

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 3, “Inspections, Citations, and Proposed Penalties,” and Chapter 10, “General Industry Safety and Health Rules,” Iowa Administrative Code.

The amendment to subrule 3.5(1) eliminates an obsolete clause in a rule outlining procedures for conducting an occupational safety and health inspection.

The amendment to rule 875—10.20(88) adopts by reference changes to federal occupational safety and health standards pertaining to acetylene in general industry workplaces. The federal changes update references to standards adopted by the Compressed Gas Association and the National Fire Protection Association pertaining to acetylene as part of a broader effort by the federal Occupational Safety and Health Administration to update references to standards.

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

Notice of Intended Action was published in the December 16, 2009, Iowa Administrative Bulletin as **ARC 8378B**. No public comment was received on the proposed amendments. These amendments are identical to those that were published under the Notice of Intended Action.

No variance provisions are included in these rules. Variances procedures are set forth in 875—Chapters 1 and 5.

These amendments are intended to implement Iowa Code chapter 88.

These amendments shall become effective on March 17, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 3.5(1) as follows:

**3.5(1)** Inspections shall take place at the times and in the places of employment as the labor commissioner or the commissioner’s designee may direct. At the beginning of an inspection, compliance safety and health officers shall present their credentials to the owner, operator or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records ~~specified in 875—4.2(88), 875—4.4(88), and 875—subrule 4.5(1) which~~ they wish to review. However, such designation of records shall not preclude access to additional records.

ITEM 2. Amend rule **875—10.20(88)** by inserting the following at the end thereof:

74 Fed. Reg. 40447 (August 11, 2009)

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/10.