Notices of Final Rulemaking

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

PREAMBLE

1. Sections Affected

R20-5-602

Rulemaking Action

Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 23-405(4) Implementing statute: A.R.S. § 23-410

3. The effective date of the rules:

October 19, 2001

4. A list of all previous notices appearing in the register addressing the Proposed Rule:

Notice of Rulemaking Docket Opening: 7 A.A.R. 2086, May 18, 2001

Notice of Proposed Rulemaking: 7 A.A.R. 2212, June 1, 2001 Notice of Public information: 7 A.A.R. 2972, July 6, 2001

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Patrick Ryan, Assistant Director

Address: Division of Occupational Safety and Health

Industrial Commission of Arizona 800 West Washington Street, Suite 203

Phoenix, AZ 85007

Telephone: (602) 542-1695 Fax: (602) 542-1614

6. An explanation of the rule, including the agency's reasons for initiating the rule:

R20-5-602(A), requires change to incorporate two amendments to the general industry standard as published in 65 FR 76563-76567, on December 7, 2000, for the occupational exposure to cotton dust and as published in 66 FR 5317-5325, on January 18, 2001, for the occupational exposure to bloodborne pathogens: needlestick and other sharps injuries. Under its approved state program enforcing the Occupational Safety and Health Act, the state must adopt standards that are at least as effective as those adopted by the U.S. Department of Labor. Therefore, the Industrial Commission updates its occupational safety and health standards adopting by reference the most current and applicable federal occupational safety and health standards for general industry. Subsections (B), (C), and (D) of R20-5-602 are being removed as the State's Fire Marshal's Office is no longer a part of the Industrial Commission and the provisions contained in these subsections are no longer being enforced by the Industrial Commission.

7. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

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8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The Arizona Division of Occupational Safety and Health and the Federal Occupational Safety and Health Administration have determined that these amendments will have minimal to modest impact for most affected industry groups and has determined the amendments to be economically feasible for all industries including small business. Cost and benefit analysis of these amendments is available for inspection, review, and copying at the Industrial Commission of Arizona, Division of Occupational Safety and Health, 800 West Washington Street, Phoenix, Arizona 85007.

10. A description of the changes between the proposed rules, including supplemental notices and final rules (if applicable):

None

11. A summary of the principal comments and the agency response to them:

No comments, either oral or written were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporation by reference and their location in the rules:

29 CFR 1910, Federal Occupational Safety and Health Standards for General Industry, with amendments as of January 18, 2001. This incorporation by reference will appear in R20-5-602.

14. Was this rule previously made as an emergency rule?

No

15. The full text of the rule follows:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH CONSTRUCTION STANDARDS

Section

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH CONSTRUCTION STANDARDS

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

- A: Each employer shall comply with the standards in Subparts C through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of January 18, 2001 March 23 1999, incorporated by reference and on file with the Office of the Secretary of State. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona: provided that this rule shall not apply to those conditions and practices which are the subject of rule R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after January 18, 2001 March 23, 1999.
- **B.** "The State Fire Marshal's office shall develop and make available, through the Arizona State Fire School Program, classes which provide the training necessary to meet the requirements for interior structural brigades".
- C. The State Fire Marshal's office shall also establish requirements for fire brigade instructors which shall require, at a minimum, that each instructor have at least 3 years experience in fire suppression; training in hose lays, ladders, ventilation, salvage, overhaul, fire prevention, use and operation of self-contained breathing apparatus, rescue and planning in a program approved by the State Fire Marshal's office, or a program approved by an organized fire department of a city or town, or a program approved by an organized fire department of a volunteer fire district; and knowledge in the operation of fire extinguishers, stand pipe systems, sprinkler and Halon systems obtained either through experience in fire suppression or training in a program approved by the State Fire Marshal's office, or approved by an organized fire department or eity or town, or approved by an organized fire department of a volunteer fire district.
- **D.** These standards shall apply to all conditions and practices by all employers, both public and private, in the state of Arizona; provided that this rule shall not apply to those conditions and practices which are the subject of rule R20-5-601.