

## LABOR SERVICES DIVISION[875]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

The proposed amendments adopt by reference changes to federal occupational safety and health standards concerning cranes and derricks in construction and hazard communication in general industry. The changes supplement previous changes to the standards.

In 2010, the prior standard concerning cranes and derricks in construction was replaced for most construction activities. However, the new standard did not apply to cranes and derricks used in demolition and underground construction. Thus, since 2010, one standard has applied to cranes and derricks in demolition and underground construction, while a different standard has applied to cranes and derricks used in other construction activities. The federal changes apply the same standard to all cranes and derricks used in construction.

The federal changes also correct inadvertent errors made during adoption of the 2010 changes to the cranes and derricks standard and the 2012 changes to the general industry hazard communication standard.

The principal reasons for adoption of these amendments are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa’s regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on June 18, 2013, a public hearing will be held on June 19, 2013, at 2:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments.

The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515) 281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than June 19, 2013, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, jobs could be impacted. However, these amendments are implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

These amendments are intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

The following amendments are proposed.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:  
78 Fed. Reg. 9313 (February 8, 2013)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:  
78 Fed. Reg. 23841 (April 23, 2013)