

RULES CERTIFICATE

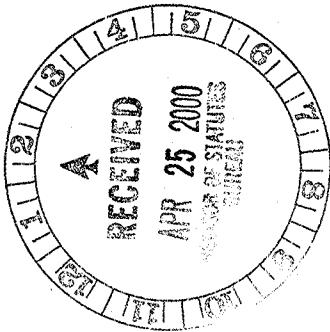
Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
Ch. Comm 32 Public Employee Safety and Health
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and
that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set
my hand at 201 West Washington Avenue
in the city of Madison, this 17th
day of April A.D. 2000

B. J. Blanchard
Secretary

7-100

ORDER OF ADOPTION

Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) ss. 101.02 (1) and 101.055 (3)

_____ Stats., the Department of Commerce creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ch. Comm 32 Public Employe Safety and Health
(number) (Title)

The attached rules shall take effect on On the first day of the month following publication in the Wisconsin

Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 4/17/00

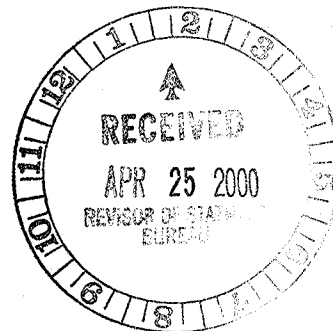
DEPARTMENT OF COMMERCE

[Signature]
Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapter Comm 32

Relating to: Public Employee Safety and Health

Clearinghouse Rule No.: 99-139

The Department of Commerce proposes an order to repeal Comm 32.24 (2)(b) and Note, and Comm 32.24 Figure 32.24; to renumber Comm 32.24 (2)(c); to renumber and amend Comm 32.24 (2)(d); to amend Comm 32.24 (2)(a), Comm 32.24 (4)(c), Comm 32.24 (5)(a), and Comm 32.24 (5)(c)2.; to repeal and recreate Comm 32.50 Table 32.50-2; and to create Comm 32.24 (5)(d), Comm 32.24 (6), Comm 32.33 (4) and (5), and Comm 32.50 Table 32.50-1 items 7. to 10., relating to public employe safety and health.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1) and 101.055 (3), Stats.

Statutes Interpreted: s. 101.055 (3), Stats.

The Department of Commerce is responsible for adopting standards to protect the safety and health of public employes in the state of Wisconsin. The adopted standards must provide protection at least equivalent to that afforded to private sector employes under standards administered and enforced by the federal Occupational Safety and Health Administration (OSHA).

Chapter Comm 32 currently contains general safety and health standards for all public employes through the incorporation by reference of several OSHA standards. Chapter Comm 32 also contains requirements that add to or modify the OSHA standards.

The proposed rules consist of revisions in chapter Comm 32, including the incorporation by reference of the new OSHA standards adopted since July 1, 1998. Those standards cover powered industrial truck operator training, permit-required confined spaces, and methylene chloride.

The proposed rules also contain revisions to current requirements relating to recirculation of contaminated air, ventilation for kilns, and ventilation for laboratory fume hoods.

SECTION 1. Comm 32.24 (2)(a) is amended to read:

Comm 32.24 (2) EXHAUST VENTILATION AT SOURCE OF CONTAMINATION AND MAKE-UP AIR.
(a) ~~Local~~ Except as provided in sub. (5)(d), local exhaust ventilation ductwork specifically designed for the removal of harmful dusts, fumes, vapors and gases shall be maintained at a negative pressure through occupied areas.

SECTION 2. Comm 32.24 (2)(b) and Note are repealed.

SECTION 3. Comm 32.24 (2)(c) is renumbered (2)(b).

SECTION 4. Comm 32.24 (2)(d) is renumbered (2)(c) and amended to read:

Comm 32.24 (2) (c) Tempered make-up air shall be installed to insure that the flow of exhaust air effectively picks up harmful dusts, fumes, vapors and gases prior to being exhausted.

SECTION 5. Comm 32.24 (4)(c) is amended to read:

Comm 32.24 (4) (c) Recirculation of contaminated air from local exhaust ventilation systems may be permitted where the exhaust system washes, scrubs or filters the air. Systems of this type ~~shall be designed in accordance with the criteria established in part 2 of the national institute for occupational safety and health (NIOSH) standard "Recirculation of Exhaust Air", HEW Publication (NIOSH) #76-186 perform in accordance with ANSI/AIHA Z9.7.~~ Cleaning systems designed in accordance with other standards may be permitted if approved by the department.

SECTION 6. Comm 32.24 (5)(a) is amended to read:

Comm 32.24 (5) VENTILATION FOR KILNS. (a) *General.* 1. ~~Local~~ Except as provided in subd. 2., local exhaust ventilation shall be provided for all fuel-fired and electric kilns. ~~Ventilation systems shall be designed in accordance with the best practices of the industry and are subject to acceptability by the department.~~

2. Local exhaust ventilation need not be provided where the kilns can be isolated in a separate room and the room is ventilated by means of a dedicated system at ~~the~~ a minimum rate of 10 air changes per hour.

Note: Ventilation capacity for 10 air changes per hour can be calculated as follows:

$$\frac{\text{Room volume (cu. ft.)} \times 10}{60} = \text{cfm needed}$$

Note: Reduced atmosphere firing produces high concentrations of carbon monoxide and caution should be exercised when entering the kiln room.

3. ~~Canopy hood exhaust systems shall be designed in accordance with the requirements specified in par. (b) and Figure 32.24.~~ Exhaust ventilation systems for kilns shall be designed to

remove harmful quantities of air contaminants generated during the firing process in order to comply with s. Comm 32.35.

Note: For examples of canopy hood exhaust systems, see the American Conference of Governmental Industrial Hygienists "Industrial Ventilation Manual".

~~4. Movable kilns shall be positioned under an exhaust hood during the firing cycle.~~

SECTION 7. Comm 32.24 Figure 32.24 is repealed.

SECTION 8. Comm 32.24 (5)(c)2. is amended to read:

Comm 32.24 (5) (c) 2. Kilns shall not may be located in boiler or furnace rooms if adequate combustion air is maintained for the boiler or furnace and the kiln under all operating conditions.

SECTION 9. Comm 32.24 (5)(d) is created to read:

Comm 32.24 (5) (d) *Downdraft ventilation.* Electric kilns with downdraft ventilation may have the ventilation ductwork maintained at a positive pressure through occupied areas provided the ductwork is sealed to prevent any leakage.

SECTION 10. Comm 32.24 (6) is created to read:

Comm 32.24 (6) VENTILATION FOR LABORATORY FUME HOODS. (a) *General.* 1. Except as provided in par. (b), laboratory fume hoods during use shall be operated with a minimum average 100 feet per minute face velocity at full open sash or sash stop position. When determining the minimum flow rate through the fume hood, the sash stop position may not be lower than 18 inches above the work surface.

Note: When operating the fume hood, the sash should be positioned to maximize the protection to the user.

2. Vertical sash fume hoods operated at sash stop positions shall have an alarm that gives a warning when the sash is raised above the sash stop position. Combination vertical/horizontal sash fume hoods shall have an alarm that gives a warning when the sash is vertically raised from the fully lowered position.

(b) *Alternate operation.* 1. Fume hoods operating at minimum average face velocities less than 100 feet per minute shall achieve a spillage rate less than 0.1 ppm at 4.0 liters per minute gas release for an "as used" condition in accordance with the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 110 - Method of Testing Laboratory Fume Hoods. The minimum allowable average face velocity for fume hoods achieving the ASHRAE 110 containment criteria shall be 40 feet per minute at full open sash.

2. Fume hoods operating at minimum average face velocities less than 100 feet per minute shall have a continuous flow meter with an alarm.

Note: For further information regarding fume hood operation, see ANSI/AIHA standard Z9.5 - Laboratory Ventilation.

(c) *Testing.* Operable fume hoods shall be tested annually for minimum average face velocity.

SECTION 11. Comm 32.33 (4) and (5) are created to read:

Comm 32.33 (4) PREVENTION OF AUTOMATIC RESTARTING. On applications where injury to the operator might result if motors were to restart after power failures, machines shall be prevented from automatically restarting upon restoration of power.

(5) MAINTENANCE. All equipment, machine tools, guards and power-driven machinery shall be operated and maintained in safe condition.

Note: For information regarding operation and maintenance of hoists, see ANSI/ASME standard B30.16 – Overhead Hoists (Underhung).

SECTION 12. Comm 32.50 Table 32.50-1 items 7. to 10. are created to read:

**Table 32.50-1
(Partial Table)**

OSHA	Occupational Safety and Health Administration Superintendent of Documents 310 West Wisconsin Avenue, Suite 150 Milwaukee, WI 53203 Telephone: 414/297-1304
7.	Methylene Chloride, Title 29 CFR Part 1910, Federal Register, Vol. 63, No. 183, September 22, 1998.
8.	Powered Industrial Truck Operator Training, Title 29 CFR Part 1910, Federal Register, Vol. 63, No. 230, December 1, 1998.
9.	Permit-Required Confined Spaces, Title 29 CFR Part 1910, Federal Register, Vol. 63, No. 230, December 1, 1998.
10.	Powered Industrial Truck Operator Training; Correction to Final Rule, Title 29 CFR Part 1910, Federal Register, Vol. 64, No. 80, April 27, 1999.

SECTION 13. Comm 32.50 Table 32.50-2 is repealed and recreated to read:

Table 32.50-2

ANSI	American National Standards Institute Attn: Customer Service 11 West 42 nd Street New York, NY 10036 Telephone: 212/642-4900
1.	Recirculation of Air from Industrial Process Exhaust Systems, ANSI/AIHA Z9.7-1998.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

April 10, 2000

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 99-139

RULE NO.: Chapter Comm 32

RELATING TO: Public Employe Safety and Health

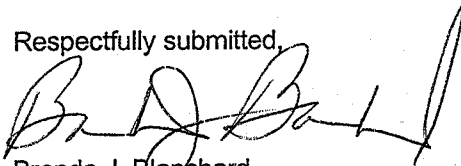
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,


Brenda J. Blanchard
Secretary

