

Table of Contents

07.04.01 - RULES GOVERNING SAFETY INSPECTIONS

000. LEGAL AUTHORITY.	2
001. TITLE AND SCOPE.	2
002. WRITTEN INTERPRETATIONS.	2
003. ADMINISTRATIVE APPEALS.	2
004. -- 010. (RESERVED).	2
011. SAFETY INSPECTIONS.	2
012. -- 999. (RESERVED).	3

**IDAPA 07
TITLE 04
CHAPTER 01**

07.04.01 - RULES GOVERNING SAFETY INSPECTIONS

000. LEGAL AUTHORITY.

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07, Title 4, Chapter 1, Rules Governing Safety Inspections, Department of Labor and Industrial Services. These rules govern the enforcement of Sections 44-104 and 44-105, Idaho Code, as amended.

(2-26-93)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of this chapter in the form of legal memoranda. Reasonable standards for safety and sanitation are the following safety codes: the rules of the Idaho Industrial Commission promulgated under Chapter 7, Title 72, Idaho Code; the Idaho Mine Inspector rules promulgated under Chapter 1, Title 44, Idaho Code; the American Society for Mechanical Engineers; the United States of America Standards Institute; the National Fire Codes adopted by the National Fire Protection Association; the Idaho State Plumbing Board; the Idaho Electrical Board; and the Idaho Department of Health and Welfare.

(2-26-93)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions outlined herein.

(2-26-93)

004. -- 010. (RESERVED).

011. SAFETY INSPECTIONS.

01. Inspections. The Director or his representative will make periodic inspections in places of employment covered by this Act to ascertain whether there exists any violation of any law of this State relating to safety and/or sanitary conditions or practices, or whether the place of business and/or equipment is constructed and maintained in conformity with applicable, reasonable standards of safety and/or sanitation, or whether any owner, lessor, lessee, agent, operator, manager, or any other person in charge, is violating applicable minimum safety standards adopted by the Industrial Commission of the state of Idaho.

(12-5-75)

02. Violations. When such places of employment are found to be in violation of the standards set forth and referred to in IDAPA 07.04.01.011.01., the Director, or his representative, may cause to be served a written order and/or notice upon the owner, lessor, lessee, agent, operator, manager, or any other person in charge of such place of employment, stating in detail the unsafe and/or unsanitary condition of minimum safety standard being violated, and specifying a length of time within which such unsafe and/or unsanitary conditions must be corrected. In the event the unsafe and/or unsanitary condition is not corrected within the length of time specified, or if the Director, or his representative, finds that conditions or practices are such that an unsafe and/or unsanitary condition exists which could reasonably be expected to cause death or serious physical harm immediately, or before the condition of such unsafe and/or unsanitary condition could be eliminated, the Director, or his representative, shall determine the extent of the area where such unsafe and/or unsanitary condition exists and will thereupon issue an order or notice requiring the owner, lessor, lessee, agent, operator, manager, or other person in charge, to cause all persons, except those whose presence in such area is necessary to eliminate the danger of unsanitary condition described in the order, to be withdrawn from and restrained from entering such area or areas. Such areas will then be posted by the Director, or his representative, and as set forth in Section 44-104, Idaho Code, it is a misdemeanor to remove or deface such posted order or notice of such unsafe and/or unsanitary condition without permission to do so from the Director, or his representative.

(12-5-75)

03. Non-Compliance. Should the owner, lessor, lessee, agent, operator, manager, or any other person in charge of such place of employment who has been notified to comply with the requirements stated in any notice of an unsafe and/or unsanitary condition, fail or refuse such compliance, such person shall as provided in Section 44-105, Idaho Code, be deemed guilty of a misdemeanor, and each day's continuance of such neglect or refusal shall be a separate offense, and the Director or his representative, may maintain an action in the name of the State of Idaho to enjoin such person from doing any act in violation of any order or notice issued by the Director, or his representative, pursuant to Sections 44-104 and 44-105, Idaho Code, as amended, or from doing any act which interferes with,

hinders, or delays the Director, or his representative, from carrying out his duties. Such action will be brought in the District Court in the district in which said acts, or some of them, are claimed to have been or are being committed.
(12-12-75)

012. -- 999. (RESERVED).