

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,” Chapter 26, “Construction Safety and Health Rules,” and Chapter 28, “Occupational Safety and Health Standards for Agriculture,” Iowa Administrative Code.

The proposed amendments adopt by reference changes to federal occupational safety and health standards. The federal standard changes are the result of Phase III of the federal Occupational Safety and Health Administration’s Standards Improvement Project. The Standards Improvement Project eliminates confusing and unnecessary provisions in the federal standards. According to the preamble of the federal final rule, “OSHA estimates that these changes will result in annualized savings for employers of over \$45 million, and will reduce paperwork burden by 1.85 million hours annually.”

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 August 16, 2011, a public hearing will be held on August 17, 2011, at 9 a.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 August 17, 2011, 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.

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, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 88.5.

The following amendments are proposed.

ITEM 1. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
76 Fed. Reg. 33606 (June 8, 2011)

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:
76 Fed. Reg. 33606 (June 8, 2011)

ITEM 3. Amend rule **875—28.1(88)** by inserting the following at the end thereof:
76 Fed. Reg. 33606 (June 8, 2011)