverage of exposed skin in certain cases.

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## PREVENTION OF LIFTING INJURIES

The common types of injuries due to lifting are: (1) back strain, (2) hernia, and (3) muscle strains and sprains. These injuries can be the result of an over-stretching of certain muscles and generally can be avoided by the following proper lifting techniques and use of proper equipment.

- Do Not Attempt to Lift More Than You Should
- Never pick up anything that is too bulky or heavy for one person to handle. Get help when needed.

- Use tools such as chain falls, hand trucks, hoists, levers, power loaders, manhole cover lift system, etc., when possible rather than lifting by hand.
- Never pick up an object with a sudden jerking motion. Avoid lifting and twisting in a single motion.
- Always keep the load close to the body. Avoid over extension.

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## LIFT OBJECTS PROPERLY

- Plan your lift, and make sure that your travel path is clear.
- Get a good footing. Place feet about a shoulder width apart.
- Get a firm grip. Balance the load.
- Bend at the knees to grasp the weight. Get a good position over the load.
- Maintain the natural curve of the back. Lift with the legs and all the muscle groups.
- Look at the load and tuck in the chin to keep the neck and spine aligned.
- Lift gradually by straightening the legs. Bring the load close to the body as you lift.

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## GOOD HOUSEKEEPING PRACTICES

Good Housekeeping shall be of primary concern to all Supervisors and their employees.

- Housekeeping shall be a part of the daily routine with cleanup being a continuous procedure.
- Work areas shall be kept clear of waste or loose materials, especially in the vicinity of doorways, stairs, ramps and ladders.
- Obsolete and unusable equipment shall not be allowed to accumulate around City buildings. This includes scrap lumber, debris and spare parts.

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## OFFICE SAFETY

- An open drawer in a desk or cabinet is a hazard which can cause you or others to trip or collide. Please keep drawers and cabinet doors closed when not in use.
- Do not tilt or slump back in chairs, the added strain could cause them to break or slip, causing injury.
- If you must reach high or climb, use a safe ladder. Do not use a chair for climbing, or stand on drawers, cabinets or boxes.



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## ELECTRIC AND ELECTRONIC EQUIPMENT SHOULD BE MONITORED FOR SAFETY

- Do not attempt any electrical repairs.
- Make sure that computers are properly fixed in place, and that cords are arranged to prevent them from creating a tripping hazard.
- When using extension cords, place them so they do not lie in a traffic area (tripping hazard) or through doors which may cut the cord (electrical or fire hazard). Do not overload electrical circuits.
- Do not remove the ground prong from a three prong plug. Electrical equipment with a three prong plug requires a three-hole (grounded) receptacle. If an adapter must be used to accommodate a two prong receptacle, have maintenance personnel assure that the adapter is properly grounded.

## THE BASIC PRINCIPLES OF SAFETY

- Walk, don't run.
- Do your reading at your desk, not while walking.
- When using stairways, take your time and use the handrails.
- Don't stand in front of a closed door which might open suddenly.
- Sharpened objects such as scissors, letter openers etc., should always be faced down to prevent puncture wounds.

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## BUILDING MAINTENANCE

- Always practice good housekeeping in the workplace. Poor housekeeping breeds fire. All storage areas should be kept neat with cardboard boxes, paper and other combustible materials being removed to safe storage bins immediately.
- When replacing bulbs or fluorescent tubes, be sure that bulbs or tubes are properly locked in place and that globes and fittings are secure. Be aware that defective fluorescent tubes may contain powder which can be harmful or fatal.
- Replace broken windows and door frames promptly, and do not place broken glass in trashcans or wastebaskets which are accessible to other employees or the public.
- Always place adequate warning signs when cleaning floors, stairways, etc., Wet or slick floors, stairways or handrails can cause accidents.

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## GARAGE AND SHOP SAFETY

### General Principles of Safety

- Ensure that there is proper ventilation. Guard against carbon monoxide gas from the exhaust of running engines.
- Keep a pair of safety goggles handy and wear them when doing work in which eye protection is needed.
- Always keep a suitable fire extinguisher near at hand and ready to use.
- Keep aisles open on the floor free of tools and parts
- Be sure your feet are clear of passing automobiles or moving machinery when you get under a car, truck, or piece of equipment.
- Never allow grease or oil to remain on a floor where you or others might slip on it and fall.

## SECTION 7

### FIRE PREVENTION AND EVACUATION

#### PURPOSE

All employees should be fire conscious and take all necessary precautions to prevent fires from starting. In regards to this, some of the responsibilities of the Department Heads, supervisors and Safety Representatives are as follows:

- Instructing all employees working in a building in the proper procedure for evacuating the building, and reporting the fire.
- Ascertain that buildings or offices are free from fire hazards such as trash, rubbish, and paper, paying particular attention to flammable liquids.
- Insuring that boiler rooms are not used for storage.
- No one should be permitted to handle or use flammable liquids until they have been fully instructed in safe handling and use thereof.
- A survey of the effectiveness of fire prevention activities should be made periodically. If any findings are negative, corrective action should be taken.

You Should:

- Already be familiar with basic fire prevention guidelines.
- Have a plan for exiting your work area in case an emergency evacuation is ever called for. It is also a good idea to have an alternate plan in the event your first route of exit is blocked.

## ALL CITY FACILITIES EVACUATION PLAN

There are two basic fire-related situations that may happen in City facilities in which the staff must react. They are discovery of a fire or smoke, or hearing the fire alarm sound. This plan also relates to emergencies requiring evacuation of the building(s).

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### INDIVIDUAL RESPONSIBILITIES

- Be calm.
- Avoid panic.
- Do not run.
- Become familiar with the nearest and alternate exits from the area(s) in which you work.

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### KNOW WHAT TO DO IN CASE OF FIRE

- Sound the alarm so that evacuation may begin immediately.
- Call 911
- Stay out of the heat and smoke. Protect yourself from heavy smoke by covering your nose and mouth with a cloth (wet if possible) and move as closely to the floor as possible.

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### UPON DISCOVERY OF A FIRE, SMOKE OR SUSPICION OF A FIRE IN THE BUILDING

- Evacuate all employees and visitors from your area by the nearest exit.
- Pull the nearest fire alarm pull station. This action will sound all alarms in the building and automatically notify the Fire Department.
- If the nearest exit is too smoky for passage, use alternate exit.
- If you are unable to get out of your work area to any exit due to fire or smoke, close the door to the hallway, go to a window, open the window and call for help.
- Do not use an elevator as a means of exit as a power failure could cause you to be trapped.
- When the Fire Department arrives, be sure to notify them of the location of the fire.
- Assemble in a safe area with other people from your department and check in with your departments' safety foreman.

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### UPON HEARING A FIRE ALARM

- Evacuate all employees and visitors from your area by the nearest exit.

- If nearest exit is too smoky or blocked by fire, go to an alternate exit.
- If you are unable to get out of your work area to any exit due to fire or smoke, close the door to the hallway, go to a window, open the window and call for help.
- Do not use an elevator as a means of exit as a power failure could cause you to be trapped.
- Assemble in a safe area with other people from your department and check in with your departments' safety foreman.

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## HELP FACILITATE A QUICK AND EFFECTIVE EVACUATION OF THE AREA

- Know and follow the evacuation plan for your work area. A large fire or explosion may necessitate a change in the plan. Keep calm and follow the instructions of the emergency or Supervisory person(s) directing you to the safest exit.
- Elevators are not emergency exits and should never be used in case of a fire.
- Walk quickly to the exits. Once outside, move a safe distance away from the building to allow the firefighting equipment unhindered access to the building.
- Do not attempt to move vehicles away from the building unless so directed by your Supervisor, Fire or Police officials.
- Do not re-enter the building until Fire officials declare that it is safe to do so.

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## REMEMBER THESE FIVE BASICS IF A FIRE OCCURS:

- Keep Calm, Do Not Panic, but move quickly!
- Sound the alarm
- Call 911
- Evacuate the area

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## FIRE PREVENTION MEASURES

- Avoid overloading electrical circuits. If it is necessary to use triple or four way sockets for commonly used electrical equipment in the office, then more circuits are necessary.
- Extension cords can be a hazard especially when stapled, run under rugs or through doorways. Request additional circuits.
- Use portable electric heaters with great care. Avoid placing such appliances near combustibles. Unplug electrical heaters at the end of the workday.
- Flammable or combustible materials should be properly maintained and stored.

- Personnel should be cautioned carefully against any part of their clothing becoming contaminated with flammable fluids. It is very important that they not be allowed to continue work when their clothing becomes so contaminated.
- No one should be permitted to handle or use flammable liquids until they have been fully instructed in safe handling and use thereof.

## SECTION 8

### WORKPLACE VIOLENCE

#### WORKPLACE VIOLENCE RESPONSE GUIDELINES

Workplace violence includes any violent and/or threatening behavior in the workplace that could be interpreted by a reasonable person as an intent to cause physical harm to another individual. It can include harassment, intimidation, or other threatening behaviors that occur at work and that cause fear for one's personal safety. Threatening behavior may be verbal or non-verbal, and may, or may not, include an actual act of physical force, with or without a weapon.

A number of things in the work environment can trigger workplace violence. It can occur in offices, stores, parking lots, hotels, or anywhere an employee is, due to work requirements. Whatever the cause or whoever the perpetrator, workplace violence will not be accepted or tolerated.

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#### RECOGNIZING THE WARNING SIGNS

The following is a list of behavioral and physical signs that may serve as a warning of the potential for violence.

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#### WARNING SIGNS

- Threats, frequent aggressive outbursts, or excessive displays of temper.
- History or threats of violent acts.
- Verbal abuse of coworkers or harassment through phone calls or emails.
- Extreme statements and suspicious comments.

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#### POSSIBLE IMMINENT SIGNS

- Clenched fists
- A red or white face, or tight jaw

- Excessive sweating
- Pacing, restlessness, or repetitive movements
- Trembling or shaking
- Exaggerated or violent gestures
- Loud talking or chanting
- Shallow, rapid breathing
- Violating the personal space of others

## WORKPLACE VIOLENCE PREVENTION

Prevention requires vigilance and awareness from everyone. Remain alert to problematic behavior and report it immediately, as it could point to possible violence.

- Do take threats of workplace violence seriously.
- Do understand the existing City of Portsmouth policy on harassment.
- Do practice these safety & prevention guidelines.
- Do report offensive or intimidating behavior in the workplace.
- Do learn how to recognize, avoid, or safely diffuse potentially violent situations.
- Do alert your supervisor to concerns you have about safety or security.
- Do report violent incidents immediately.

If you are unsure what to do, share your thoughts or feelings with a supervisor, department head, human resources employee, or another professional who can help you further examine your concerns.

- Don't say, "It can't happen here".
- Don't dismiss threats of violence as "venting" or "blowing off steam".
- Instead, choose to be the one who says "no" to disrespect, ethnic slurs, and degrading behavior toward others.

## WORKPLACE VIOLENCE RESPONSE

An employee who is the victim of workplace violence should report the incident immediately or as soon as is practical to their supervisor or, if they are unavailable, to the Human Resources Department.

An employee witnessing workplace violence or the potential for such violence directed at another individual or property of the City of Portsmouth should report such incidents immediately or as soon as is practical to their supervisor; or if they are unavailable, to the Human Resources Department.

Everyone's perception of danger is different, therefore if someone is threatening you or you are feeling unsafe contact the Portsmouth Police by using any of the following options:

- Call dispatch directly at 603-427-1500, if it's practical to do so.
- Dial 911.
- Activate a silent panic button, if your area is equipped with one.
- Be alert to others around you, if you notice others expressing concern, they may feel threatened and not able to respond.

The police would rather respond to a false alarm than not be called for an actual emergency and many times just their presence can deescalate a situation.

## SECTION 9

### JOINT LOSS MANAGEMENT COMMITTEE

Consistent with RSA 277, the Joint Loss Management Committee Safety Committee shall consist of equal number of management and employee representatives. The representatives to the JLMC shall be selected by the union in which they are a member. Meetings of the JLMC shall be held at least quarterly per year, and the minutes of the meetings shall be taken and posted online. You can find the City of Portsmouth Safety Page here: [Joint Loss Management Committee | City of Portsmouth](#)

### PURPOSE OF THE JLMC

- Assist and advise management in establishing and maintaining the safety program.
- Review and update rules and programs as needed.
- Plan and coordinate inspections, committee meetings and trainings.
- Review accident and incident reports and data.

### REPRESENTATION

The JLMC will hold representatives from the following unions:

- Supervisory Management Alliance
- Professional Management Association
- AFSCME 1386A
- AFSCME 1386B
- Portsmouth Police Civilian Employees Association
- Portsmouth Police Patrolman's Union
- Portsmouth Police Ranking Officers Association
- Firefighters Association of Portsmouth
- Portsmouth Professional Fire Officers Association
- Business Administrator Portsmouth School Department
- Custodial Representative Portsmouth School Department
- Other Non-Union Representatives

## SAFETY AND HEALTH INSPECTIONS

The JLMC will oversee the annual safety inspection of all City of Portsmouth facilities. The purpose of the inspection is to identify potential hazards. A list of items to look for:

- General housekeeping
- Means of egress and exit
- Fire hazards/extinguishers
- Hazardous equipment/materials
- Ergonomic and workstation design
- Exit Signs
- Office Safety
- Hand Rails/Stairs
- Electrical Cords/Outlets
- Unsafe Storage Methods
- Snow and Ice removal



## COMMUNICATION OF IDENTIFIED HAZARDS

The Joint Loss Management Committee will share audit findings with senior management for review and corrective action plan.

## JOINT LOSS MANAGEMENT COMMITTEE MEETING MINUTES EXAMPLE

### **NHDOL EXAMPLE ONLY**

*To use this as a working document, delete all sample text in BLUE and replace with your entity's JLMC meeting information & discussions*

#### **Joint Loss Management Committee (otherwise known as JLMC or Safety Committee) Meeting Minutes**

**Entity Name:** \_\_\_\_\_

**Date of Meeting & Start Time:** \_\_\_\_\_

#### **JLMC Representatives (Name & TITLE):**

<b>Management Representatives</b>	<b>Employee Representatives (Non-Supervisory)</b>
<i>John Doe, Principal</i>	<i>Sue Safety, 3<sup>rd</sup> Grade Teacher</i>
<i>Sara Smith, HR Coordinator</i>	<i>Harold Health, Administrative Assistant</i>
<i>Jeff Jones, Maintenance Supervisor</i>	<i>Jane Doe, Paraprofessional</i>

**Lab 603.02: Must have equal numbers of employer and employee representatives or more employee than management representatives.**

**Committee Purpose:** The purpose of a JLMC is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace.

#### **Meeting Discussions (Examples):**

<i>1. Reviewed previous month's injury reports (if applicable)</i>
<i>2. Are there any injuries, illnesses, or near misses to discuss?</i>
<i>3. Review of any workplace safety concerns/trainings/inspections</i>
<i>4. Review of Safety Program Manual</i>
<i>5. Safety &amp; health training for JLMC members:</i>

○ <i>Review of applicable RSA 281-A:64, RSA 281-A:53, RSA 277, RSA 277-A, Chap Lab 1400 &amp; Chap Lab 600 (public sector employers only)</i>
6. <i>Review of any workplace safety accomplishments</i>
7. <i>Health &amp; safety topic: discussion</i>

**Chap Lab 603.03: Action Plan, Assigned Duties, & Responsibilities:**

*Schedule next quarterly meeting, post JLMC meeting minutes for employee review, chairperson elections (if applicable), annual safety inspection, relay policy statement, goals, and objectives to all employees, identify and schedule employee/job specific safety training, review employee suggestion box, attend safety training on (date).*

**Review from Previous Meetings:**

*Were there things on your to-do list from the last meeting? Were they taken care of? Have major safety hazards been communicated to all employees for caution purposes? Examples: broken stairs, loose railings, etc.*

Applicable NHDOL Statutes: [RSA 281-A:64](#), & [Administrative Rule Lab 600: Safety Programs and Joint Loss Management Committees](#)

## SECTION 10

### HAZARDOUS MATERIALS SAFETY POLICY

#### PURPOSE

The purpose of this policy is to comply with the New Hampshire “Worker’s Right to Know Law” (N.H. R.S.A. 277-A) which states that “employees who might be exposed to toxic substances during the course of their work should be informed of the nature and hazard of these substances.”

The details of this hazardous materials safety policy will be available to all employees and must be adhered to.

## USE OF HAZARDOUS MATERIALS

- All personnel using a hazardous material must be made aware of the potential hazards associated with it.
- All containers of chemicals must be labeled. When using small quantities of a chemical, use all of the chemical or return it to the original container. Never leave any quantity of hazardous material in an unlabeled or improper container.
- No food or drink shall be allowed in areas where potential toxic or harmful chemicals are stored, mixed or otherwise handled.
- Caution should be used to avoid spills or splashes when handling chemicals. Spilled chemicals should be cleaned up and disposed of immediately. Do not walk into or touch spilled chemicals.
- Wash hands frequently when handling hazardous materials.
- Wear protective clothing, respiratory protection, rubber gloves, protective goggles, and face shield when required. The safe way to handle chemicals is to treat them like they are all dangerous.
- Ensure adequate ventilation. Do not use chemicals which release toxic, noxious or harmful fumes in a confined space or an area which is not adequately ventilated.
- Avoid inhalation of fumes, smoke and vapors even if no hazardous materials are known to be involved. Do not assume that gasses or vapors are harmless because of a lack of a smell. Odorless gasses and vapors may be harmful.
- Precautions must be taken to prevent the ignition of flammable vapors. Sources of ignition include, but are not limited to: open flames, lighting, smoking, cutting, welding, heat-producing chemical reactions, radiant heat, and electrical devices. Smoke only in designated areas.
- In the case of a chemical fire, use only the correct extinguishing agent. Be aware of noxious or toxic fumes. If the fire cannot be safely and quickly extinguished, notify the Fire Department and immediately leave the area.
- If you are exposed to a chemical product, take immediate first aid precautions and seek medical attention. First aid protection instructions are provided on the Safety Data Sheet (SDS). Take the SDS and/or product label with you when you go to the hospital.
- If acid or caustic materials come in contact with the eyes or skin, flush immediately with large amounts of water. Get medical attention for any eye injury.

## SAFETY DATA SHEET (SDS)

The Public Works Facility Department will be responsible for obtaining the data sheet from suppliers. When toxic or hazardous materials are received without an SDS, a letter will be sent to the supplier requesting the SDS.

The Public Works Facility Department will be responsible for maintaining the Safety Data Sheet system for the departments. The Public Works Facility Department will review incoming data sheets for new and significant health and safety information. The Public Works Facility Department will see that any new information is passed to any effected employees.

Copies of the SDS's for all toxic and hazardous substances will be kept in the Public Works Facility Department offices, and be made available upon request to all employees.

SDS's will be available in case of emergency for review during each work shift.

In order to comply with New Hampshire State Law, the Safety Data Sheet for each toxic substance to which employees may be exposed, must be posted as close to the work area as possible. The word "Warning" must be posted either on or beside the Safety Data Sheet to draw attention to it.

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## EMPLOYEE TRAINING AND INFORMATION

The department head is responsible for all employee training. It will be the department head's responsibility to ensure that all elements of the training program are carried out.

Within the first month of employment, each employee who works with or may be exposed to hazardous substances in the course of their work will be provided with training on at least the following subjects:

- Details relating to the hazardous materials safety policy.
- Ways to detect the presence of hazardous materials.
- Physical and health hazards associated with exposure to the substances they may encounter.
- How to find, read and interpret material safety data sheets.
- Ways to protect themselves against potential health and safety hazards.
- What to do in case of emergency involving hazardous materials.

- Chemicals present in the workplace.

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## LABELING

All containers with hazardous substances brought onto City property must be labeled as to their content and hazard. It will be the responsibility of each supervisor receiving or using the chemical to ensure that this section of the policy is adhered to.

When a hazardous substance is removed from its original container and placed in another container, the new container must be labeled with either an original manufacture's label or a generic label which has the pertinent information about the chemical.

The only exception to this rule is a chemical transferred to a portable container for use by only the employee who transferred the chemical and which is intended for immediate use of the employee during their work shift. If any of the chemical remains in the unlabeled container at the end of the shift, the container needs to be properly labeled or the chemical needs to be returned to the original container.

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## CONTRACTORS

It is the responsibility of the department head to ensure that all contractors are in compliance with the City of Portsmouth's hazardous material safety policy. This includes ascertaining that the contractor furnishes the City with material safety data sheets for all products which the contractor will be using while working on City projects where City employees may be exposed to the chemical. Likewise, the City will notify all contractors of any hazardous materials being used by the City in such a manner that the subcontractor's employees may be exposed.

Containers of all hazardous materials brought onto City of Portsmouth property by contractors must be labeled as to their content and hazard. It will be the responsibility of each supervisor working with a contractor to ensure that this section of the policy is adhered to.

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## READING AND UNDERSTANDING THE SAFETY DATA SHEETS (SDS)

Hazardous materials come in three (3) basic types: raw goods, products and wastes. Training is the key to remaining safe while working with hazardous chemicals. Learn about the SDS to protect yourself, and what to do in an emergency. The Safety Data

Sheet is your best source of information on any chemical; understand it and know where to find it in an emergency.

Each section of the data sheet contains specific information about the chemical being used. A summary of each section is outlined below to help you understand where to find information you desire on the Safety Data Sheet.

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## CHEMICAL NAME

A chemical manufacturer's information is the identity as used on a label or list. It also gives the chemical manufacturer's name, address, and emergency telephone number.

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## HAZARDOUS INGREDIENTS

This section contains the hazardous ingredients contained in the chemical. This section lists the hazardous components by chemical identity or common name. It also gives OSHA's permissible exposure limits (PEL) for the chemical. The OSHA PEL limits are those limits that are an acceptable exposure for an eight hour day.

Another component of this section gives the American Conference of Government Industrial Hygienists threshold limit values. These values refer to the airborne concentration of the substance which workers can be exposed to on a daily basis without adverse effects.

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## PHYSICAL DATA

This section lists the general characteristics of the chemical, such as boiling point, vapor pressure, vapor density, water solubility, specific gravity, evaporation rate, appearance and odor. This material allows you to understand how the material will react under different temperatures, how it will react if heated, mixed with water or confined in an unventilated area.

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## FIRE AND EXPLOSION HAZARDS

Flash Point – This is the lowest temperature in which enough vapor mixture will burst into flames when exposed to an ignition source such as a spark or burning cigarette. A flash point near or below room temperature (77 degrees Fahrenheit) indicates that the material is especially dangerous because explosive vapors can form without additional heating.

Extinguishing Media – This section is important if the chemical should be involved in a fire, as it tells you what type of chemical must be used to extinguish it once it is burning. Special firefighting procedures are important to note if you are involved in putting out a fire involving this particular chemical. Many chemicals give off lethal vapor that can kill a person after only a few inhalations. It is extremely important to know if the chemical you are dealing with requires self-contained breathing apparatus or other special firefighting procedures during a fire.

## HEALTH HAZARDS

This section discusses possible routes of entry a substance may take into the body. It also discusses the acute (immediate) effects of overexposure to the chemical and the chronic (long-term) effects of exposure to the chemical.

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## REACTIVITY

This section describes how the chemical will react under particular circumstances. The stability section indicates whether the material is stable or not in its normal state and gives those conditions that should be avoided, such as ignition sources. The incompatibility section indicates which materials to avoid while using the chemical.

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## CLEAN UP AND DISPOSAL

This section indicates methods for clean-up and disposal of hazardous materials, as well as precautions to be taken by those individuals performing this task. Information listed under waste disposal method specifies what to do with the material once it is cleaned up, and whether or not the material has to be disposed of in accordance with federal, state or local regulations.

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## PROTECTIVE MEASURES

This section describes the equipment and ventilation procedures that should be used while working with the substance, such as personal protective equipment, respirators, eye protection, boots, clothes, and other protective equipment. If you do not understand the specific terminology in this or any other section, be certain to contact your supervisor before working with the chemical.

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## SPECIAL PRECAUTIONS

Information not listed elsewhere on the material safety data sheet is described in this section. It may include information on the cleaning or disposal of contaminated clothing, handling procedures, storage information etc...

Being familiar with the Safety Data Sheet and the information it contains is essential. Take time to make sure you understand it and are using the safeguards listed on the sheet before an accident occurs.

### SECTION 11

#### SLIP, TRIP, AND FALL PREVENTION PROGRAM

##### PURPOSE

Falls are the second leading cause of accidental death, nationally, and a major cause of debilitating injuries. In food service operations falls are the primary source of injuries. This program is designed to protect employees and visitors from slip-fall injuries.

##### SCOPE

This program applies to all employees, contractors, vendors, and visitors. The principal cause of falls are stepping on slippery surfaces, stepping onto material and debris, elevation changes on walkways, poor lighting, and carrying excessively large or heavy loads. Essentially the momentum of motion pushes the person off balance and a fall results.

##### REFERENCES

American National Standard, (ANSI) A 1264.1-1995 for stairs and steps design, and A1264.2 for slip-resistance measurement.

American Society for Testing and Materials (ASTM) D2047-93 F1240-89, and F802-83 for the recommended slip resistance of flooring.

Americans with Disabilities Act (ADA) recommendations for floor friction coefficients.

OSHA 29CFR1910.21, 22, and 23 sets the national standard for walking-working surfaces in the industrial environment.



## DEFINITIONS

**Coefficient of friction** – This is the measure of how slippery a floor is under dry conditions. Stated formally, it is the magnitude of the horizontal force required to start an object slipping divided by the weight of the object. The generally accepted value is greater than 0.5 for most general use floors.

**Friction** – The resistance between shoes and the walking surface. The loss of traction, or increase in friction can result in a fall.

**Handrail** – Horizontal, sloping, or vertical member normally grasped by hand for support. It may be part of the railing system. Every set of steps having three treads and four or more risers shall be equipped with stair railing. Stairways which are less than 44 inches wide shall have at least one handrail, preferably on the right side descending. Stairways in excess of 88 inches wide shall have one handrail on each side, and an intermediate stair rail midway in the width of the stairway.

**Hazardous location** – These include any opening in the walking surface, open sided floors, and any location where a predictable walking routine may be interrupted. Principal hazards include uneven walking surfaces, holes, stairways, and wet areas.

**Level or elevation changes** – Unexpected changes in the walkway or sidewalks which create hazards for walkers.

**Pit, trap door, and manhole floor openings** – Every opening shall be guarded by a load-bearing cover. When the cover is not in place, the opening shall be protected by a removable railing system.

**Proper ladder use** – Ladders are required to be maintained in good condition and appropriate for the job at hand. Makeshift ladders, stacks of materials, and ladders which are not suited for the job at hand should not be used.

**Ramps** – Should not be steeper than 30 degrees from the horizontal, and if steeper than 20 degrees, the ramp should be equipped with handrails.

**Slip-fall** – The loss of balance caused by insufficient friction between the feet and the walking surface.

**Slip resistance** – All treads shall be of slip resistant material. Employees are encouraged to wear shoes with slip resistant soles.

**Slope** – Fixed stairs and steps shall be installed at angles to the horizontal of 30 to 50 degrees, with the preferred slope being 30 to 35 degrees. Heavier use areas should have lower slopes to reduce the chance for stumbling.

**Stair design** – Standardization of steps and ramps is needed to prevent accidents. Pedestrians need to have stairs and steps which are predictable in construction to avoid falling. Walkways which change in slope and have unmarked single steps should be avoided. Risers and treads should be uniform and have uniform dimensions to avoid tripping.

**Trip-Fall** – A loss of balance caused by poor lighting, walking on loose surfaces, and uneven footing.

**Uniformity of risers and treads** - Riser height and tread depth shall be uniform throughout any flight of stairs or steps. Stairs should also be constructed to be comparatively uniform at UNM buildings. Sidewalks should be free of unexpected level changes, holes, slopes, obstructions, and single steps.

## RESPONSIBILITIES

**JLMC**– will monitor slip-fall accident occurrences and determine physical areas which need improvement or modifications. The JLMC will inspect buildings for hazards and inform Facilities of hazards which are identified. Floor surfaces will be checked, as requested, for friction to assure the surface is not slippery.

**Public Work Department** – Custodians must place barricades when the floor they are working on is wet. "Wet Floor" signs are preferred, and the entire work area should be visible from either end. These signs must be taken down when the work is complete, so pedestrians will understand that the signs notify them of actual hazards. Non-skid mats should be placed at entrances during inclement weather.

**Supervisors** – Supervisors and managers should assure that this policy is followed, and that employees are also instructed in this policy and in the tenets of the General Housekeeping Program. Employees must take the initiative to clean spills promptly, to avoid carrying heavy loads, and to be diligent in keeping debris from the walk areas. The supervisor can notify HR for assistance in dealing with unsafe conditions.

**Employees** – Employees have a general obligation to clean up spills, pick up debris, and take precautions that other persons are not injured on city property. Employees also must report hazards to supervisors or managers for repairs.

## PRACTICES

Slip-fall accidents include falls incurred in buildings, and on the grounds, but are usually falls on the same floor level or simple falls to the ground, floor, and stairs.

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### HOUSEKEEPING PROCEDURES PREVENT THE MAJORITY OF SLIP-FALL ACCIDENTS.

- "Ice walking" is the practice of taking short steps when walking on slippery surfaces to keep the center of balance under the body and on the feet.
- Close file drawers when leaving the area. Open cabinets account for many falls in the office environment.
- Clean up spills immediately. Most persons do not expect spills, and as such, spills become hazardous.
- Electric cords should not be placed in walking areas. If necessary, purchase a rubber step-over strip to cover the cords. Persons can fall when their feet become entangled in the cords.
- Mats should be placed at the doors during rain and inclement weather so that moisture is not spread in the hallways.
- Mats and non-slip coatings are recommended for food service preparation areas.
- Aisles should be marked in warehouse and storage areas and should be maintained free and clear of material.
- Proper footwear help to prevent accidents. An efficient way of increasing the coefficient of friction is to wear shoes appropriate for the conditions.
- Shoes having neoprene soles are used on most surfaces, but are not recommended for oily conditions.
- Crepe soles are recommended for wet or dry rough concrete, but are not suggested for tile, smooth concrete or wood surfaces.
- Leather soles can become slippery if wet, and are not recommended for dry smooth concrete or tile.
- Soft rubber soles are preferred for dry surfaces, but are not suggested for wet surfaces or greasy concrete.
- Hard rubber soles are best for greasy concrete and wood. They are not recommended for ceramic tile, dry or wet concrete and dry wood.

## SECTION 12

### BOILERS AND PRESSURE VESSELS

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#### OPERATORS

All boiler operators should be experienced and competent in boiler operation and maintenance. They should be provided with and be familiar with the boiler manufacturer's operation and maintenance manual for the boiler being operated.

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#### CUT-OFFS

All suspended, fuel fired boilers shall be equipped with low water fuel cutoffs that will automatically shut off the burners in the event the water level drops below the safe level stipulated by the boiler manufacturer. They shall be of the manual reset type so that an operator will first check the reason for the low water cut-off prior to refiring the boiler.

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#### SWITCHES

All suspended fuel fired boilers shall be equipped with upper limit pressure and temperature switches that will automatically shut off burners if pressure or temperature limits, as set by the boiler manufacturer, are exceeded. These switches shall be of the manual re-set type, so that an operator will first check the cause of an upper limit having been reached

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#### CONTROLS

All suspended fuel fired boilers shall be equipped with electronic combustion controls, including pilot and main burner flame detection systems. These controls shall automatically program a burner system for proper start-up, including purging and flame monitoring so as to automatically shut off burners if improper furnace conditions exist on startup, ignition, and main flame firing. Furnace shall be properly purged at least five furnace volumes before any relighting is attempted after any burner shut down or loss of flame.

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#### VALVES

Each boiler shall be equipped with an ASME approved safety relief valve, properly stamped for pressure and capacity. This pressure and capacity shall match the allowable working pressure for the boiler, and the capacity rating for the boiler.

Safety relief valves will be tested manually by means of the testing lever at least once a week on construction sites, but preferably daily at the beginning of daily operations. If a safety relief valve does not operate or malfunctions, operate boiler with continuous

operator attendance, watching pressure gauge, and immediately get safety relief valve repaired or replaced.

## SECTION 13

### LOCKOUT/TAGOUT POLICY

#### PURPOSE

A Lockout/Tagout policy is being implemented by the City of Portsmouth to prevent injuries caused by unexpected energization, start-up or release of stored energy during servicing and/or maintenance of machines, equipment, or vehicles in accordance with requirements established by the Occupational Safety and Health Act (OSHA) Standard 29 CFR 1910.147, The Control of Hazardous Energy (Lockout/Tagout). The purpose of this policy is to establish written working procedures in order to protect employees from injury that may be caused by the uncontrolled release of energy during servicing, maintenance or similar operations.

#### DEFINITIONS

**Lockout/Tagout:** The placement of a lock/tag on the energy isolating device in accordance with an established procedure indicating that the energy isolating device separates a machine or piece of equipment from an energy source.

**Lockout Device:** A device that utilizes a positive means such as a lock to hold an energy isolating device in the safe position and prevent the energizing of a machine or equipment.

**Tagout Device:** A prominent warning device, such as a tag, which can be securely fastened to an energy source in accordance with an established procedure, to indicate that the energy source and the equipment being controlled may not be operated until the tagout device has been removed. The tagout device shall be attached by a durable, non-reusable device (such as a wire tie).

**Energy Isolating Device:** A physical device that prevents the transmission or release of energy including, but not limited to the following: a manually operated electrical circuit breaker, a blind, a line valve, blocks, and similar devices with a visible indication of the position of the device.

#### ENFORCEMENT

The City Manager will be ultimately be responsible for the enforcement and implementation of this policy. Department Heads will be responsible to ensure proper training of all authorized and affected personnel, provide the proper equipment and, once the policy has been implemented, to enforce its adherence. They will use all means necessary to ensure compliance with this program including, but not limited to,

incentives, disciplinary action, and/or termination of employment. The Human Resources Director will maintain administrative responsibility for this policy.

## PREPARATION

Upon determination of the need to conduct an operation that may present the opportunity for the uncontrolled release of energy, the Authorized Person shall contact the Department Head. The Authorized Person shall refer to the equipment specific Lockout/Tagout instructions to identify the type and magnitude of all sources of energy related to that particular piece of equipment, and will refer to the sequence of Lockout/Tagout in order to conduct the Lockout/Tagout operation.

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## SEQUENCE OF LOCKOUT/TAGOUT OPERATION

Regardless of which piece of equipment or machinery is involved in the Lockout/Tagout operation, the following sequence of events shall be conducted in addition to those included in the equipment specific instructions.

1. Proper notification shall be given to all Affected Personnel working in the area. Messages, notes or other forms of written communication are not considered proper forms of notification. In order to ensure that a person has received pertinent information regarding a Lockout/Tagout operation, they should be informed verbally by the Authorized Person. Tags and written forms of communication may be used to supplement verbal information.
2. If the equipment is operating, shut it down by the normal stopping procedure (depress the stop button, open toggle switch, etc.).
3. Refer to the individual machine Lockout/Tagout instructions which are attached to that particular machine to determine the energy control device(s) that need to be isolated. Conduct the steps outlined in the instructions for the proper isolation of all energy sources.
4. Dissipate or restrain all sources of stored energy (hydraulic systems, springs, air, gas or water pressure, rotating flywheels, etc.) by methods such as repositioning, blocking, bleeding down, etc... Precautionary measures must be taken to prevent re-accumulation of stored energy.
5. Lockout energy isolating devices with an approved and assigned individual lock(s). Specialized lockout devices may be needed for effective implementation.
6. Attach a Tagout device with the lock. Make sure that the date and the identity of the person who placed the lock is noted on the tag.
7. While using extreme caution to ensure that all personnel are safely positioned, test the equipment while attempting to operate the start-up device to make certain that the machine is disconnected from all energy sources. IMPORTANT: Return operating controls to the OFF position after this test.

8. After completing the sequences outlined here and in the particular machine instructions, proceed with caution to conduct necessary servicing, maintenance or other similar operations.
9. Following the servicing/maintenance operation, and before Lockout/ Tagout devices can be removed, certain steps must be taken to Re-Energize the equipment.
10. Assure that the machinery and equipment components are operationally intact.
11. Make certain that all tools and other unnecessary items are removed from the area.
12. Notify Affected Persons that Lockout/Tagout devices are being removed, and ensure that all persons are safely positioned away from the equipment.
13. Assure that the Lockout/Tagout devices are removed from each energy isolating source by the person who applied the device. Perform the starting procedure to restore energy to the machine or equipment.

## **NEVER REMOVE ANOTHER EMPLOYEE'S LOCK/TAG**

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### **PROCEDURE INVOLVING MORE THAN ONE PERSON**

In the proceeding steps, if more than one individual is required to Lockout/Tagout equipment, each person shall place his/her own personal lockout device on the energy isolating device(s). When an energy isolating device cannot accept multiple locks or tags, a multiple Lockout/Tagout device (hasp) may be used. A single lock may be used to lockout the machine or equipment with the key being placed in a lockout box or cabinet which allows the use of multiple locks to secure it. Each employee will then use his/her own lock to secure the box or cabinet. As each person no longer needs to maintain his/her lockout protection, that person will remove his/her lock from the box or cabinet.

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### **BASIC RULES FOR LOCKOUT/TAGOUT SYSTEM PROCEDURE**

- All equipment shall be locked out and tagged out to protect against accidental or inadvertent operation which could cause injury to personnel.
- Do not attempt to operate any switch, valve, or other energy isolating device when it has been locked and tagged out.
- Tags will never be used in place of, or without a lock on a piece of equipment that is capable of being locked out.
- No person may remove another person's lockout or Tagout device except under the following circumstances:
- If an employee has left the facility without removing their lock, the Supervisor/Department Head must call or contact that employee and either has them return and remove their Lockout/Tagout device or receive their permission

to remove the lock. If permission is granted by the employee, then the lockout device may be removed by the Supervisor/Department Head.

- Any employee who decides by themselves that the lockout device of another employee shall be removed, and removes the device without following the previously stated procedures, may be subject to disciplinary action
- If all attempts to locate the employee whose lockout device was left in place have failed (including a search of the work area and facility), the lock may be removed by the Supervisor/Department Head.
- Lockout device removal shall not be performed until the knowledgeable parties have satisfied themselves that the work has been completed and the equipment is safe to operate.

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## SHIFT OR PERSONNEL CHANGES

In the event that personnel shall be replaced due to a change in work shift, the Department Supervisor shall ensure that there is an orderly continuity of Lockout/Tagout protection. When equipment is locked or tagged out and a shift change occurs, one of the following procedures must take place, depending on the appropriate situation:

- The off-going employee informs the in-coming shift employee of the purpose of the lock or tag and an orderly transfer of the Lockout/Tagout device is performed in the presence of the on-coming employee. Prior to the transfer, the on-coming employee must ensure that the Lockout/Tagout procedure performed by the off-going employee was conducted in accordance with the most current SOP.
- If the off-going employee requires the equipment to be locked or tagged out, and the on-coming employee is unavailable, the Shift Supervisor will place his/her Lockout/Tagout device on the equipment in the presence of the off-going employee. The Lockout/Tagout device is now in the control of the Shift Supervisor. If the Lockout/Tagout device needs to be removed or the control transferred, such removal or transfer will be performed by the Shift Supervisor, as required by this section.

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## TRAINING

The City of Portsmouth shall ensure that the appropriate employees are trained on the purpose and function of the Lockout/Tagout program as required by 29 CFR 1910.14.

Each Authorized Employee will be trained in the Lockout/Tagout program. Authorized Personnel will be trained by a designated employee trainer. At a minimum the training will include:



- Recognition of applicable hazardous energy sources.
- The type and magnitude of the energy available in the workplace.
- Methods and means necessary for energy isolation and control, and,
- Proper lines of communication as to why, when, whom, etc.
- Affected Personnel will be trained by the designated trainer. Each Affected Employee will be instructed in the purpose and use of the Lockout/Tagout program.
- In cases where a lock cannot be used and a tagout system is used solely, employees shall be trained in the following limitations:
- Tags are simply warning devices attached to energy isolating devices and do not provide the same positive restraint as a lock.
- Tags are to be removed only by the Authorized Person who applied it, and must never be by-passed, ignored or otherwise defeated.
- Tags must be legible and understandable.
- Tags and their means of attachment must be made of materials able to withstand the environmental conditions of the workplace,
- Tags may evoke a false sense of security, and therefore, the meaning and limitations of tags must be understood.
- Tags must be securely attached to the energy isolating devices so that they are not inadvertently detached during use.
- Tags and locks shall be uniform at all times.
- New employees will be trained in Lockout/Tagout procedures and policies prior to entering an area where Lockout/Tagout is being implemented.

Retraining shall be provided for all Authorized and Affected Personnel whenever there is a change that presents a new hazard or when there is a change in the Lockout/Tagout procedure. This retraining shall be provided annually or whenever a periodic inspection reveals that there is a deviation from the program, or inadequacies in the employee's use or knowledge of the procedures becomes evident.

All employees trained in the Lockout/Tagout program shall have their names and dates of the training documented. This documentation shall include a brief description of the content of the training received and the name of the person(s) who performed the training. This information will be kept on file in the Human Resources Department.

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## OUTSIDE CONTRACTORS

Prior to any contractor beginning work for the City of Portsmouth, the City Engineer must be consulted as to the location and type of work being performed. Whenever outside servicing personnel are to be engaged in activities covered by the scope and applications of this standard, the outside employer (contractor) will follow the City of Portsmouth's Lockout/Tagout program unless doing so compromises the safety of the worker's performing the service. In such an instance, the outside employer's Lockout/Tagout program will be followed if it provides greater protection for the employees. In addition, if either the City of Portsmouth's Lockout/Tagout procedures are changed or the contractor's Lockout/Tagout procedures are used, information concerning existing or potential hazards shall be exchanged before any work is performed.

The City of Portsmouth shall ensure that all personnel in affected areas understand and comply with the servicing contractor's Lockout/Tagout procedures if their procedures are used under the previously stated circumstances. The City of Portsmouth shall ensure that personnel understand and comply with restrictions and prohibitions of the contractor's procedures.

The City of Portsmouth will provide contractors with a copy of its Lockout/Tagout and Hazardous Communications programs.

Any employee failing to follow Confined Space Entry Policy or failing to report the existence of unsafe conditions shall be subject to disciplinary action including suspension or termination.

## SECTION 14

### CONFINED SPACE ENTRY PROGRAM

#### PURPOSE

The purpose of this program is to protect employees from the hazards of entry into required confined spaces; identify and evaluate the hazards before entering them; and to develop and implement the means, procedures and practices necessary for safe entry operations.

- No person shall enter a confined space without a written permit.
- Confined Spaces can be hazardous, and they can be hazardous in a variety of ways.

Oftentimes the confined space will not appear to be hazardous; it may have been entered on previous occasions without incident, and may give no signs of apparent danger. At other times there may be ready indications of danger: the distinct odor of irritating or toxic atmospheres, the presence of arcing electrical equipment, continued mild shocks or flowing grain or sand. By their nature, confined spaces concentrate hazards, in that certain gases will displace breathable air, or that the confined space will allow the

accumulation of toxic hazards or flammable or explosive atmospheres; and physical hazards, in that confined spaces limit the ability to avoid contact with electricity, moving mechanical components or unstable substances. Recognition of the inherent capacity of these spaces to harbor hazardous agents is a significant element in any workplace hazard assessment. When confined spaces are recognized to be hazardous, provisions for minimizing the need for entry and for use of appropriate work practices and equipment can be made.

## DEFINITIONS

**Acceptable Entry Conditions** means the conditions that must exist in a permit space to allow entry and to ensure employees can safely enter into and work within the space.

**Attendant** means an individual stationed outside a space that monitors entrants and performs attendant duties.

**Authorized Entrant** means an employee who is authorized by the employer to enter a permitted space.

**Confined Space** means a space that: (need all three)

- Is large enough and so configured that an employee can bodily enter and perform assigned work and;
- Has limited or restricted means for entry or exit (for example: tanks, vessels, silos, storage bins, hoppers, vaults and pits are spaces that may have limited entry.) and
- Is not designed for continued employee occupancy.

**Entry Permit (permit)** means the written document that is provided by the employer to allow and control the entry into a permitted space.

**Entry Supervisor** means the person (such as the employer, foreman, or crew chief) responsible for determining if acceptable entry conditions are present at a permit space.

**Hazardous Atmosphere** means an atmosphere that may expose employees to the risk of death, incapacitation, and impairment of the ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

- Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);
- Airborne combustible dust at a concentration that meets or exceeds its LFL; Note: This concentration may be approximated as a condition in which dust obscures vision at a distance of 5 feet or less.
- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent.
- Atmospheric conditions of any substance for which a dose or a permissible exposure limit is published in Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances.
- Any other atmospheric condition that is immediately dangerous to life or health.

**Hot Work** means any work involving burning, welding, riveting, or similar fire producing operations which produces a source of ignition.

**LEL Lower Explosive Limit**, the minimum concentration of a combustible gas or vapor expressed as a percent of volume of air which will ignite if any ignition source is present.

**Permit-required confined space (permit space)** means a confined space that has one or more of the following characteristics:

- Contains or has the potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing the entrant;
- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or floors which slope downwards and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

**Qualified Person** a person designated by the employer, in writing, as capable of (by documented education of specialized training,) anticipating, recognizing, and evaluating employee exposure to hazardous substances or other unsafe conditions in a confined space. This person shall be capable of specifying necessary control and/or protective action to insure worker safety.

### **Responsibility**

It is the responsibility of the City of Portsmouth to evaluate the workplace to determine if any spaces are permit required confined spaces.

For the purpose of this program the Foreman will define those areas under his/her jurisdiction deemed to be non-permit and permit confined spaces. Written determination and classification shall be forwarded to the Director of Public Works for approval. Final classification determination worksheets shall be included at the end of this section of the Safety Manual.

No employee shall enter a confined space until the entry permit is authorized by the responsible supervisor or designed team leader who is a “qualified” person and all preparations for entry are complete. An employee shall continue to work in the confined space only if all permit conditions continue in effect. Otherwise, the employee shall evacuate the confined space immediately and not return until permit conditions are re-established.

Any employee failing to follow Confined Space Entry Policy or failing to report the existence of unsafe conditions shall be subject to disciplinary action including suspension or termination.

### **SCOPE**

This Confined Space Entry Policy is designed to provide employees of the City of Portsmouth’s Department of Public Works with an understanding of safety and health hazards associated with working in confined spaces and to furnish written procedures that must be followed to eliminate or reduce these hazards to acceptable levels. These

guidelines will be the basis of all in-house training programs for all employees at all levels in both performing and supervising work in confined spaces throughout the City. These confined space entry procedures, based primarily on the issuance of a complete and comprehensive entry permit, has been designed so as to minimally interfere with the timely completion of most daily work objectives and to fix accountability for worker safety awareness and degree of training at each employee level in the Department.

For entry into a permit required confined space, a minimum of two people are necessary outside, in order for one person to enter. The authorized entrant, the entry supervisor, and the entry attendant shall all be trained in confined entry procedures as outlined in this program.

No person(s) shall enter a Permit required or a Class A confined space without first determining if atmospheric permits safe entry. At a minimum, testing shall be made for oxygen content, combustibility, and known toxic gases. Upon entry, continual monitoring shall be provided to determine if any atmospheric changes occur during the entry. Should monitoring indicate a condition change from acceptable to unacceptable atmosphere, the entrants shall immediately evacuate the confined space.

All personnel entering a confined space shall wear a safety harness and be fastened to a retrieval device. Outside attendants sole responsibility will be to monitor the health and safety of the entrant. They shall be fully prepared to retrieve the entrant or summon help in the event of an emergency. Neither the entry supervisor nor the entry attendant shall perform any other task(s) during the period that any person is inside a confined space.

Personal protective equipment will be dictated by the space being entered as well as any material or conditions within the confined space. Personal protective equipment, (i.e., gloves, safety glasses, face masks, hard hats, flash lights, earplugs, etc.,) shall be considered disposable items and be made readily available to confined space entry personnel.

Safe adequate lighting should be provided. Only explosion proof flash lights should be used when entering a confined space where the potential for explosion exists. External lighting should be kept at a distance to eliminate a possible ignition source.

Communication between the personnel inside the confined space and those outside should be maintained on a continuous basis. Direct voice and observation is the preferred method. However, other means such as radio, air horn, rope pulls, and hand signals may be utilized as well.

Ventilation, either natural or mechanical shall be provided within the confined space on a continual basis. Ventilation shall begin at least 15 minutes before the first entry is made into the space and run without interruption until the entry permit is terminated.

Any means of lifting or lowering equipment shall be independent of personnel retrieval systems. At no time is the entrant authorized to remove the retrieval cable/rope to which they are attached. Suitable ladders shall be provided in order for entry/exit of the confined space. A ladder to facilitate evacuation shall remain connected to any confined space entry way at all times.

When working on any electrical component, that component should be locked out and tagged to prevent any accidental motor engagement or electrical shock. A good practice and prudent precautionary measure, is to lock out all unnecessary electrical equipment that may create a hazard when working in a confined space.

This philosophy of isolating potential hazards is also applicable to pipes and valves.

Whenever practical, any open channel or piped flows into a confined space should be eliminated entirely or limited through valves, by-passing, plugging or pumping. In all cases, confined space entrants need to be aware that hazards may arise from sources other than those associated with the immediate task being performed.

#### CONFINED SPACE EXAMPLES

- All sewer manholes
- All sewer and water pump station wet wells
- All water towers and chemical storage tanks
- Storm water Collection Systems
- For areas not listed here, see Foreman before entry is made.
- Bar rack decks for Main Sewer Pump Stations
- Dry Well areas for Sewer Pump Stations
- Pump Room of Pumping Station
- Pipe Gallery for City Well
- Static Mixer Vault at Water Plant
- For areas not listed here, see foreman for determination before entry is made.

## RESCUE PROCEDURES IN CONFINED SPACES

If an employee observes that a co-worker in a confined space is injured, non-responsive, or otherwise in danger, the following procedures shall be followed by the stand-by person:

- The stand-by person shall not enter the confined space.
- Stand-by persons at departmental facilities with immediate access to telephones shall call 911 directly. The following information shall be furnished to the department office personnel and the 911 dispatcher:
  - Identification of caller
  - Nature of emergency (i.e., “worker non-responsive in man-hole”)
  - Number of victims
  - Exact location, whether in the field or within a City facility
  - Available information relating to the extent of injuries (i.e., broken bones, etc.)
  - Available information as to atmospheric hazards (i.e., oxygen deficiency)
- The stand-by person shall assess the situation and, if immediately possible remove or secure the victim from further danger without entering the confined space.
- Example: secure rope line from harness to keep victim’s upper body out of the water, etc.

Rescue efforts at the scene shall be coordinated by the highest ranking department employee present until the arrival of the Portsmouth Fire Department. The Fire Department officer responding shall be briefed by the employee present, and will assume charge of coordinating all rescue efforts.

## TRAINING PROGRAM FOR CONFINED SPACE ENTRY POLICY

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### CONFINED SPACE HAZARDS

The hazards associated with a confined space can be divided into two categories, environmental hazards and physical hazards. Environmental hazards include: oxygen deficient and toxic atmospheres, breathing and eye irritants, and, fire and explosion hazards. Physical hazards result from slips and falls, moving equipment, electrical shock, high temperature, noise, and from improper selection and use of tools.

In guarding against both physical and environmental hazards in confined spaces, the primary prevention device is awareness. Proper training, the use of safety equipment, and attention to potential dangers will reduce employee carelessness which is the cause of most employee accidents.

- All Public Works personnel shall be trained upon implementation of the confined space entry policy.
- New employees shall be trained within thirty (30) days of hiring and shall not be assigned to any confined space entry jobs until such training is completed.
- Refresher training shall be held as necessary, at least annually, to keep personnel up-to-date on confined space hazards and entry procedures.
- Training shall be documented as to date, content, and trainee/trainer signatures.
- Training shall include (within thirty (30) days of hiring):
  - Definition of a confined space and identification of specific confined spaces within the department.
  - A description of the potential hazards and classification system of confined spaces including the department posting procedures.
  - Review of the entire confined space entry policy with special attention to entry, permit, and rescue procedures.
  - Proper use of personal protective equipment, and other safety and monitoring equipment.

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SEE NEXT PAGE FOR CONFINED ENTRY PERMIT EXAMPLE





**CITY OF PORTSMOUTH**  
**SEWER/STORMWATER DEPARTMENT**  
**CONFINED SPACE ENTRY PERMIT**

Date \_\_\_\_\_ Location \_\_\_\_\_ Type of Space/# \_\_\_\_\_  
Reason for Entry \_\_\_\_\_  
Persons(s) Entering \_\_\_\_\_  
Form Completed By \_\_\_\_\_

**PREPARATION**

1. Check air monitor calibration status and battery condition.
2. Arrange for ventilation equipment and power supply.
3. Arrange for standby person and communication.

**ON-SITE MONITORING**

1. Test air at top of space through the cover. Record the results.
2. If acceptable, open the cover. Test air at the bottom of the space. Record the results. If the combustibility reading at the bottom is greater than the top of the space, notify your supervisor and EH&S. **DO NOT ENTER THE SPACE!**
3. If air is not safe, ventilate, purge and retest. If atmosphere does not clear, **DO NOT ENTER!**
4. Ventilate space according to purge chart on back of this form - 5 minutes minimum.
5. Monitor continuously, recording results every two hours. Retest the air after breaks and lunch.

**MEASUREMENT**

Instrument # _____	Calibration Date _____				
TIME	OXY	CO	H2S	COMBUSTIBILITY	OTHER
	Safe Range (19.5-23.5%)	Safe Range (<35ppm)	Safe Range (< 10ppm)	Safe Range (< 10%)	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

If an emergency should occur, first summon help. Call 911 (6111 at Med. Ctr) and request help from the fire department. Tell the operator you have a "manhole rescue situation." If a person is down for no apparent reason, you must assume that toxic gases or oxygen deficient atmosphere conditions exist. **DO NOT ENTER THE SPACE** - fire department personnel using self-contained breathing apparatus and full protective gear will manage the rescue effort.

Date/Time Entered \_\_\_\_\_ Date/Time Exited \_\_\_\_\_  
Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Keep this log at work site during the operation. Complete the form and return it to your supervisor when finished.**

## SECTION 15

### DEPARTMENT OF LABOR RULES

The State of New Hampshire was one of the first states in the union to recognize the need to enact legislation to protect the safety and health of its workers.

The Safety & Training Division of the Department of Labor is responsible for administering and enforcing the following laws:

#### **Appendix A**

[Chapter 281-A](#) Workers Compensation Law

#### **Appendix B**

[RSA 281-A:64](#) Safety Provisions; Administrative Penalty

#### **Appendix C**

[RSA 277](#) Safety & Health of Employees

#### **Appendix D**

[RSA 277-A](#) Toxic Substances in the Workplace

#### **Appendix E**

New Hampshire Administrative Rule [Chapter Lab 600 Safety Programs and Joint Loss Management Committee](#)

#### **Appendix F**

New Hampshire Administrative Rule [Chapter Lab 1400 Safety and Health of Employees](#)

#### **Appendix G**

[Section 157-A:1](#) Boilers and Pressure Vessels

#### **Appendix H**

[Chapter 157-B](#) Elevators and Accessibility Lifts

## APPENDIX A

# 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.

## APPENDIX B

# 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.

## APPENDIX C

### TITLE XXIII LABOR

#### Chapter 277 SAFETY AND HEALTH OF EMPLOYEES

##### Generally

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#### 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.

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#### 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.

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#### 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

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### 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.

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### 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.

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### 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.

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#### 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.

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#### 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.

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### 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.

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### 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.

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#### SECTION 277:8

**277:8 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –**

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#### SECTION 277:9

**277:9 Repealed by 1985, 243:8, eff. Jan. 1, 1986. –**

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#### 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.

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#### 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.

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#### 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

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### 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.

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### 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.

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### 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.

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### 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.

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### 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.

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#### 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.

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#### 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.

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#### 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.

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#### 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.

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#### SECTION 277:19

**277:19 Repealed by 1963, 220:6, eff. July 1, 1963. –**

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#### 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.

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#### 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.

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#### 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.

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### PROCEEDINGS BEFORE THE COMMISSIONER

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#### 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.

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#### 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.

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#### 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.

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### REVIEW OF ORDERS

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#### 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.

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#### 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.

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#### 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.

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#### 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.

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### APPEALS FROM ORDERS

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#### 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.

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#### 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.

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#### 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.



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## 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

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## 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.

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## 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.

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## 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.

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#### 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.

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#### 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.

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#### 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.

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#### 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.

# 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.



## APPENDIX E

### **Lab 600 Safety Program Guidance**

**Employers with 15 Employees (full and/or part-time) or more shall have a Written Safety and Health Program**

- Guidance for creation of a Written Safety and Health Program is provided in the online guide booklet, "[A Guide for Developing A Written Safety Program And Lab 600 Rules](#)"
- Please refer to Lab 602.01 prior to submittal of your Written Health and Safety Program.

**Employers with 15 Employees (full and/or part-time) or more shall file a Safety Summary Form *ONCE***

- The Safety Summary Form (SSF) is a *summary* of your written safety and health program
- Available as a fillable [PDF online](#)
- Safety Summary Form Guidance [instructions](#)

**Employers with 15 Employees (full and/or part-time) or more must establish a Joint Loss Management Committee (JLMC, otherwise known as a Safety Committee)**

- The JLMC must have equal representation of management and employee non-management members, or more employee non-management than management members.
  - Management personnel have the ability to hire & fire and/or make purchases on behalf of the company.
  - Employee non-management personnel do not have the above permissions.
  - See Lab 601.01 for more information.
- Must meet, at minimum, quarterly
- Must document meeting minutes and make available for review of all employees

**All safety documentation submitted to the NHDOL is reviewed by a Safety Inspector**

Common reasons safety documentation may not be accepted during review are:

- No job titles listed for representatives on your JLMC
- More JLMC management representatives than employee non-management representatives
- JLMC meeting minutes are not related to employee safety topics
- Provisions of Lab 602.01 were not included as part of your Written Health and Safety program

### **Sign Up For E-Mail Alerts**

From time to time, the Department of Labor issues informational alerts of interest to individuals and businesses in New Hampshire. The alerts may announce new laws, changes to existing labor law and rules, or announce department-sponsored events or training seminars. You will receive an email with a confirmation link after you enter your subscription information. You will need to use the link in the confirmation email to activate your email alert subscription.

**Sign up for e-mail alerts.** Please visit our website at: [www.nh.gov/labor](http://www.nh.gov/labor)

- Under "How Do I?" on the right side of the page, "Subscribe to Labor Email Alerts"
  - Sign up for Labor Law Seminars: "Register For Labor Law Seminars"

**Questions?** Contact us by e-mail at [Safety@dol.nh.gov](mailto:Safety@dol.nh.gov) or by phone at (603) 271-6850 or (603) 271-6297

## 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

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;

## PART Lab 602 SAFETY PROGRAMS

- (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

## APPENDIX F

### 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](mailto: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](mailto: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 attentions 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 per cent;

(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)
1/2	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, RSA277:11, 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: <a href="http://mutcd.fhwa.dot.gov/pdfs/2009/part6.pdf">http://mutcd.fhwa.dot.gov/pdfs/2009/part6.pdf</a> and Links to hard copy publications can be found on their web site at <a href="http://mutcd.fhwa.dot.gov/ser-pubs.htm">http://mutcd.fhwa.dot.gov/ser-pubs.htm</a>.</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>



## APPENDIX G

### CHAPTER 157-A

#### BOILERS AND PRESSURE VESSELS SECTION 157-A:1

**157-A:1 Title.** – This chapter shall be known and cited as the Boilers and Pressure Vessels Law and, except as otherwise provided in the chapter, shall apply to all boilers and pressure vessels.

**Source.** 1967, 236:1. 1988, 31:2, eff. May 23, 1988.

#### SECTION 157-A:2

##### **157-A:2 Definitions.** –

In this chapter:

I. "Owner" means a person, partnership, association, or corporation who is the holder of title to, or who leases a boiler or boilers or pressure vessels from the holder of title to, a building in which there are a boiler or boilers or pressure vessels as defined in this section.

II. "Commissioner" means the commissioner of labor.

III. "Boiler" means a closed vessel in which water or other fluid is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. This term also includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term "boiler" shall also include the apparatus by which heat is generated and all controls and safety devices associated with such apparatus or closed vessels.

IV. "Power boiler" means a boiler in which steam or other vapor (to be used externally to itself) is generated at a pressure of more than 15 psig.

V. "High pressure-high temperature boiler" means a boiler in which water or other fluid is heated and operating at pressures exceeding 160 psig or temperatures exceeding 250degree F.

VI. "Low pressure boiler" means a steam boiler operating at pressures not exceeding 15 psig, or a hot water heating boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250degree F.

VII. "Pressure vessel" means a vessel in which the pressure is obtained from an external source or by the application of heat from an indirect source.

VIII. "Certificate inspection" means an inspection, the report of which is used by the commissioner or the commissioner's authorized representative to decide whether or not a

certificate, as provided by RSA 157-A:9, may be issued. This certificate inspection shall be an internal inspection when the construction permits; otherwise, it shall be an inspection as complete as possible.

**Source.** 1967, 236:1. 1988, 31:3, 4, 11. 1995, 142:1, 2, eff. July 23, 1995.

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## SECTION 157-A:3

### **157-A:3 Rules. –**

I. To carry out the purposes of this chapter, the commissioner shall formulate definitions and adopt rules under RSA 541-A consistent with:

(a) The boiler and pressure vessel code of the American Society of Mechanical Engineers and the National Board Inspection Code as published by the National Board of Boiler and Pressure Vessel Inspectors, with the amendments and interpretations thereto; and

(b) The code and amendments thereto adopted by the state building code review board pursuant to RSA 155-A:3-a.

I-a. In addition, the commissioner may adopt rules under RSA 541-A to facilitate administration and enforcement of this chapter and RSA 155-A:3-a.

II. All rules adopted by the commissioner under authority granted by this chapter shall be adopted as provided by RSA 541-A.

**Source.** 1967, 236:1. 1975, 441:5. 1983, 421:4. 1988, 31:5. 2010, 326:3, eff. Sept. 18, 2010.

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## SECTION 157-A:3-A

**157-A:3-a Charge for Inspection. –** The commissioner shall charge \$100 per hour for inspections performed by employees of the department of labor.

**Source.** 1983, 421:5. 1989, 408:22. 2005, 177:97, eff. July 1, 2005.

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## SECTION 157-A:4

**157-A:4 New Boiler and Pressure Vessel Installation. –** No boiler or pressure vessel which does not conform to the applicable codes and amendments thereto and the rules adopted by the commissioner governing new construction and installation shall be installed and operated in this state unless the boiler or pressure vessel is of special design or construction, and is not inconsistent with the spirit and safety objectives of such codes and rules, in which case a special installation and operating permit may at the commissioner's discretion be granted by the commissioner.

**Source.** 1967, 236:1. 1988, 31:6. 1995, 142:3. 2010, 326:4, eff. Sept. 18, 2010.

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#### SECTION 157-A:5

##### **157-A:5 Existing Boiler and Pressure Vessel Installation. –**

- I. The maximum allowable pressure of a boiler or of a pressure vessel shall be determined by the applicable sections of the code, amendments thereto, or rules under which it was constructed and stamped.
- II. The maximum allowable pressure of a boiler or pressure vessel which does not carry the ASME or API-ASME Code or EN 303-5 symbol shall be computed in accordance with the inspection code of the National Board of Boiler and Pressure Vessel Inspectors.
- III. This chapter shall not be construed as in any way preventing the use, sale, or reinstallation of a boiler or pressure vessel referred to in this section, provided it has been made to conform to the rules of the commissioner governing existing installations and, provided further, it has not been found upon inspection to be in an unsafe condition.

**Source.** 1967, 236:1. 1988, 31:7. 2010, 326:5, eff. Sept. 18, 2010.

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#### SECTION 157-A:6

##### **157-A:6 Exemptions. –**

- I. The inspection requirements of RSA 157-A:8, 9-a, and 10 shall not apply to buildings used exclusively as private residences or apartment houses of less than 3 family units.
- II. This chapter shall not apply to the following boilers:
  - (a) Boilers under federal control, or United States Coast Guard control.
  - (b) Manually fired boilers for model locomotive, boat, tractor, stationary engines, or antique motor vehicles constructed or maintained only as a hobby for exhibition or educational or historical purposes, not for commercial use; provided that such boilers have an inside diameter of less than 12 inches or a grate area not in excess of 2 square feet and equipped with an ASME stamped safety valve of adequate capacity and size, a water level indicator and a pressure gauge.
  - (c) Boilers with less than 200,000 BTU/HR output in apartment houses.
- III. This chapter shall not apply to the following pressure vessels:
  - (a) Pressure vessels under federal control, or United States Coast Guard control.
  - (b) Pressure vessels used for transportation or storage of compressed gases when constructed in compliance with specification of the Interstate Commerce Commission and when charged with gas, marked, maintained, and periodically requalified for use, as required by appropriate regulations of the Interstate Commerce Commission.
  - (c) Air tanks located on vehicles operating under the rules of the states' authorities and used for carrying passengers or freight.

- (d) Air tanks installed on the right of way of railroads and used directly in the operation of trains.
  - (e) Pressure vessels that do not exceed (1) 5 cubic feet in volume or 250 psig, (2) 11/2 cubic feet in volume or an inside diameter of 6 inches, and 3,000 psig.
  - (f) Pressure vessels operating at a working pressure not exceeding 15 psig.
  - (g) Water-containing vessels (excluding hot water heaters) having a working pressure not to exceed 125 psig including those with air, the compression of which serves only as a cushion.
  - (h) Tanks containing air and liquids in which pressure is maintained by pumps.
  - (i) Group I refrigerant receivers (A.S.H.R.A.E.).
- IV. This chapter shall not apply to hot water heaters installed after the effective date of this act provided that none of the following limitations are exceeded:
- (a) Heat input of 200,000 BTU/HR.
  - (b) Water temperature of 210 degrees Fahrenheit.

**Source.** 1967, 236:1. 1988, 31:8. 1995, 142:4, eff. July 23, 1995. 2014, 235:1, eff. Sept. 19, 2014.

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#### SECTION 157-A:7

##### **157-A:7 Inspectors. –**

- I. A boiler and pressure vessel inspector shall hold an active National Board commission and be qualified by the commissioner of labor.
- II. A license shall be issued by the commissioner to an inspector for a 1-year period. A fee of \$30 shall be charged for the license. A license may be renewed every year upon payment of a fee of \$20. Employees of the department of labor shall not be charged for the issuance or renewal of a license.
- III. The commissioner may revoke any license issued by the commissioner for cause shown, after a hearing, if so requested. The holder of the license under question shall receive 7 days' written notice informing the holder of the charges against such holder and of the time and place of the hearing.
- IV. Any boiler or pressure vessel that does not conform to the standards established under RSA 157-A:3 may be operated under the following conditions:
  - (a) Such boiler or vessel shall be operated only as a hobby or for educational or historical purposes. Under no condition may it be operated for commercial purposes.
  - (b) An inspection of such boiler or vessel shall be conducted annually by a person qualified under RSA 157-A:7 and in accordance with rules adopted by the commissioner.
  - (c) Such boiler or vessel shall conform to any conditions or restrictions established by the commissioner to carry out the purposes of this section.

(d) No lap seam boiler permitted under this section may be operated at a pressure exceeding 100 psig.

V. Upon application and with the permission of the commissioner, any person may temporarily operate a boiler or pressure vessel that is normally located outside this state and which does not conform to the standards under RSA 157-A:3 if:

(a) Such vessel or boiler is permitted to be operated under the laws or regulations or both of the state where it is normally located; and

(b) Such state laws and regulations equal or exceed the criteria in this state as promulgated under paragraph IV.

(c) The commissioner shall determine the permitted period of temporary operation; but, in no case, shall such period exceed 7 days.

VI. There is established the classified position of chief boiler inspector in the department of labor.

**Source.** 1967, 236:1. 1975, 441:1. 1978, 28:1. 1983, 421:6. 1988, 31:9, 11; 124:1. 1995, 142:5. 2004, 120:1, eff. July 1, 2004.

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#### SECTION 157-A:8

##### **157-A:8 Inspection of Boilers and Pressure Vessels. –**

I. An inspector shall have free access during reasonable hours to any premises in the state where a boiler or pressure vessel is being constructed, or is being installed, or is being operated, for the purpose of ascertaining whether such boiler is being constructed or is being installed or operated in accordance with the provisions of this chapter.

II. Each boiler and pressure vessel used or proposed to be used within this state, except boilers or pressure vessels exempt under RSA 157-A:6, shall be thoroughly inspected as to their construction, installation, and condition as follows:

(a) Power boilers and high pressure-high temperature boilers shall receive a certificate inspection annually and shall also be externally inspected annually while under pressure, if possible.

(b) Low pressure steam or vapor heating boilers, except those constructed of cast iron, shall receive a certificate inspection biennially with an internal inspection at least every 4 years where construction permits.

(c) Hot water heating boilers, hot water supply boilers, except those constructed of cast iron, hot water heaters and hot water storage tanks shall receive a certificate inspection biennially with an internal inspection at the discretion of the inspector.

(d) Heating boilers and hot water supply boilers constructed of cast iron shall receive a certificate inspection biennially.

(e) Pressure vessels subject to internal corrosion shall receive certificate inspection

biennially.

(f) Pressure vessels not subject to internal corrosion shall receive a certificate inspection at intervals set by the commissioner, but internal inspection shall not be required of pressure vessels, the contents of which are known to be non-corrosive to the material of which the shell, heads, or fittings are constructed, either from the chemical composition of the contents or from evidence that the contents are adequately treated with a corrosion inhibitor, provided that such vessels are constructed in accordance with the rules of the commissioner.

(g) A grace period of 2 months beyond the period specified in subparagraphs (a), (b), (c), (d), (e), and (f) of this paragraph may elapse between certificate inspections. Prior to the expiration of the 2-month grace period, the owner or user of the boiler or pressure vessel shall receive a written warning from the department of labor for any required inspection which was not completed prior to the expiration of the inspection certificate.

(h) The commissioner may, at the commissioner's discretion, permit longer periods between certificate inspection.

(i) Under the provisions of this chapter, the commissioner is responsible to provide for the safety of life, limb, and property of the general public and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules the commissioner has adopted. Inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the construction codes. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, such as:

- (1) Previous experience, based on records of performance and maintenance;
- (2) Location, with respect to personnel hazard;
- (3) Quality of operating personnel;
- (4) Provision for related safe operation controls;
- (5) Interrelation with other operations outside the scope of this chapter.

III. The inspections required under this section shall be made by a boiler and pressure vessels inspector provided for in this chapter.

IV. If, at the discretion of the inspector, a hydrostatic test or other test is deemed necessary, it shall be made by the owner of the boiler or pressure vessel.

V. All boilers, other than cast iron sectional boilers, and pressure vessels to be installed in this state shall be inspected during construction as required by the applicable rules of the commissioner by an inspector authorized to inspect boilers and pressure vessels in this state or, if constructed outside this state, by an inspector holding a commission or license as an inspector of boilers and pressure vessels for a state that has substantially standard requirements to be an inspector equal to those of this state.

**Source.** 1967, 236:1. 1988, 31:10. 1995, 142:6, eff. July 23, 1995.

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## SECTION 157-A:9

**157-A:9 Repealed by 1975, 441:4, eff. Aug. 19, 1975. –**

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## SECTION 157-A:9-A

### **157-A:9-a Inspection Reports and Certificates; Fee. –**

- I. Subsequent to the inspection of a boiler or pressure vessel, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the inspected object is certifiable and shall communicate the results of such inspection to the owner or the owner's designee. When an object passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$50 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.
- II. If the object fails the inspection, the inspector shall furnish the owner or the owner's designee an appropriate abstract of the statutory requirements and recommendations for repairs necessary to correct the deficiency.
- III. Upon compliance with the recommendations of an inspector, either by repair or replacement, the owner of a boiler or vessel which has failed to pass inspection, or the owner's designee, shall notify the commissioner and inspector that the required repairs have been completed.
- IV. The boiler or vessel shall, at the discretion of the inspector or the commissioner, then be reinspected in accordance with this section; and, upon finding compliance with the recommendations, an inspection certificate shall be furnished to the owner or the owner's designee.
- V. Certificates shall be conspicuously displayed in the vicinity of the boiler or vessel.

**Source.** 1975, 441:2. 1983, 421:7. 1988, 31:11. 1989, 408:23. 2005, 177:98, eff. July 1, 2005.

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## SECTION 157-A:10

**157-A:10 Requirement for Inspection Certificates; Penalty. –** It shall be unlawful for any person, firm, partnership, or corporation to operate in this state a boiler or pressure vessel except such boilers and vessels as are exempted by provision of RSA 157-A:6, without a valid inspection certificate. The operator of a boiler or pressure vessel without such certificate, or at a pressure exceeding that specified in such certificate, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

**Source.** 1967, 236:1. 1973, 528:74. 1988, 31:11, eff. May 23, 1988.

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#### SECTION 157-A:10-A

##### **157-A:10-a Civil Penalties. –**

I. In addition to any criminal penalty provided under RSA 157-A:10, the commissioner may, after hearing, impose a civil penalty not to exceed \$500, as determined by the commissioner, for any violation of any of the provisions of this chapter or of any rule adopted pursuant to this chapter. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d. All moneys collected under this section shall be deposited in the department of labor restricted fund established in RSA 273:1-b.

II. The commissioner shall conduct hearings in the manner required under rules adopted pursuant to RSA 541-A and 273:11-a, V.

**Source.** 1995, 142:7. 2011, 182:2, eff. Aug. 13, 2011; 224:53, eff. July 1, 2011.

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#### SECTION 157-A:11

##### **157-A:11 Repealed by 1995, 142:8, eff. July 23, 1995. –**

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#### SECTION 157-A:12

**157-A:12 Appeals. –** Any owner aggrieved by an order or act of an inspector under this chapter may, within 15 days, appeal from such order or act to the commissioner. Within 30 days thereafter, the commissioner shall issue an appropriate order either approving or disapproving said order or act. A copy of said order by the commissioner shall be given to all interested parties. Within 30 days after any order or act of the commissioner, any person aggrieved thereby may file a petition in the appropriate county superior court. The court shall summarily hear the petition and may make any appropriate order or decree.

**Source.** 1967, 236:1, eff. Jan. 1, 1968.

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#### SECTION 157-A:13

**157-A:13 Repeal. –** RSA 157, relative to steam boilers, is hereby repealed. Any other act or parts of acts inconsistent with any provisions of this chapter are hereby repealed to the extent of such inconsistency.



**Source.** 1967, 236:1, eff. Jan. 1, 1968.

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SECTION 157-A:14

**157-A:14 Repealed by 1991, 355:55, eff. July 1, 1991. –**

## APPENDIX H

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### SECTION 157-B:1

**157-B:1 Title.** – This chapter may be called the "Elevator and Accessibility Lift Law."

**Source.** 1967, 310:1. 1997, 333:1, eff. Jan. 1, 1998.

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### SECTION 157-B:2

**157-B:2 Definitions.** –

In this chapter:

I. "Owner" means a person, partnership, association, or corporation who is the holder of title to, or who leases an elevator or accessibility lift from the holder of title to, a building in which there is an elevator or accessibility lift, as defined in this section, except an elevator or accessibility lift for the exclusive use of the holder of title in the holder's home.

II. "Commissioner" means the labor commissioner.

III. "Standards" means regulations issued by the commissioner which establish the minimum safety requirements for elevators and accessibility lifts in use on or installed after January 1, 1968.

IV. "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction; or a stairway inclined lift which moves in guides in an inclined direction; and includes the doors, well, enclosures, means, and appurtenances required for its operation. The term "elevator" shall include an accessibility lift but does not include a vertical reciprocating conveyor, a material lift, or an accessibility lift in a private residence.

V. "Accessibility lift" means an inclined chair/platform lift or vertical wheelchair lift used to raise and lower a person in a wheelchair or person of limited mobility in or on a car or platform from one level to another and shall meet the requirements of the most recent version of ASME/ANSI-A 17.1 for handicap lifts.

**Source.** 1967, 310:1. 1977, 412:1. 1995, 100:1. 1997, 333:1, eff. Jan. 1, 1998.

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### SECTION 157-B:3

**157-B:3 New Elevators; New Accessibility Lifts.** – The provisions of the most recent version of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators

and Moving Walks, Material Lifts and Dumbwaiters With Automatic Transfer Devices, Wheelchair Lifts and Stairchair Lifts are the minimum requirements for all elevators, dumbwaiters, escalators, and accessibility lifts installed after January 1, 1998.

**Source.** 1967, 310:1. 1995, 100:2. 1997, 333:1, eff. Jan. 1, 1998.

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#### SECTION 157-B:4

##### **157-B:4 Existing Elevators and Accessibility Lifts. –**

I. The commissioner may issue and amend reasonable and practicable standards for the use, alteration, repair, operation, and inspection of all elevators and accessibility lifts in existence on January 1, 1968.

II. Inspections of elevators and accessibility lifts installed after January 1, 1985, shall be in accordance with the American Standard Safety Code applicable to the year installed.

**Source.** 1967, 310:1. 1995, 100:3. 1997, 333:1, eff. Jan. 1, 1998.

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#### SECTION 157-B:5

##### **157-B:5 Inspection Report and Certificates; Fee; Penalty. –**

I. Subsequent to the inspection of an elevator or accessibility lift, an inspector shall file with the commissioner an inspection report on a form prescribed by the commissioner indicating whether or not the elevator or accessibility lift is certifiable and shall provide a copy of the inspection report to the owner or the owner's designee. When an elevator or accessibility lift passes inspection, the commissioner shall furnish an inspection certificate to its owner or the owner's designee on a form prescribed by the commissioner. A fee of \$50 shall be charged for each certificate. If the fee is not paid within 30 days of the date on which the certificate is issued, the certificate shall be void.

II. If the elevator or accessibility lift fails the inspection, the inspector shall furnish the owner or the owner's designee an appropriate abstract of the statutory requirements and recommendations for repairs necessary to correct the deficiency.

III. Upon compliance with the recommendations of an inspector, whether by repair or replacement, the owner of an elevator or accessibility lift which has failed to pass inspection, or the owner's designee, shall notify the commissioner and inspector that the required repairs have been completed.

IV. The elevator or accessibility lift shall, at the discretion of the inspector or the commissioner, then be reinspected in accordance with this section; and, upon finding compliance with the recommendations, an inspection certificate shall be furnished to the owner or the owner's designee.

V. Certificates shall be posted in the elevator car or accessibility lift platform under glass

or other suitable transparent cover. Certificates shall be effective for one year from the date of inspection.

VI. An owner who permits the operation of any elevator or accessibility lift without an effective inspection certificate in the elevator or accessibility lift shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

**Source.** 1967, 310:1. 1975, 413:1. 1983, 421:9. 1991, 355:54. 1996, 231:7. 1997, 333:1. 2005, 177:99, eff. July 1, 2005.

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#### SECTION 157-B:5-A

**157-B:5-a Inspection by Department.** – The commissioner shall charge \$100 per hour, with a minimum charge of \$100, for inspections performed by employees of the department of labor.

**Source.** 1995, 100:4, eff. July 15, 1995.

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#### SECTION 157-B:6

**157-B:6 Suspension of Certificate.** –

I. The commissioner may suspend an inspection certificate when an elevator or accessibility lift does not meet the requirements of the standards established under this chapter. When an inspection certificate is suspended, the owner shall not permit the use of the elevator or accessibility lift until a new certificate of inspection is issued for the elevator or accessibility lift. The commissioner shall have a notice of the suspension of the inspection certificate posted at every entrance to the unsafe elevator or accessibility lift, and shall have the inspection certificate removed from the elevator car or accessibility lift platform. The notice of suspension may be removed only by the authority of the commissioner. The commissioner shall notify the owner in writing of the suspension of the inspection certificate. The notice may be served on the owner by registered mail or otherwise.

II. The commissioner may adopt by rule the conditions to empower an elevator inspector or authorized representative of the commissioner to make an emergency suspension of the inspection certificate for a period of not more than 24 hours, to enable the commissioner to take action on the suspension under paragraph I of this section, or to enable the owner to make repairs on the elevator or accessibility lift.

III. Any person who removes or defaces a notice of suspension of the inspection certificate without the authority of the commissioner shall be guilty of a misdemeanor.

**Source.** 1967, 310:1. 1973, 528:75. 1995, 100:5. 1997, 333:2, eff. Jan. 1, 1998.

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## SECTION 157-B:7

**157-B:7 Repealed by 1975, 413:3, eff. Aug. 15, 1975. –**

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## SECTION 157-B:8

**157-B:8 Inspectors.** – An elevator inspector shall pass an examination given by the commissioner, except in cases in which an elevator inspector has proven to the satisfaction of the commissioner experience in excess of 5 years within the state. A license shall be issued to the inspector for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as an inspector of elevators from a state that has a standard of examination equal to that of this state may be issued a license without examination upon payment of a fee of \$35. The commissioner may revoke any license for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing the licensee of the charges and of the time and place of the hearing.

**Source.** 1967, 310:1. 1983, 421:10. 1989, 408:24. 1995, 100:6, eff. July 15, 1995.

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## SECTION 157-B:8-A

**157-B:8-a Mechanics.** – An elevator or accessibility lift mechanic shall pass an examination given by the commissioner provided the person either (a) has at least 2 years of documented experience, with an average of 1,800 hours in each year over the 2-year period, working in this state directly under a licensed New Hampshire elevator or accessibility lift mechanic; or (b) holds a certificate or license of competency as an elevator or accessibility lift mechanic issued by another state and has proven to the satisfaction of the commissioner that the person has experience as an elevator or accessibility lift mechanic for at least 3 consecutive years, with an average of 1,800 hours in each year over the 3-year period. A license shall be issued to the mechanic for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as a mechanic issued by another state may be issued a license without examination upon payment of a fee of \$35, provided that licensees of New Hampshire are not subject to greater requirements for certification or licensure in the other state than those required by New Hampshire. The commissioner may revoke any license for cause shown, after a hearing. The holder of a

license under question shall receive 7 days' written notice informing the licensee of the charges and of the time and place of the hearing.

**Source.** 1995, 100:7. 1997, 333:3. 2013, 252:1, eff. Sept. 22, 2013.

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#### SECTION 157-B:8-B

**157-B:8-b Inspection and Repairs.** – An elevator inspector holding a mechanic's license under this chapter shall not make any repairs as a result of an annual inspection which such inspector performed.

**Source.** 1995, 100:7, eff. July 15, 1995.

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#### SECTION 157-B:9

**157-B:9 Installation of New Elevators and New Accessibility Lifts; Fees.** – Detailed plans or specifications of each new or altered elevator or accessibility lift shall be submitted to and approved by the commissioner or the commissioner's authorized representative before the construction of the elevator or accessibility lift may be started. Fee for examination of the plans or specifications is \$4 per \$1,000 of the valuation of the elevator or accessibility lift as covered by the blueprints. The minimum fee is \$200.

**Source.** 1967, 310:1. 1983, 421:11. 1989, 408:25. 1995, 100:8. 1997, 333:4. 2005, 177:100, eff. July 1, 2005.

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#### SECTION 157-B:10

**157-B:10 Review by Commissioner.** – Any owner affected by a ruling of the commissioner may petition the commissioner for a review of the validity or reasonableness of the ruling. The petition for review shall be filed within 30 days after the receipt of a registered letter or after refusal of the owner to accept the registered letter containing a copy of the ruling addressed to the owner at the address given on the certificate of inspection or on any application addressed to the commissioner. Upon receipt of a petition the commissioner shall, if necessary, order a hearing. Notice of the time and place of the hearing shall be given to the petitioner and to other persons who the commissioner finds are interested in the issue raised.

**Source.** 1967, 310:1, eff. Jan. 1, 1968.

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#### SECTION 157-B:11

**157-B:11 Appeals.** – An owner aggrieved by any order or regulation of the commissioner may file a petition in the superior court against the commissioner to determine the validity and reasonableness of the commissioner's action. The petition shall be filed within 30 days after the adoption of the order, or regulation, or, if a petition for review is filed, within 30 days after the decision upon the petition.

**Source.** 1967, 310:1, eff. Jan. 1, 1968.

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#### SECTION 157-B:12

**157-B:12 Notice; Procedure.** – Notice of the pendency of the appeal proceedings shall be given to the commissioner in any form the superior court orders. The petition, so far as practicable, shall have precedence over other actions in the same court. The order appealed from is prima facie valid and reasonable. The proceedings upon the petition shall be in accordance with proceedings in equity, as far as possible. The court shall make such order or decree as justice requires.

**Source.** 1967, 310:1, eff. Jan. 1, 1968.

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#### SECTION 157-B:13

**157-B:13 Effect of Appeal.** – During the pendency of any petition for review in the superior court, the filing of the petition shall not stay the order or regulation under review, but the court may, on application, on notice to the commissioner, and on cause shown, grant an order to restrain the commissioner from taking any further action on the order or regulation under review.

**Source.** 1967, 310:1, eff. Jan. 1, 1968.

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#### SECTION 157-B:13-A

**157-B:13-a Civil Penalties.** –

I. In addition to any criminal penalty provided under this chapter, the commissioner may, after a written warning and a hearing, impose a civil penalty not to exceed \$500, as determined by the commissioner, for any violation of any of the provisions of this chapter or of any rule adopted pursuant to this chapter. Any person on whom a penalty is imposed under this section may appeal as provided in RSA 273:11-c and 273:11-d to the penalty appeal board established in RSA 273:11-b. All moneys collected under this section shall be deposited in the department of labor restricted fund established in RSA 273:1-b.

II. The commissioner shall conduct hearings in the manner required under rules adopted pursuant to RSA 541-A and 273:11-a, V.

**Source.** 1995, 100:9. 2011, 182:3, eff. Aug. 13, 2011; 224:53, eff. July 1, 2011.

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#### SECTION 157-B:14

**157-B:14 Repealed by 1995, 100:10, I, eff. July 15, 1995. –**

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#### SECTION 157-B:15

**157-B:15 Notice of Accidents; Penalty.** – The owner shall report every elevator and accessibility lift accident, whether or not it results in injury to a person or damage to the equipment, to the commissioner within 48 hours after its occurrence. The inspection certificate for the involved elevator or accessibility lift may be suspended if a qualified inspector inspects the elevator or accessibility lift and finds it to be unacceptable. An owner who willfully refuses or neglects to make such a report shall be fined not more than \$25.

**Source.** 1967, 310:1. 1997, 333:5, eff. Jan. 1, 1998.

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#### SECTION 157-B:16

**157-B:16 Rules of Proceedings.** – The commissioner may establish rules of proceedings for the conduct of hearings authorized under this chapter.

**Source.** 1967, 310:1, eff. Jan. 1, 1968.

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#### SECTION 157-B:17

**157-B:17 Exception.** – Notwithstanding other provisions of this chapter any elevator or accessibility lift which is periodically inspected and tested for safety under a maintenance contract with the company which installed the elevator or accessibility lift shall be exempt from the annual inspection requirements of RSA 157-B:5, so long as the maintenance contract is effective, and the inspection certificate as provided in RSA 157-B:5 shall be posted in the elevator car or accessibility lift platform. Provided, however, that the other provisions of this chapter shall apply to the elevators and accessibility lifts covered by this exception.

**Source.** 1967, 310:1. 1997, 333:6, eff. Jan. 1, 1998.



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#### SECTION 157-B:17-A

**157-B:17-a Exemption.** – The commissioner may exempt elevating devices which do not conform with the definitions in RSA 157-B:2 from the provisions of this chapter. The commissioner may adopt rules relative to adequate safety criteria for exempted elevating devices.

**Source.** 2000, 211:1, eff. July 29, 2000.

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#### SECTION 157-B:17-B

**157-B:17-b Elevator or Accessibility Lift in Residential Property.** – The exemption in RSA 157-B:2, IV for accessibility lifts in private residences shall apply to any residential property, including multi-family rental property, provided that the lift serves only one residential unit and meets any applicable safety criteria established by rule pursuant to RSA 157-B:17-a.

**Source.** 2010, 210:1, eff. Jan. 1, 2011.

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#### SECTION 157-B:18

**157-B:18 Rules.** – The commissioner may adopt rules under RSA 541-A to facilitate administration and enforcement of this chapter.

**Source.** 1975, 413:4. 1983, 421:13, eff. July 1, 1983.

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#### SECTION 157-B:19

**157-B:19 Repealed by 1995, 100:10, II, eff. July 15, 1995. –**

## SAFETY AND HEALTH PROGRAM UPDATE LOG

COMPANY NAME: CITY OF PORTSMOUTH
ADDRESS: 1 JUNKINS AVENUE
CITY/TOWN: PORTSMOUTH

REVIEW DATE OR REVISION DATE	AUTHORIZED SIGNATURE	TITLE
02/01/2022		HR DIRECTOR

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NH DOL, RSA 281-A:64, LAB 602.2
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