

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Proposing rule making related to federal occupational safety and health standards and providing an opportunity for public comment

The Labor Commissioner hereby proposes to amend Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 88.5.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

The purposes of this proposed rule making are to adopt by reference changes to the federal occupational safety and health construction standards and to rescind an obsolete rule. The amendments would place Iowa in compliance with the requirements to adopt federal occupational safety and health standards by reference.

The U.S. Occupational Safety and Health Administration (OSHA) amended the beryllium construction standard to better align with the language of the general industry beryllium standard and changed numerous definitions. The agency’s intention with respect to trace amounts of beryllium was clarified. The exposure limits were not changed, and the agency intends to maintain employee health with reduced costs to employers.

The Federal Railroad Administration revised its rules concerning the use of equipment such as cranes and derricks in the maintenance and construction of railroads. As a result, OSHA amended its standard for cranes and derricks to clarify which standards apply.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Commissioner no later than 4:30 p.m. on November 12, 2020. Comments should be directed to:

Kathleen Uehling
Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50309
Email: kathleen.uehling@iwd.iowa.gov

Public Hearing

If requested, a public hearing at which persons may present their views orally or in writing will be held as follows:

November 12, 2020
10 a.m.

To participate by conference call:
Dial 312.626.6799
Meeting ID number 933 8268 9446
Pass code 881357

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commissioner and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve rule **875—10.4(88)**.

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
85 Fed. Reg. 53997 (August 31, 2020)
85 Fed. Reg. 57122 (September 15, 2020)