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**IDAPA 17
TITLE 08
CHAPTER 01**

**17.08.01 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES
FOR LOGGING -- GENERAL PROVISIONS**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. (7-1-97)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17.08.01, "Idaho Minimum Safety Standards and Practices for Logging -- General Provisions," and shall be applicable to the logging industry in the state of Idaho. (7-1-97)

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. (7-1-97)

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. (7-1-97)

004. (RESERVED).

005. INCLUSIVE GENDER.

For all sections and subsections of these rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate. (7-1-97)

006. SEVERABILITY.

The sections and subsections of these rules are severable. If any rule, or part thereof, or the application of such rule, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. (7-1-97)

007. DEFINITIONS.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (7-1-97)

01. Approved. The term approved shall mean approved by the Industrial Commission and/or Division of Building Safety. (7-1-97)

02. Commission. The Industrial Commission of the state of Idaho. (7-1-97)

03. Department. The Division of Building Safety. (7-1-97)

04. Shall, Must, Will. Is compulsory or mandatory. (7-1-97)

05. Equipment. The term as used shall mean and include all machines, machinery, tools, devices, safeguard, and protective facilities used in connection with the operation and maintenance of an establishment regardless of ownership. (7-1-97)

06. Guarded. Guarded shall mean, covered, shielded or railed so as to remove the liability of dangerous contact or approach by employees or objects. It shall further mean construction of guards to ensure protection from flying objects where applicable. (7-1-97)

07. Hazard. Hazard as used in these standards shall mean any condition or circumstance which may cause injury to an employee. (7-1-97)

08. Safety Factor Or Factor Of Safety. This term as used is the ratio of the ultimate breaking strength

of a member or piece of material to the actual working stress or to the maximum permissible (safe load) stress. Example. When a safety factor of six (6) is required, the structure, lines, hoists, or other equipment referred to shall be such as to provide a strength sufficient to support a load equal to six (6) times the total weight or stress to be imposed on it. (7-1-97)

09. Standard Safeguard. Shall mean a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building or equipment to which it is attached. (7-1-97)

10. Substantial. Shall mean constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand normal wear, shock and usage. (7-1-97)

11. Exposed To Contact. Shall mean the location of a hazardous object is so accessible that a workman may, in the course of his employment, come into contact with the object. (7-1-97)

12. It Is Recommended, Or Should. When these terms are used they shall indicate provisions which are not mandatory. (7-1-97)

13. Log Or Logs. When the word log or logs is used, it includes poles, piling, pulpwood, skids, etc. (7-1-97)

008. INTERPRETATION AND APPLICATION OF THIS RULE.

01. Scope. This rule is a part of the state of Idaho industrial accident prevention program and has the full force and effect of law. (7-1-97)

02. Jurisdiction. In accordance with the laws of the state of Idaho, every employer and every employee working in the state of Idaho shall conform with the rules and regulations of this rule. (7-1-97)

03. Enforcement. The enforcement of all rules and regulations of this rule and the right of inspection and examination, at any time, shall rest with the Commission and/or Department. (7-1-97)

04. Issues Not Covered. Where specific standards in this rule fail to provide a rule or standard applicable to the operation in question, and other state of Idaho codes or standards are applicable, those codes or standards shall apply. (7-1-97)

05. Interpretations. Should any controversy develop as to the intent or application of any standard or rule as set forth in this rule, or the interpretation of any standard or rule set forth in this rule, such controversy shall be called to the direct attention of the Director who will render a decision as the applicability of such rule or standard. Any appeal from this decision shall be directed to the Commission. (7-1-97)

06. Additional Standards. It is recognized that a definite, positive safety standard cannot anticipate all contingencies. The Commission and/or Department, after due notice and opportunity to be heard, may require additional standards and practices to insure adequate safety at any place of any employment, and, on its own motion or upon application of any employer, employee, group, or organization, may modify any provision of this rule. (7-1-97)

07. Exceptions. In exceptional cases where the rigid application or compliance with a requirement can only be accomplished to the detriment and serious disadvantage of an operation, method, or process, exception to the requirement will be considered upon written application to the Commission and Department. After thorough investigation, the Commission or Department may grant an exception or may apply or devise another applicable rule, if human life and physical well being will not be endangered by such exception. (7-1-97)

08. Existing Buildings, Structures, And Equipment. Nothing contained in this rule for Logging shall prevent the use of existing buildings, structures, and equipment during their lifetime when maintained in good safe condition, and properly safeguarded, and conform to the applicable safety standards required by Idaho Safety Codes effective prior to the effective date of this rule, and provided that replacements and alterations shall conform with all

provisions of this Code. (7-1-97)

009. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. (7-1-97)

a. Every employer shall furnish employment and maintain places of employment which are safe according to the standards as set forth herein. (7-1-97)

b. Every employer shall adopt and use practices, means, methods, operations and processes which are adequate to render such employment and place of employment safe. (7-1-97)

c. Every employer should insure that Material Safety Data Sheets (MSDS) are reasonably accessible for every hazardous material. (7-1-97)

d. Every employer shall do every other thing necessary within the framework of this Rule to protect the life and safety of employees. (7-1-97)

e. No employer shall require any employee to go or be in any place of employment which does not meet the minimum safety requirement of this Rule, except for the purpose of meeting such requirements. (7-1-97)

f. No employer shall fail or neglect. (7-1-97)

i. To make available and use safety devices and safeguards as are indicated. (7-1-97)

ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. (7-1-97)

iii. To do every other thing necessary within the framework of this Rule to protect the life and safety of employees. (7-1-97)

g. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment which does not meet the minimum safety requirements of this Rule. (7-1-97)

h. No person, employer, employee, other than an authorized person, shall do any of the following. (7-1-97)

i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. (7-1-97)

ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. (7-1-97)

iii. No person shall fail or neglect to do everything necessary within the requirements of this Rule to protect the life and safety of employees. (7-1-97)

iv. The use of intoxicants while on duty is prohibited. Persons reporting for duty while under the influence of or affected by liquor shall not work until completely recovered. (7-1-97)

i. A definite procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators or motorized equipment, watchmen, or certain other jobs which, by their nature are singular

workmen assignments. There shall be some method of checking the men in at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of moveable equipment. (7-1-97)

j. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Commission and/or Department to determine by examining the record, the injury rate of the employee force for the period covered by the report. (7-1-97)

k. Every employer shall investigate or cause to be investigated every accident resulting in a disabling injury that his employees suffer in connection with their employment. He shall promptly take any action thus found to be advisable. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. (7-1-97)

02. Management Responsibility. (7-1-97)

a. Top management must take an active and interested part in the development and guidance of the operation's safety program, including fire safety. (7-1-97)

b. Management must apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of top management to assume full and definite responsibility. To attain these safety objectives, management must have the full cooperation of employers, Commission and Department. (7-1-97)

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. (7-1-97)

d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied. (7-1-97)

e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. (7-1-97)

010. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. (7-1-97)

a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity which creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. (7-1-97)

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall see that all guards, hoods, safety devices, etc., that are provided by the employer, are in proper place and properly adjusted. (7-1-97)

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. (7-1-97)

03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work. (7-1-97)

04. Employee Responsibilities. The responsibilities of an employee insofar as industrial safety is

concerned shall be as follows. (7-1-97)

a. The employee shall report immediately, preferably in writing, to his foreman or safety committee member in his department of the plant, all known unsafe conditions and practices. (7-1-97)

b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. (7-1-97)

c. The employee shall not participate in practical jokes or horseplay. (7-1-97)

d. The employee shall make a prompt report to the foreman, first aid attendant, or person in charge, of every accident regardless of severity. (Such reports are required and are necessary for his protection in order that there may be a record of his injuries.) (7-1-97)

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or interfere in any way with the use thereof by any other person or interfere with the use of any method or process adopted for the protection of any employee in such employment or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. (7-1-97)

f. The employee shall not report to the job under the influence of intoxicants and shall not use intoxicants while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or affected by intoxicants. Employers shall be responsible for the actions of any employee known to be in an intoxicated condition while on the job. (Workers are reminded that intoxication on the job may result in forfeiture of compensation for injury to say nothing of the hazard created to fellow workers.) (7-1-97)

g. The employee shall not be permitted to work while under the influence of hallucinatory drugs or chemicals or other drugs covered by the Federal Narcotics Act, unless such drugs or chemicals are prescribed by a licensed Medical Doctor, provided the employee does not create a hazard to himself or his fellow workers. (7-1-97)

h. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer on termination of employment. (7-1-97)

i. Workers exposed to head hazards shall wear approved head protection. (7-1-97)

j. Proper eye protection shall be worn while doing work where a known eye hazard exists. (7-1-97)

k. The employee should consider the benefits of accident prevention to himself and to his job. (Safety-consciousness is the ability to anticipate accidents and a desire to prevent them.) (7-1-97)

l. The employee should make an effort to understand his job. (An efficient worker understands the job, and studies everything pertaining to it.) (7-1-97)

m. The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. (7-1-97)

n. The employee should be on the alert constantly for any unsafe condition or practice. (An employee's own knowledge and interest in the work makes the best possible safety inspector.) (7-1-97)

o. The employee should learn first aid to be applied on the job, in the home, or anywhere else. (7-1-97)

p. The employee should keep physically fit, and obtain sufficient rest. (7-1-97)

q. The employee should be certain, after receiving instructions, that they are understood completely before starting the work. (7-1-97)

r. The employee should actively participate in safety programs. (7-1-97)

s. The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. (7-1-97)

t. The employee should advise inexperienced fellow-employees of safe ways to do their work and warn them of dangers to be guarded against. (7-1-97)

u. It is the employer's responsibility to see that the foregoing provisions are complied with. (7-1-97)

011. -- 999. (RESERVED).

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