

16 *tal disability*; who ~~de~~ *does* not reside with the surviving spouse, of  
 17 such an amount as it deems reasonable in the light of the assets and  
 18 condition of the estate, to provide for their proper support during  
 19 such period of twelve months.

1 SEC. 53. Section six hundred ninety-five point eighteen (695.18),  
 2 Code 1971, is amended to read as follows:

3 **695.18 Sale of dangerous weapons prohibited.** It shall be unlawful  
 4 to sell, to keep for sale, or offer for sale, loan, or give away, dirk,  
 5 dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer,  
 6 and no pistol or revolver shall be sold to any person under the age of  
 7 ~~twenty-one~~ *nineteen* years. The provisions of this section shall not  
 8 prevent the selling or keeping for sale of hunting and fishing knives.

1 SEC. 54. Chapter one hundred thirty-one (131), section three (3),  
 2 subsection thirty-three (33), Acts of the Sixty-fourth General Assem-  
 3 bly, First Session, is amended to read as follows:

4 33. "Legal age" means ~~twenty-one~~ *nineteen* years of age or more.

Approved April 19, 1972.

## CHAPTER 1028

### OCCUPATIONAL SAFETY AND HEALTH

#### S. F. 1218

AN ACT relating to occupational safety and health, providing appropriations to carry out the provisions of this Act, and providing penalties for violations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapters eighty-eight (88) and eighty-eight A (88A),  
 2 Code 1971, are repealed. The provisions of this Act will prevail  
 3 wherever the same conflicts with any other chapter of the Code.

1 SEC. 2. **Public policy.** It is the policy of this state to assure so  
 2 far as possible every working man and woman in the state safe and  
 3 healthful working conditions and to preserve human resources by:

4 1. Encouraging employers and employees in their efforts to reduce  
 5 the number of occupational safety and health hazards at their places  
 6 of employment, and to stimulate employers and employees to insti-  
 7 tute new and perfect existing programs for providing safe and  
 8 healthful working conditions.

9 2. Providing that employers and employees have separate but  
 10 dependent responsibilities and rights with respect to achieving safe  
 11 and healthful working conditions.

12 3. Authorizing the labor commissioner to set mandatory occupa-  
 13 tional safety and health standards applicable to businesses, and by  
 14 creating an occupational safety and health review commission for  
 15 carrying out adjudicatory functions under the Act.

16 4. Building upon advances already made through employer and  
 17 employee initiative for providing safe and healthful working condi-  
 18 tions.

19 5. Providing for research in the field of occupational safety and  
20 health, including the psychological factors involved, and by develop-  
21 ing innovative methods, techniques, and approaches for dealing with  
22 occupational safety and health problems.

23 6. Exploring ways to discover latent diseases, establishing causal  
24 connections between diseases and work in environmental conditions,  
25 and conducting other research relating to health problems, in recog-  
26 nition of the fact that occupational health standards present problems  
27 often different from those involved in occupational safety.

28 7. Providing medical criteria which will assure insofar as prac-  
29 ticable that no employee will suffer diminished health, functional  
30 capacity or life expectancy as a result of his work experience.

31 8. Providing for training programs to increase the number and  
32 competence of personnel engaged in the field of occupational safety  
33 and health.

34 9. Providing for the development and promulgation of occupa-  
35 tional safety and health standards.

36 10. Providing an effective enforcement program which shall in-  
37 clude a prohibition against giving advance notice of any inspection  
38 and sanctions for an individual violating this prohibition.

39 11. Providing for appropriate reporting procedures with respect to  
40 occupational safety and health which procedures will help achieve  
41 the objectives of this Act and accurately describe the nature of the  
42 occupational safety and health problem.

43 12. Encouraging joint labor-management efforts to reduce injuries  
44 and disease arising out of employment.

45 13. Devoting adequate funds to the administration and enforce-  
46 ment of occupational safety and health standards and rules promul-  
47 gated by the labor commissioner.

1 **SEC. 3. General.**

2 1. The bureau of labor, established in chapter ninety-one (91) of  
3 the Code, is designated to administer this Act.

4 2. The necessary legal authority and qualified personnel shall be  
5 provided for the administration and enforcement of this Act and such  
6 standards adopted pursuant to this Act.

7 3. Personnel administering the Act shall be employed pursuant to  
8 chapter nineteen A (19A) of the Code.

9 4. In carrying out his responsibilities under this Act, the commis-  
10 sioner is authorized to enter into contracts with any state agency,  
11 with or without reimbursement, for the purpose of obtaining the  
12 services, facilities, and personnel of such agency and with the con-  
13 sent of any state agency or any political subdivision of the state,  
14 accept and use the services, facilities, and personnel of any agency  
15 of the state or political subdivision, and employ experts and consult-  
16 ants or organizations, in order to expeditiously, efficiently and eco-  
17 nomically effectuate the purposes of this Act. The provisions of this  
18 subsection are subject to approval of the executive council where  
19 required by law.

20 5. The commissioner, the governor, and the state comptroller are  
21 hereby authorized to obtain and accept federal grants to the state to  
22 be used in connection with the funds appropriated for the adminis-  
23 tration of this Act and federal funds in addition thereto.

1     **SEC. 4. Definitions.** Wherever used in this chapter, unless the  
2 context clearly requires a different meaning:

3     1. "Commissioner" means the labor commissioner of the state of  
4 Iowa.

5     2. "Commission" means the occupational safety and health review  
6 commission established under this Act.

7     3. "Person" means one or more individuals, partnerships, associa-  
8 tions, corporations, business trusts, legal representatives, or any  
9 organized group of persons.

10    4. "Employer" means a person engaged in a business who has one  
11 or more employees and also includes the state of Iowa, its various  
12 departments and agencies, and any political subdivision of the state.

13    5. "Employee" means an employee of an employer who is employed  
14 in a business of his employer.

15    6. "Emergency temporary standards" means any occupational  
16 safety and health standard or modification thereof which has been  
17 adopted and promulgated by a nationally recognized standards-  
18 producing organization under procedures whereby it can be deter-  
19 mined by the commissioner that persons interested and affected by the  
20 scope or provisions of the standard have reached substantial agree-  
21 ment on its adoption, and was formulated in a manner which afforded  
22 an opportunity for diverse views to be considered or is an emergency  
23 temporary standard provided by the secretary pursuant to and in  
24 conformance with the provisions of the federal law.

25    7. "Occupational safety and health standard" means a standard  
26 which requires conditions or the adoption or use of one or more  
27 practices, means, methods, operations, or processes, reasonably neces-  
28 sary or appropriate to provide safety or healthful employment and  
29 places of employment.

30    8. "Imminent danger" means a condition or practice in any place  
31 of employment which is such that a danger exists which will reason-  
32 ably be expected to cause death or serious physical harm immediately  
33 or before the imminence of such danger can be eliminated through  
34 the enforcement procedures of this Act, exclusive of the procedures  
35 set forth in section twelve (12) of this Act.

36    9. "Secretary" means the secretary of labor of the United States.

37    10. "Federal law" means the Act of Congress approved December  
38 29, 1970, 84 Stat. 1590, officially cited as the "Occupational Safety  
39 and Health Act of 1970 (29 USC 651-678)."

1     **SEC. 5. Duties.**

2     Each employer shall furnish to each of his employees employment  
3 and a place of employment which is free from recognized hazards  
4 that are causing or are likely to cause death or serious physical harm  
5 to his employees and comply with occupational safety and health  
6 standards promulgated under this Act.

7     Each employee shall comply with occupational safety and health  
8 standards and all rules, regulations and orders issued pursuant to  
9 this Act which are applicable to his own actions and conduct.

1     **SEC. 6. Occupational safety and health standards.**

2     1. Promulgation of rules.

3     a. As soon as practicable following the effective date of this Act,  
4 the commissioner shall by rule, adopt and promulgate those occupa-

5 tional safety and health standards, which would result in improved  
6 safety or health for employees; provided, that the commissioner shall  
7 adopt no such standard unless the same has been adopted and pro-  
8 mulgated as a permanent standard by the secretary in accordance  
9 with the procedures set forth in the federal law. In the event that  
10 any such federal standard is subsequently amended, modified, re-  
11 pealed, or substituted by a new standard, the commissioner shall,  
12 within ninety days, review such amendment, modification, repeal or  
13 substitution, and take such action with respect to the state standards,  
14 including the repeal or substitution of the same, as will conform the  
15 state standards to those federal standards then in effect.

16 b. Before promulgating, modifying, or revoking any standard pur-  
17 suant to this section, the commissioner shall hold a public hearing  
18 on the subject matter of the proposed promulgation, modification,  
19 or revocation. Any interested person may appear and be heard at  
20 such hearing, in person or by agent or counsel. The commissioner  
21 shall maintain a mailing list for hearings, and at least thirty days  
22 before the hearing the commissioner shall mail a notice of the hear-  
23 ing by ordinary mail to each person on the mailing list. Such notice  
24 shall include a copy of the proposed promulgation, modification, or  
25 revocation. When the commissioner receives a written request from  
26 any person to be placed on the mailing list for hearings, the com-  
27 missioner shall add such person to the mailing list. At the end of  
28 each calendar year, the commissioner may remove any person from  
29 the mailing list if the commissioner has not received from such  
30 person during the last three months of such calendar year a written  
31 request to be placed on the mailing list for the following year. The  
32 commissioner shall cause to be published a notice of each hearing in  
33 one or more newspapers in the state having a statewide circulation.  
34 The provisions of this section are in addition to the requirements of  
35 chapter seventeen A (17A) of the Code.

36 c. Notwithstanding other provisions of this section, upon or fol-  
37 lowing the effective date of this Act, the commissioner may adopt  
38 as interim standards those standards adopted by the secretary in  
39 conformance with section six (a) (6(a)) of the federal law, pro-  
40 vided that any such standard so adopted shall cease to be effective  
41 on April 28, 1973 unless the commissioner shall have initiated the  
42 procedures for adopting a permanent standard in conformance with  
43 and following the procedures set forth in this section, in which case  
44 the interim standard shall remain in effect pending the adoption of  
45 the permanent standard. In the event that any such federal interim  
46 standard is subsequently amended, modified, repealed, or substituted  
47 by a new interim standard, the commissioner shall, within thirty  
48 days, review such amendment, modification, repeal or substitution,  
49 and take such action with respect to the state interim standards,  
50 including the repeal or substitution of the same, as will conform the  
51 state interim standards to those federal interim standards then in  
52 effect.

53 2. Toxic materials and other harmful physical agents. The com-  
54 missioner, in promulgating standards dealing with toxic materials or  
55 harmful physical agents under this subsection, shall set the standard  
56 which most adequately assures, to the extent feasible, on the basis  
57 of the best available evidence, that no employee will suffer material  
58 impairment of health or functional capacity even if such employee

59 has regular exposure to the hazard dealt with by such standard for  
60 the period of his working life. Development of standards under this  
61 subsection shall be based upon research, demonstrations, experi-  
62 ments, and such other information as may be appropriate, but in  
63 any event shall conform with the provisions of section six (6), sub-  
64 section one (1), of this Act. In addition to the attainment of the  
65 highest degree of health and safety protection for the employee,  
66 other considerations shall be the latest available scientific data in the  
67 field, the feasibility of the standards, and experience gained under  
68 this and other health and safety laws. Whenever practicable, a  
69 standard promulgated shall be expressed in terms of objective cri-  
70 teria and of the performance desired.

71 3. Temporary variances.

72 a. Any employer may apply to the commissioner notwithstanding  
73 the requirements of chapter seventeen A (17A) of the Code, for a  
74 temporary order granting a variance from a standard or any pro-  
75 vision thereof promulgated under this section. Such temporary order  
76 shall be granted only if the employer files an application which meets  
77 the requirements of paragraph b of this subsection and establishes  
78 that he is unable to comply with the standard by its effective date  
79 because of unavailability of professional or technical personnel or  
80 of materials and equipment needed to come into compliance with the  
81 standards or because necessary construction or operation of the  
82 facilities cannot be completed by the effective date, that he is taking  
83 all available steps to safeguard his employees against the hazards  
84 that are covered by the standard, and that he has an effective pro-  
85 gram for coming into compliance with this standard as quickly as  
86 practicable. Any temporary order issued under this paragraph shall  
87 prescribe the practices, means, methods, operations, and processes  
88 which the employer must adopt and use while the order is in effect  
89 and state in detail his program for coming into compliance with the  
90 standard. Such a temporary order may be granted only after notice  
91 to employees and an opportunity for a hearing, provided that the  
92 commissioner may issue one interim order to be effective until a  
93 decision is made on the basis of the hearing. No temporary order  
94 may be in effect longer than the period needed by the employer to  
95 achieve compliance with the standard, or one year, whichever is  
96 shorter except that such an order may be renewed not more than  
97 twice so long as the requirements of this paragraph are met and an  
98 application for renewal is filed at least ninety days prior to the  
99 expiration date of the order. No interim renewal of an order may  
100 remain in effect for longer than one hundred and eighty days.

101 b. An application for a temporary order under this subsection  
102 shall contain:

103 (1) A specification of the standard or portion thereof from which  
104 the employer seeks a variance.

105 (2) A representation by the employer, supported by representa-  
106 tions from qualified persons having firsthand knowledge of the fact  
107 represented, that he is unable to comply with the standard or portion  
108 thereof and a detailed statement of those reasons therefor.

109 (3) A statement of the steps he has taken and will take (with  
110 specific dates) to protect employees against the hazard covered by  
111 the standard.

112 (4) A statement of when he expects to be able to comply with the  
113 standard and what steps he has taken and what steps he will take  
114 (with dates specified) to come into compliance with the standard.

115 (5) A certification that he has informed his employees of any  
116 application by giving a copy thereof to their authorized employee  
117 representative, posting a statement giving a summary of the appli-  
118 cation and specifying where a copy may be examined at the place or  
119 places where notices to employees are normally posted, and by other  
120 reasonably appropriate means as may be directed by the commis-  
121 sioner.

122 (6) A description of how employees have been informed shall be  
123 contained in the certification. The information to employees shall  
124 also inform them of their right to petition the commissioner for a  
125 hearing.

126 4. Labels, warnings, protective equipment. Any standard promul-  
127 gated under this section shall prescribe the use of labels or other  
128 appropriate forms of warning as are necessary to insure that em-  
129 ployees are appraised of all hazards to which they are exposed,  
130 relevant symptoms and appropriate emergency treatment, and proper  
131 conditions and precautions of safe use or exposure. Where appro-  
132 priate, such standard shall also prescribe suitable protective equip-  
133 ment and control or technological procedures to be used in connection  
134 with such hazards and shall provide for monitoring or measuring  
135 employee exposure at such locations and intervals, and in such man-  
136 ner as may be necessary for the protection of employees. In addition,  
137 where appropriate, any such standard shall prescribe the type and  
138 frequency of medical examinations or other tests which shall be made  
139 available, by the employer or at his cost, to employees exposed to such  
140 hazard in order to most effectively determine whether the health of  
141 such employee is adversely affected by such exposure. The results  
142 of such examinations or tests, if released by the employee, shall be  
143 furnished to the employee's physician, the employer's physician, and  
144 the commissioner.

145 5. Emergency temporary standards. The commissioner shall pro-  
146 vide, notwithstanding the requirements of chapter seventeen A (17A)  
147 of the Code, for an emergency temporary standard to take immediate  
148 effect if he determines that employees are exposed to grave danger  
149 from exposure from substances or agents determined to be toxic or  
150 physically harmful or from new hazards and if such emergency  
151 temporary standard is necessary to protect the employees from such  
152 danger. Such emergency standard shall cease to be effective and  
153 shall no longer be applicable after the lapse of six months following  
154 the effective date thereof unless the commissioner has initiated the  
155 procedures provided for under this Act, for the purpose of promul-  
156 gating a permanent standard as provided in subsection one (1) of  
157 this section in which case the emergency temporary standard will  
158 remain in effect until the permanent standard is adopted and becomes  
159 effective. Abandonment of the procedure for such promulgation by  
160 the commissioner shall terminate the effectiveness and applicability  
161 of the emergency temporary standard.

162 6. Permanent variance. Notwithstanding chapter seventeen A  
163 (17A) of the Code, any affected employer may apply to the commis-  
164 sioner for a rule or order for a permanent variance from a standard  
165 promulgated under this section. Affected employees shall be given

166 notice of each such application and an opportunity to participate in  
167 a hearing. The commissioner shall issue such rule or order if he  
168 determines on the record, after opportunity for an inspection where  
169 appropriate and a hearing, that the proponent of the variance has  
170 demonstrated by a preponderance of the evidence that the conditions,  
171 practices, means, methods, operations, or processes used or proposed  
172 to be used by an employer will provide employment and places of  
173 employment to his employees which are as safe and healthful as those  
174 which would prevail if he complied with the standard. The rule or  
175 order so issued shall prescribe the conditions the employer must  
176 maintain, and the practices, means, methods, operations, and pro-  
177 cesses which he must adopt and utilize to the extent that they differ  
178 from the standard in question. Such a rule or order may be modified  
179 or revoked upon application by an employer, employees, or by the  
180 commissioner on his own motion, in the manner prescribed for its  
181 issuance under this subsection at any time after six months from its  
182 issuance.

183 7. Special variance. Where there are conflicts with standards,  
184 rules or regulations promulgated by any federal agency other than  
185 the United States department of labor, special variances from stan-  
186 dards, rules or regulations promulgated under this Act shall be  
187 granted to avoid such regulatory conflicts. Such variances shall take  
188 into consideration the safety of the employees involved. Notwith-  
189 standing any other provision of this chapter, and with respect to this  
190 paragraph, any employer seeking relief under this provision must  
191 file an application therefor with the commissioner and the commis-  
192 sioner shall forthwith hold a hearing at which employees or other  
193 interested persons, including representatives of the federal regula-  
194 tory agencies involved, may appear and upon the showing that such  
195 a conflict indeed exists the commissioner shall issue a special vari-  
196 ance until the conflict is resolved.

197 8. Priority for setting standards. In determining the priorities  
198 for establishing standards under this section, the commissioner shall  
199 give due regard to the urgency of the need for mandatory safety and  
200 health standards for particular industries, trades, crafts, occupa-  
201 tions, businesses, workplaces or work environments.

202 9. Product safety. Standards promulgated under this Act shall  
203 not be different from federal standards applying to products dis-  
204 tributed or used in interstate commerce unless such standards are  
205 required by compelling local conditions and do not unduly burden  
206 interstate commerce. This provision does not apply to customized  
207 products or parts not normally available on the open market, or to  
208 optional parts or additions to products which are ordinarily avail-  
209 able with such optional parts or additions.

210 10. Judicial review before enforcement. Any person who may be  
211 adversely affected by a standard issued under this section may at any  
212 time prior to the sixtieth day after such standard becomes effective  
213 file a petition challenging the validity of such standard with the  
214 district court of the county wherein such person resides or has a  
215 principal place of business, for a judicial review of such standard.  
216 A copy of the petition shall be forthwith transmitted by the clerk  
217 of the court to the commissioner. The filing of such petition shall  
218 not, unless otherwise ordered by the court, operate as a stay of the  
219 standard. The determinations of the commissioner shall be conclu-

220 sive if supported by substantial evidence in the record considered  
221 as a whole.

1     **SEC. 7. Inspections, investigations, and recordkeeping.**

2     1. Entrance and inspections. In order to carry out the purposes  
3 of this Act, the commissioner or his representative, upon presenting  
4 appropriate credentials to the owner, operator, or agent in charge,  
5 is authorized:

6     a. To enter without delay and at reasonable times any factory,  
7 plant, establishment, construction site, or other area, workplace or  
8 environment where work is performed by an employee of an em-  
9 ployer.

10     b. To inspect and investigate during regular working hours and  
11 at other reasonable times, and within reasonable limits and within a  
12 reasonable manner, any such place of employment and all pertinent  
13 conditions, structures, machines, apparatus, devices, equipment, and  
14 materials therein, and to question privately any such employer,  
15 owner, operator, agent or employee.

16     2. Subpoena of witness and evidence. In making his inspections  
17 and investigations under this Act, the commissioner may require the  
18 attendance and testimony of witnesses and the production of evi-  
19 dence under oath. Witnesses shall be paid the same fees and mileage  
20 that are paid witnesses in the district courts of this state. In case of  
21 contumacy, failure, or refusal of any person to obey such an order,  
22 any appropriate district court within the jurisdiction of which such  
23 person is found, or resides, or transacts business, upon the applica-  
24 tion by the commissioner, shall have jurisdiction to issue to such  
25 person an order requiring such person to appear, to produce evi-  
26 dence, if, as, and when so ordered and to give testimony relating to  
27 the matter under investigation or in question, and any failure to obey  
28 such order of the court may be punished by said court as a contempt  
29 thereof.

30     3. Accident and illness records.

31     a. Each employer shall make, keep and preserve, and make avail-  
32 able to the commissioner such records regarding his activities relat-  
33 ing to this Act as the commissioner may prescribe by regulation as  
34 necessary or appropriate for the enforcement of this Act or for  
35 developing information regarding the causes and prevention of occu-  
36 pational accidents and illnesses. In order to carry out the provisions  
37 of this paragraph such regulations may include provisions requiring  
38 employers to conduct periodic inspections. The commissioner shall  
39 also issue regulations requiring that employers, through posting of  
40 notices or other appropriate means, keep their employees informed  
41 of their protection and obligations under this Act, including the  
42 provisions of applicable standards.

43     b. The commissioner shall prescribe regulations requiring an em-  
44 ployer to maintain accurate records of, and to make periodic reports  
45 on, work related deaths, injuries, and illnesses other than minor  
46 injuries requiring only first aid treatment and which do not involve  
47 medical treatment, loss of consciousness, restriction of work or  
48 motion, or transfer to another job.

49     c. The commissioner shall issue regulations requiring employers to  
50 maintain accurate records of employee exposures to potentially toxic  
51 materials or harmful physical agents which are required to be moni-



52 tored or measured under section six (6), subsection two (2), of this  
53 Act. Such regulations shall provide employees or their authorized  
54 employee representative with an opportunity to observe such moni-  
55 toring or measuring, and to have access to the records thereof.  
56 Such regulations shall also make appropriate provisions for each  
57 employee or former employee to have access to such records that will  
58 indicate his own exposure to toxic materials or harmful physical  
59 agents. Each employer shall promptly notify any employee who has  
60 been or is being exposed to toxic materials or harmful physical agents  
61 in concentrations or at levels which exceed those prescribed by an  
62 applicable occupational safety and health standard promulgated  
63 under section six (6), subsection two (2), of this Act and shall  
64 inform any employee who is being thus exposed of the corrective  
65 action being taken.

66 d. All employers in the state of Iowa are required to make all  
67 reports to the secretary required by federal law as if this Act were  
68 not in effect.

69 e. The commissioner will make such reports to the secretary in  
70 such form and containing such information, as the secretary shall  
71 from time to time require pursuant to federal law.

72 f. The regulations referred to in this subsection shall not prescribe  
73 requirements different from those provided by the federal law and  
74 regulations.

75 4. Representatives of employers and employees. Subject to regu-  
76 lations issued by the commissioner, a representative of the employer  
77 and an authorized employee representative shall be given an oppor-  
78 tunity to accompany the commissioner or his authorized representa-  
79 tive during the physical inspection of any workplace under subsec-  
80 tion one (1) of this section, for the purpose of aiding such inspection.  
81 Where there is no authorized employee representative, the commis-  
82 sioner or his authorized representative shall consult with a reason-  
83 able number of employees concerning matters of health and safety  
84 in the workplace.

85 5. Special inspections. Any employees or authorized employee  
86 representative who believes that a violation of a safety or health  
87 standard exists that threatens physical harm, or that an imminent  
88 danger exists, may request an inspection by giving notice to the  
89 commissioner or his authorized representative of such violation or  
90 danger. Any such notice shall be reduced to writing, shall set forth  
91 with reasonable particularity the grounds for the notice, and shall  
92 be signed by the employees or authorized employee representative,  
93 and a copy shall be provided the employer or his agent no later than  
94 at the time of inspection, except that upon the request of the person  
95 giving such notice his name and the names of individual employees  
96 referred to therein shall not appear in such copy or on any record  
97 published, released, or made available pursuant to this section. If,  
98 upon receipt of such notification, the commissioner determines that  
99 there are reasonable grounds to believe that such violation or danger  
100 exists, he shall make a special inspection in accordance with the  
101 provisions of this section as soon as practicable, to determine if such  
102 violation or danger exists. If the commissioner determines that there  
103 is no reasonable grounds to believe that a violation or danger exists,  
104 he shall notify the employees or authorized employee representative  
105 in writing of such determination.

106 6. Notice of violations. During any inspection of a workplace, any  
107 employee or representative of employees employed in such workplace  
108 may notify the commissioner or any representative of the commis-  
109 sioner responsible for conducting the inspection, in writing, of any  
110 violation of this Act which they have reason to believe exists in such  
111 workplace. The commissioner shall, by regulation, establish proce-  
112 dures for an informal review of any refusal by a representative of  
113 the commissioner to issue a citation with respect to any such alleged  
114 violation and shall furnish the employees or authorized employee  
115 representative requesting such review a written statement of the  
116 reason for the commissioner's final disposition of the case.

117 7. General. Any information obtained by the commissioner under  
118 this Act shall be obtained with a minimum burden upon employers.  
119 Except for the purpose of administration of this Act, no information  
120 received by the commissioner or his representative from an employer,  
121 in compliance with and pursuant to this Act, shall be admissible in  
122 any action brought by or for the benefit of any person. Unnecessary  
123 duplication of efforts in obtaining information shall be reduced to the  
124 maximum extent feasible.

1 SEC. 8. Citations.

2 1. Issuance by commissioner.

3 a. If, upon inspection or investigation, the commissioner or his  
4 authorized representative believes that an employer has violated the  
5 requirements of section five (5) of this Act, of any standard, rule or  
6 rules promulgated pursuant to section six (6) of this Act, or of any  
7 regulations prescribed pursuant to this Act, he shall with reasonable  
8 promptness issue a citation to the employer. Each citation shall be  
9 in writing and shall describe with particularity the nature of the  
10 violation, including a reference to the provision of the Act, stan-  
11 dard, rules, regulations or order alleged to have been violated. In  
12 addition, the citation shall fix a reasonable time for the abatement  
13 of the violation. The commissioner shall prescribe procedures for  
14 the issuance of a notice in lieu of a citation with respect to de mini-  
15 mus violations which have no direct or immediate relationship to  
16 safety and health.

17 b. If, upon inspection or investigation, the commissioner or his  
18 authorized representative believes that an employee, under his own  
19 volition, has violated the requirements of section five (5) of this Act,  
20 of any standard, rule or rules promulgated pursuant to section six  
21 (6) of this Act, or of any regulations prescribed pursuant to this  
22 Act, he shall with reasonable promptness issue a citation to the  
23 employee. Each citation shall be in writing and shall describe with  
24 particularity the nature of the violation, including a reference to  
25 the provision of the Act, standard, rules, regulations or order al-  
26 leged to have been violated. The commissioner shall prescribe proce-  
27 dures for the issuance of a notice in lieu of a citation with re-  
28 spect to de minimus violations which have no direct or immediate  
29 relationship to safety and health.

30 2. Posting of citation. Each citation issued under this section, or  
31 a copy or copies thereof, shall be prominently posted, as prescribed  
32 in regulations issued by the commissioner, at or near each place a  
33 violation referred to in the citation occurred.

34 3. Statute of limitations. No citation may be issued under this  
35 section after the expiration of six months following the occurrence  
36 of any violation.

1 SEC. 9. Procedure for enforcement.

2 1. Post-inspection penalty notice. If, after an inspection or an  
3 investigation, the commissioner issues a citation under section eight  
4 (8) of this Act, he shall within a reasonable time after the termi-  
5 nation of such inspection or investigation notify the employer by  
6 certified mail of the penalty, if any, proposed to be assessed under  
7 section fifteen (15) of this Act and that the employer has fifteen  
8 working days within which to notify the commissioner that he  
9 wishes to contest the citation or proposed assessment of penalties.  
10 If, within fifteen working days from the receipt of the notice issued  
11 by the commissioner, the employer fails to notify the commissioner  
12 that he intends to contest the citation or proposed assessment of  
13 penalty, and no notice is filed by any employees or authorized em-  
14 ployee representative under subsection three (3) of this section  
15 within such time, the citation and the assessment, as proposed, shall  
16 be deemed a final order of the commission and not subject to review  
17 by any court or agency.

18 2. Noncompliance notice. If the commissioner has reason to be-  
19 lieve that an employer has failed to correct the violation for which  
20 a citation has been issued within the period permitted for its cor-  
21 rection (which period shall not begin to run until the entry of a  
22 final order by the commission in the case of any review proceedings  
23 under this section initiated by the employer in good faith and not  
24 solely for delay or avoidance of penalties), the commissioner shall  
25 notify the employer by certified mail of such failure and of the pen-  
26 alty proposed to be assessed under section fifteen (15) of this Act  
27 by reason of such failure, and that the employer has fifteen working  
28 days within which to notify the commissioner that he wishes to  
29 contest the commissioner's notification or the proposed assessment  
30 of penalty. If, within fifteen working days from the receipt of noti-  
31 fication issued by the commissioner, the employer fails to notify the  
32 commissioner that he intends to contest the notification or proposed  
33 assessment of penalty, the notification and assessment, as proposed,  
34 shall be deemed the final order of the commission and not subject to  
35 review by any court or agency.

36 3. Contested notice. If an employer notifies the commissioner that  
37 he intends to contest a citation issued under section eight (8) of this  
38 Act or notification issued under subsection one (1) or two (2) of  
39 this section or if, within fifteen working days of the issuance of a  
40 citation under section eight (8) of this Act, any employee or author-  
41 ized employee representative files a notice with the commissioner  
42 alleging that the period of time fixed in the citation for the abate-  
43 ment of the violation is unreasonable, the commissioner shall imme-  
44 diately advise the commission of such notification, and the commis-  
45 sion shall afford an opportunity for a hearing. The commission shall  
46 thereafter issue an order, based on findings of fact, affirming, modi-  
47 fying, or vacating the commissioner's citation or proposed penalty  
48 or directing other appropriate relief, and such order shall become  
49 final thirty days after its issuance. Upon a showing by an employer

50 of a good faith effort to comply with the abatement requirements of  
51 a citation, and that abatement has not been completed because of  
52 factors beyond his reasonable control, the commissioner, after an  
53 opportunity for a hearing shall issue an order affirming or modify-  
54 ing the abatement requirements in such citation. The rules of pro-  
55 cedure prescribed by the commission shall provide affected employees  
56 or representatives of affected employees an opportunity to partici-  
57 pate as parties to hearings under this subsection, and shall conform  
58 to rules of procedure promulgated and adopted under the federal law  
59 by federal authorities insofar as the same do not conflict with state  
60 law.

1     **SEC. 10. Judicial review.**

2     1. Aggrieved persons. Any person adversely affected or aggrieved  
3 by an order of the commission issued under section nine (9), sub-  
4 section three (3), of this Act may obtain a review of such order  
5 in the district court of the county in which the violation is alleged  
6 to have occurred or where the employer has its principal office by  
7 filing in such court within sixty days following the issuance of such  
8 order a written petition that the order be modified or set aside. A  
9 copy of such petition shall be forthwith transmitted by the clerk of  
10 the court to the commission and to the other parties, and thereupon  
11 the commission shall promptly file in the court the transcript of rec-  
12 ord in the proceedings. Upon such filing, the court shall have juris-  
13 diction of the proceeding and of the question determined therein,  
14 and shall have power to grant such temporary relief or restraining  
15 order as it deems just and proper, and to make and enter upon the  
16 pleadings, testimony, and proceedings set forth in such record a de-  
17 cree affirming, modifying, or setting aside in whole or in part, the  
18 order of the commission and enforcing the same to the extent that  
19 such order is affirmed or modified. The commencement of proceed-  
20 ings under this subsection shall not, unless ordered by the court,  
21 operate as a stay of the order of the commission. No objection  
22 which has not been urged before the commission shall be considered  
23 by the court, unless the failure or neglect to urge such objection shall  
24 be excused because of extraordinary circumstances. The findings  
25 of the commission with respect to questions of fact, if supported by  
26 substantial evidence on the record considered as a whole, shall be  
27 conclusive. If any party shall apply to the court for leave to ad-  
28 duce additional evidence and shall show to the satisfaction of the  
29 court that such additional evidence is material and that there were  
30 reasonable grounds for the failure to adduce such evidence in the  
31 hearing before the commission, the court may order such additional  
32 evidence to be taken before the commission and to be made a part  
33 of the record. The commission may modify its findings as to the  
34 facts, or make new findings by reason of additional evidence so taken  
35 and filed, and it shall file such modified or new findings with the  
36 court, which findings with respect to questions of fact, if supported  
37 by substantial evidence on the record considered as a whole, shall  
38 be conclusive, and its recommendations, if any, for the modification  
39 or setting aside of its original order. The commission's copy of the  
40 testimony shall be available to all parties for examination at all rea-  
41 sonable times, without cost, and for the purpose of judicial review

42 of the commission's orders. Upon the filing of the record with it,  
43 the jurisdiction of the court shall be exclusive and its judgment and  
44 decree shall be final, except that the same shall be subject to review  
45 by the state supreme court. Petitions filed under this subsection  
46 shall be heard expeditiously, and determined upon the transcript filed  
47 without requirement for printing.

48 2. Uncontested commission orders. The commissioner may also  
49 obtain review or enforcement of any final order of the commission  
50 by filing a petition for such relief in the district court of the county  
51 in which the alleged violation occurred or in which the employer  
52 has its principal office and the provisions of subsection one (1) of  
53 this section shall govern such proceedings to the extent applicable.  
54 If no petition for review, as provided in subsection one (1), is filed  
55 within sixty days after service of the commission's order, the com-  
56 mission's findings of fact and order shall be conclusive in connection  
57 with any petition for enforcement which is filed by the commissioner  
58 after the expiration of such sixty-day period. In any such case, as  
59 well as in the case of a noncontested citation or notification by the  
60 commissioner which has become a final order of the commission un-  
61 der section nine (9), subsection one (1) or two (2), of this Act, the  
62 clerk of court, unless otherwise ordered by the court, shall forth-  
63 with enter a decree enforcing the order and shall transmit a copy of  
64 such decree to the commission and the employer named in the peti-  
65 tion. In any contempt proceeding brought to enforce a decree of a  
66 district court entered pursuant to this subsection or subsection one  
67 (1) of this section, the district court may assess the penalties pro-  
68 vided in section fifteen (15) of this Act in addition to invoking any  
69 other available remedies.

70 3. Discrimination and discharge. No person shall discharge or  
71 in any manner discriminate against any employee because such em-  
72 ployee has filed any complaint or instituted or caused to be instituted  
73 any proceeding under or related to this Act or has testified or is  
74 about to testify in any such proceeding or because of the exercise by  
75 such employee on behalf of himself or others of any right afforded  
76 by this Act. Any employee who believes that he has been discharged  
77 or otherwise discriminated against by any person in violation of this  
78 subsection may, within thirty days after such violation occurs, file  
79 a complaint with the commissioner alleging such discrimination.  
80 Upon receipt of such complaint, the commissioner shall cause such  
81 investigation to be made as he deems appropriate. If upon such  
82 investigation, the commissioner determines that the provisions of  
83 this subsection have been violated, he shall bring an action in the  
84 appropriate district court against such person. In any such action,  
85 that district court shall have jurisdiction, for cause shown to re-  
86 strain violations of this subsection and order all appropriate relief  
87 including rehiring or reinstatement of the employee to his former  
88 position with back pay. Within ninety days of the receipt of a com-  
89 plaint filed under this subsection the commissioner shall notify the  
90 complainant of his determination under this subsection.

1 **SEC. 11. Occupational safety and health review commission.**

2 1. The occupational safety and health review commission is here-  
3 by established. The commission shall be composed of three members

4 who shall be appointed by the governor, as soon as practicable fol-  
5 lowing the effective date of this Act, with the approval of two-thirds  
6 of the members of the senate, which shall include among its members  
7 one member qualified by experience and affiliation to represent the  
8 employers, one member similarly qualified to represent labor, and one  
9 representative who shall be impartial and represent the public. The  
10 governor shall designate one of the members of the commission to  
11 serve as chairman.

12 2. Terms of office. The terms of members of the commission shall  
13 be six years, except that the members of the commission first taking  
14 office shall serve, as designated by the governor at the time of ap-  
15 pointment, one for a term of two years, one for a term of four years,  
16 and one for a term of six years. A vacancy caused by the death,  
17 resignation, or removal of a member prior to the expiration of the  
18 term for which he was appointed shall be filled only for the re-  
19 mainder of such unexpired term. A member of the commission may  
20 be removed by the governor for inefficiency, neglect of duty, or mal-  
21 feasance in office.

22 3. Principal office. The commission shall have an office at the seat  
23 of government. The executive council shall provide suitable office  
24 space, necessary furniture, equipment, and supplies. The commis-  
25 sion is authorized to employ necessary personnel for the carrying  
26 out of its functions and duties as provided under this Act. The com-  
27 mission may hold meetings and hearings anywhere in the state.

28 4. Compensation. Members of the commission shall be compen-  
29 sated at the rate of forty dollars per diem and shall be paid their  
30 actual and necessary expenses.

31 5. Quorum requirements. For the purpose of carrying out its  
32 functions under this Act, two members of the commission shall con-  
33 stitute a quorum and official action can be taken only on the affirma-  
34 tive vote of at least two members.

35 6. Public hearings. Every official act of the commission shall be  
36 entered of record, and its hearings and records shall be open to the  
37 public. The commission is authorized to make such rules as are  
38 necessary for the orderly transaction of its proceedings. Unless the  
39 commission has adopted a different rule, its proceedings shall be in  
40 accordance with the Iowa rules of civil procedure.

41 7. Depositions and testimony. The commission may order testi-  
42 mony to be taken by deposition in any proceedings pending before it  
43 at any state of such proceeding. Any person may be compelled to  
44 appear and depose and to produce books, papers or documents in the  
45 same manner as witnesses may be compelled to appear and testify  
46 and produce like documentary evidence before district courts of any  
47 county. Witnesses whose depositions are taken under this subsec-  
48 tion, the persons taking such depositions, shall be entitled to the  
49 same fees as are paid for like services in the district courts of any  
50 county.

51 8. Appeals heard expeditiously. Appeals to the commission shall  
52 be heard expeditiously.

1 **SEC. 12. Procedures to counteract imminent dangers.**

2 1. Imminent danger orders. The district court of the county in  
3 which the imminent danger is alleged to exist shall have jurisdiction,

4 upon petition of the commissioner, to restrain any conditions or prac-  
5 tices in any place of employment which are such that a danger exists  
6 which will reasonably be expected to cause death or serious physical  
7 harm immediately or before the imminence of such danger can be  
8 eliminated through the enforcement procedures otherwise provided  
9 by this Act. In the event the appropriate trial judge is not avail-  
10 able, any judge of the judicial district in which such county is located  
11 shall have authority to issue orders under this section. Any order  
12 issued under this section may require such steps to be taken as may  
13 be necessary to avoid, correct, or remove such imminent danger and  
14 prohibit the employment or presence of any individual in locations  
15 or under conditions where such imminent danger exists, except indi-  
16 viduals whose presence is necessary to avoid, correct or remove such  
17 imminent danger or to maintain the capacity of a continuous process  
18 operation to resume normal operations without a complete cessation  
19 of operations, or where a cessation of operations is necessary, to  
20 permit such to be accomplished in a safe and orderly manner.

21 2. Imminent danger proceedings. Upon the filing of any such peti-  
22 tion the said district court shall have jurisdiction to grant such in-  
23 junctive relief or temporary restraining order pending the outcome  
24 of an enforcement proceeding pursuant to this Act. The proceed-  
25 ings shall be as provided by the Iowa rules of civil procedure. No  
26 temporary restraining order issued without notice shall be effective  
27 for a period longer than five days.

28 3. Notification. Whenever and as soon as an inspector concludes  
29 that the conditions or practices described in subsection one (1) of  
30 this section exist in any place of employment, he shall inform the  
31 affected employees and employers of the danger and that he is rec-  
32 ommending to the commissioner that relief be sought. The commis-  
33 sioner shall adopt rules and regulations prescribing the procedures  
34 in enforcing imminent danger orders which procedures shall reason-  
35 ably conform to those promulgated under the federal law insofar as  
36 the same do not conflict with state law.

37 4. Employee's rights. If the commissioner arbitrarily or capri-  
38 ciously fails to seek relief under this section, any employee who may  
39 be injured by reason of such failure, or the authorized employee rep-  
40 resentative, may bring an action against the said commissioner in  
41 the district court of the county in which the imminent danger is al-  
42 leged to exist or the employer has his principal office, for a writ of  
43 mandamus to compel the commissioner to seek such an order and  
44 for such further relief as may be appropriate.

1 SEC. 13. Confidentiality of trade secrets. Notwithstanding any  
2 provisions of this Act, all information reported to or otherwise ob-  
3 tained by the commissioner or his representative in connection with  
4 any inspection or proceeding under this Act which contains or might  
5 reveal a trade secret shall be considered confidential, except that such  
6 information may be disclosed to other officers or employees concerned  
7 with carrying out this Act or when relevant to any proceeding under  
8 this Act. In any such proceeding the commissioner, the commission,  
9 or the court shall issue such orders as may be appropriate to protect  
10 the confidentiality of trade secrets.

1     **SEC. 14. Variations, tolerances and exemptions.** When the sec-  
2     retary grants variations, tolerances, and exemptions to avoid serious  
3     impairment of the national defense as provided under authority of  
4     section sixteen (16) of the federal law, the commissioner shall grant  
5     the same variations, tolerances, and exemptions in the Iowa law,  
6     rules, regulations and standards to be effective immediately.

1     **SEC. 15. Penalties.**

2     **1. Willful violations.** Any employer who willfully or repeatedly  
3     violates the requirements of section five (5) of this Act, any stand-  
4     ard, rule, or order promulgated pursuant to section six (6) of this  
5     Act, or regulations prescribed pursuant to this Act, may be assessed  
6     a civil penalty of not more than ten thousand dollars for each viola-  
7     tion.

8     **2. Serious violations.** Any employer who has received a citation  
9     for a serious violation of the requirements of section five (5) of this  
10    Act, of any standard, rule, or order promulgated pursuant to section  
11    six (6) of this Act, or of any regulations prescribed pursuant to this  
12    Act, shall be assessed a civil penalty of up to one thousand dollars  
13    for each such violation.

14    **3. Nonserious violations.** Any employer who has received a cita-  
15    tion for a violation of the requirements of section five (5) of this  
16    Act, of any standard, rule or order promulgated pursuant to section  
17    six (6) of this Act or of regulations prescribed pursuant to this Act  
18    and such violation is specifically determined not to be of a serious  
19    nature, may be assessed a civil penalty of up to one thousand dollars  
20    for each such violation, but no penalty shall be assessed for a vio-  
21    lation of each such standard, rule or regulation found during the  
22    first inspection.

23    **4. Failure to correct.** Any employer who fails to correct a viola-  
24    tion for which a citation has been issued under section eight (8),  
25    subsection one (1), of this Act within the period permitted for its  
26    correction (which period shall not begin to run until the date of the  
27    final order of the commission in the case of any review proceeding  
28    under section nine (9) of this Act initiated by the employer in good  
29    faith and not solely for delay or avoidance of penalties), may be  
30    assessed a civil penalty of not more than one thousand dollars for  
31    each day during which such failure or violation continues.

32    **5. Willful violations causing death.** Any employer who willfully  
33    violates any standard, rule, or order promulgated pursuant to sec-  
34    tion six (6) of this Act, or of any regulations prescribed pursuant  
35    to this Act, and that violation caused death to any employee, shall,  
36    upon conviction, be punished by a fine of not more than ten thousand  
37    dollars or by imprisonment for not more than six months or by both  
38    such fine and imprisonment; except that if the conviction is for a  
39    violation committed after a first conviction of such person, punish-  
40    ment shall be by a fine of not more than twenty thousand dollars or  
41    by imprisonment of not more than one year, or by both such fine  
42    and imprisonment.

43    **6. Advance notice of inspections.** Any person who gives advance  
44    notice of any inspection to be conducted under this Act, without au-  
45    thority from the commissioner or his designees, shall, upon convic-  
46    tion, be punished by a fine of not more than one thousand dollars or



47 by imprisonment for not more than six months, or by both such fine  
48 and imprisonment.

49 7. Filing false documents. Whoever knowingly makes any false  
50 statement, representation, or certification in any application, record,  
51 report, plan, or other document filed or required to be maintained  
52 pursuant to this Act shall, upon conviction, be punished by a fine of  
53 not more than ten thousand dollars, or by imprisonment of not more  
54 than six months, or by both such fine and imprisonment.

55 8. Disclosure of confidential information. Whoever violates the  
56 provisions of section thirteen (13) of this Act shall be fined not more  
57 than one thousand dollars, or imprisoned not more than one year,  
58 or both such fine and imprisonment; and shall be removed from  
59 office or employment.

60 9. Violation of posting requirements. Any employer who violates  
61 any of the posting, reporting or recordkeeping requirements as pre-  
62 scribed under the provisions of this Act, shall be assessed a civil  
63 penalty of up to one thousand dollars for each violation.

64 10. Assessment of penalties. The commission shall have the au-  
65 thority to assess all civil penalties provided in this section, giving  
66 due consideration to the appropriateness of the penalty with respect  
67 to the size of the business of the employer being charged, the grav-  
68 ity of the violation, the good faith of the employer, and the history  
69 of previous violations.

70 11. Definition of serious violation. For purposes of this section,  
71 a serious violation shall be deemed to exist in a place of employment  
72 if there is a substantial probability that death or serious physical  
73 harm could result from a condition which exists, or from one or more  
74 practices, means, methods, operations, or processes which have been  
75 adopted or are in use, in such place of employment unless the em-  
76 ployer did not, and could not with the exercise of reasonable dili-  
77 gence, know of the presence of the violation.

78 12. Collection of penalties. Civil penalties owed under this Act  
79 shall be paid to the commissioner for deposit with the treasurer of  
80 state and shall accrue to the state and may be recovered in a civil  
81 action in the name of the state brought in the district court of the  
82 county where the violation is alleged to have occurred or where the  
83 employer has its principal office.

1 SEC. 16. **Appeal procedures for employees.** In the event an em-  
2 ployee is issued a citation as provided in section eight (8) of this  
3 Act, the procedures for appeal as provided for employers in this Act  
4 shall apply.

1 SEC. 17. **Training and employee and employer education.**

2 1. The commissioner shall conduct directly or by contract, educa-  
3 tional programs to provide an adequate supply of qualified personnel  
4 to administer this Act and informational programs on the impor-  
5 tance of and proper use of adequate safety and health equipment.

6 2. The commissioner is authorized to conduct directly or by grants  
7 or contracts, short term training of personnel engaged in work re-  
8 lated to his responsibilities under this Act.

9 3. The commissioner shall provide for the establishment and super-  
10 vision of programs for the education and training of employers  
11 and employees in the recognition, avoidance, and prevention of un-

12 safe or unhealthful working conditions in employments covered by  
13 this Act, and consult with and advise employers, employees, and or-  
14 ganizations representing employers and employees, as to effective  
15 means of preventing occupational injuries and illnesses.

1 **SEC. 18. Representation in civil litigation.** The attorney general  
2 of the state shall upon request by the commissioner represent the  
3 commissioner in any civil litigation brought under this Act.

1 **SEC. 19. Statistics.** In order to further the purposes of this Act,  
2 the commissioner shall develop and maintain an effective program of  
3 collection, compilation, and analysis of occupational safety and health  
4 statistics. Such program may cover all employments whether or  
5 not subject to any other provisions of this Act. The commissioner  
6 shall compile accurate statistics on work injuries and illnesses which  
7 shall include all disabling, serious, or significant injuries and ill-  
8 nesses, whether or not involving loss of time from work, other than  
9 minor injuries requiring only first aid treatment and which do not  
10 involve medical treatment, loss of consciousness, restriction of work  
11 or motion, or transfer to another job.

1 **SEC. 20. Annual report.** Within one hundred twenty days follow-  
2 ing the convening of each session of each general assembly, the  
3 commissioner shall prepare and submit to the governor for trans-  
4 mittal to the general assembly a report upon the subject matter of  
5 this Act, the progress toward achievement of the purpose of this Act,  
6 the needs and requirements in the field of occupational safety and  
7 health, and any other relevant information. Such reports may in-  
8 clude information regarding occupational safety and health stan-  
9 dards, and criteria for such standards, developed during the preced-  
10 ing year; evaluation of standards and criteria previously developed  
11 under this Act, defining areas of emphasis for new criteria and stan-  
12 dards; an evaluation of the degree of observance of applicable occu-  
13 pational safety and health standards, and a summary of inspection  
14 and enforcement activity undertaken; analysis and evaluation of  
15 research activities for which results have been obtained under gov-  
16 ernmental and nongovernmental sponsorship; an analysis of major  
17 occupational diseases; evaluation of available control and measure-  
18 ment technology for hazards for which standards or criteria have  
19 been developed during the preceding year; description of coopera-  
20 tive efforts undertaken between government agencies and other  
21 interested parties in the implementation of this Act during the  
22 preceding year; a progress report on the development of an adequate  
23 supply of trained manpower in the field of occupational safety and  
24 health, including estimates of future needs and the efforts being made  
25 by government and others to meet those needs; listing of all toxic  
26 substances in industrial usage for which labeling requirements, cri-  
27 teria, or standards have not yet been established; and such recom-  
28 mendations for additional legislation as are deemed necessary to  
29 protect the safety and health of the worker and improve the admin-  
30 istration of this Act.

1 **SEC. 21.** Nothing in this Act shall be construed to supersede or  
2 in any manner affect any workmen's compensation law or to enlarge  
3 or diminish or affect in any other manner the common law or statu-

4 tory rights, duties, or liabilities of employers and employees under  
5 any law with respect to injuries, diseases, or death of employees  
6 arising out of, or in the course of, employment.

1 SEC. 22. **Severability.** If any provision of this Act, or the appli-  
2 cation of such provision to any person or circumstance, shall be held  
3 invalid, the remainder of this Act, or the application of such provi-  
4 sions to persons or circumstances other than those as to which it is  
5 held invalid, shall not be affected thereby.

1 SEC. 23. There is appropriated from the general fund of the state  
2 of Iowa to the Iowa bureau of labor for the fiscal year beginning July  
3 1, 1972 and ending June 30, 1973, an additional sum of forty-one  
4 thousand four hundred forty (41,440) dollars, or so much thereof  
5 as may be necessary, to carry out the provisions of this Act.

1 SEC. 24. There is appropriated from the general fund of the state  
2 of Iowa to the occupational safety and health review commission for  
3 the fiscal year beginning July 1, 1972, and ending June 30, 1973, a  
4 sum of fourteen thousand six hundred fifty (14,650) dollars, or so  
5 much thereof as may be necessary, to carry out the provisions of this  
6 Act.

Approved April 20, 1972.

## CHAPTER 1029

### SAFETY INSPECTION OF AMUSEMENT RIDES

#### H. F. 1001

AN ACT relating to the safety inspection and regulation of amusement rides, devices, and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. As used in this Act, unless the context otherwise  
2 requires:

3 1. "Commissioner" means the labor commissioner or his designee.

4 2. "Bureau" means bureau of labor.

5 3. "Amusement device" means any equipment or piece of equip-  
6 ment, appliance or combination thereof designed or intended to enter-  
7 tain or amuse a person.

8 4. "Amusement ride" means any mechanized device or combination  
9 of devices which carries passengers along, around, or over a fixed  
10 or restricted course for the purpose of giving its passengers amuse-  
11 ment, pleasure, thrills, or excitement.

12 5. "Carnival" means an enterprise offering amusement or enter-  
13 tainment to the public in, upon, or by means of amusement devices  
14 or rides or concession booths.

15 6. "Fair" means an enterprise principally devoted to the exhibition  
16 of products of agriculture or industry in connection with the opera-  
17 tion of amusement rides or devices or concession booths.