

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer or employee.

(2) **PARTICIPATION IN INSPECTIONS.** Pursuant to s. 101.055 (5), Stats., a representative of the employer, an employee, or an employee representative shall be provided an opportunity to accompany a department inspector on any inspection made under this chapter.

(3) **REQUESTS FOR INSPECTIONS.** (a) Any person who believes a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection.

(b) If an employee or employee representative requesting an inspection so designates, that person's name may not be disclosed to the employer or any other person, including any state agency except the department.

(c) When determined necessary by the department, a request for inspection shall be made on a form provided by the department.

Note: Copies of the request for inspection form (SBD-5907) may be obtained from the Safety and Buildings Division, P.O. Box 7969, Madison, Wisconsin 53707.

(4) **ORDERS.** The department shall issue orders for violation of this chapter in accordance with s. 101.055 (6), Stats.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 32.06 Posting department order. (1) Upon issuance of an order of noncompliance, the employer shall post a copy of the order at or near the site of the violation.

(2) An order issued shall be posted for a period of 3 days, or until the violation is abated, whichever is longer.

(3) The employer shall ensure that the order is not altered, defaced or covered by other materials.

(4) An order issued shall be posted regardless of whether there has been a petition for variance or hearing.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 32.07 Variances. Pursuant to s. 101.055 (4), Stats., the department shall consider and may grant a temporary variance, an experimental variance or a permanent variance in accordance with s. ILHR 3.04 for a safety and health issue affecting public employees.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 32.08 Notices. Every employer shall post a notice which summarizes the employee's protections and rights as granted under s. 101.055, Stats.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 32.09 Penalties. Penalties for violations of this chapter may be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully

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enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Subchapter III — General Requirements

ILHR 32.15 OSHA Safety and health standards. Except as provided in s. ILHR 32.16 and subch. IV, all places of employment and public buildings of an employer shall comply with the following federal occupational safety and health administration (OSHA) requirements:

(1) Recording and Reporting Occupational Injuries and Illnesses, 29 CFR Part 1904, July 1, 1989.

(2) Occupational Safety and Health Standards for General Industry, 29 CFR Part 1910, July 1, 1989.

(3) Occupational Safety and Health Standards for Construction Industry, 29 CFR Part 1926, July 1, 1989. These requirements shall apply whether or not construction activities are involved.

(4) Occupational Safety and Health Standards for Shipyard Employment, 29 CFR Part 1915, May, 1982.

(5) Occupational Safety and Health Standards for Agriculture, 29 CFR Part 1928, June, 1981.

(6) Occupational Safety and Health Standards for Marine Terminals, 29 CFR Part 1917, Federal Register, Vol. 48, No. 129, Tuesday, July 5, 1983.

(7) Occupational Exposure to Lead, 29 CFR Parts 1910, 1915, 1917 and 1918, Federal Register, Vol. 54, No. 131, July 11, 1989.

(8) Powered Platforms for Building Maintenance, 29 CFR Part 1910, Federal Register, Vol. 54, No. 144, July 28, 1989.

(9) Control of Hazardous Energy Source (Lockout/Tagout), 29 CFR Part 1910, Federal Register, Vol. 54, No. 169, September 1, 1989.

(10) Occupational Safety and Health Standards - Excavations, 29 CFR Part 1926, Federal Register, Vol. 54, No. 209, October 31, 1989.

(11) Occupational Exposure to Hazardous Chemicals in Laboratories, 29 CFR Part 1910, Federal Register, Vol. 55, No. 21, January 31, 1990.

(12) Safety and Health Standards: Welding, Cutting and Brazing, 29 CFR Part 1910, Federal Register, Vol. 55, No. 70, April 11, 1990.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

ILHR 32.16 Wisconsin administrative codes. The following Wisconsin Administrative Codes shall supercede the standards specified in s. ILHR 32.15 for those safety and health issues which fall within the scope of the respective codes.

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3. Occupational Safety and Health Standards for Construction Industry, 29 CFR Part 1926, July 1, 1989.
4. Occupational Safety and Health Standards for Shipyard Employment, 29 CFR Part 1915, May, 1982.
5. Occupational Safety and Health Standards for Agriculture, 29 CFR Part 1928, June, 1981.
6. Occupational Safety and Health Standards for Marine Terminals, 29 CFR Part 1917, Federal Register, Vol. 48, No. 129, Tuesday, July 5, 1983.
7. Occupational Exposure to Lead, 29 CFR Parts 1910, 1915, 1917 and 1918, Federal Register, Vol. 54, No. 131, July 11, 1989.
8. Powered Platforms for Building Maintenance, 29 CFR Part 1910, Federal Register, Vol. 54, No. 144, July 28, 1989.
9. Control of Hazardous Energy Source (Lockout/Tagout), 29 CFR Part 1910, Federal Register, Vol. 54, No. 169, September 1, 1989.
10. Occupational Safety and Health Standards - Excavations, 29 CFR Part 1926, Federal Register, Vol. 54, No. 209, October 31, 1989.
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12. Safety and Health Standards: Welding, Cutting and Brazing, 29 CFR Part 1910, Federal Register, Vol. 55, No. 70, April 11, 1990.

Table 32.50-2

NIOSH	U.S. Department of Commerce National Technical Information Service 5285 Port Royal Road Springfield, VA 22161 Telephone: 703/487-4650
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1. Recirculation of Exhaust Air, HEW (NIOSH) Publication #76-186.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91

Register, March, 1991, No. 423