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**IDAPA 07
TITLE 04
CHAPTER 01**

07.04.01 – RULES GOVERNING SAFETY INSPECTIONS – GENERAL

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority granted the administrator of the Division of Building Safety by Sections 67-2601A and 67-2311 through 67-2318, Idaho Code. (3-28-18)

001. TITLE AND SCOPE.

These rules are titled IDAPA 07.04.01, “Rules Governing Safety Inspections – General.” These rules prescribe the criteria for enforcement of Sections 67-2601A and 67-2311, 67-2312 through 67-2318, Idaho Code. (3-28-18)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. (3-28-18)

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. (7-1-97)

004. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Industrial Safety Program is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, ID 83642. The Industrial Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, ID 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Division’s website is <https://dbs.idaho.gov>. (3-28-18)

005. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (3-28-18)

006. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (3-28-18)

007. -- 010. (RESERVED)

011. SAFETY INSPECTIONS.

01. Safety Advisors. Safety advisors for the Division of Building Safety, Industrial Safety Section, will make periodic inspections of public buildings covered by Sections 67-2311 through 67-2318, and 67-2601A, Idaho Code, and the immediate environs thereof, for the purpose of ascertaining unsafe or hazardous conditions not only to the state’s employees but to inmates therein, attendants thereat, and to the general public. (3-28-18)

02. Inspection Standards. Safety and occupational health inspections are conducted using the rules contained herein, as the primary standards as applicable; and applicable provisions, as determined by the division, of 29 CFR 1910, Occupational Safety and Health Standards, and 29 CFR 1926, Safety and Health Regulations for Construction, with the following standards used as a basis for appraisals of other hazards: the International Building Code (IBC) as adopted by the Building Code Board, and as amended and in effect pursuant to IDAPA 07.03.01; the International Fire Code (IFC), as adopted by the Department of Insurance, and as amended and in effect pursuant to IDAPA 18.01.50; the Mechanical Codes, as adopted by the Idaho Heating, Ventilation and Air Conditioning Board, and as amended and in effect pursuant to IDAPA 07.07.01; the Idaho State Plumbing Code (IPC), as adopted by the Idaho Plumbing Board, and as amended and in effect pursuant to IDAPA 07.02.06; the National Electric Code (NEC), as adopted by the Idaho Electrical Board, and as amended and in effect pursuant to IDAPA 07.01.06; the most current edition of the Life Safety Code; the most current standards of the American National Standards Institute (ANSI); the most current standards of the National Fire Protection Association (NFPA); the most current standards of the Consumer Product Safety Commission (CPSC); the most current standards of the National Institute for Occupational Safety and Health (NIOSH); nationally recognized industry standards; and other nationally recognized standards and codes. (3-28-18)

012. REQUIREMENTS.

01. Safe Workplace. Every public employer must furnish a place of employment free from recognized hazards which may cause serious injury or death to employees. Recognized hazards are those addressed by codes adopted by the state. (3-28-18)

02. Safety Devices. Every public employer must furnish and use appropriate safety devices and safeguards, and must adopt and use practices, means, methods, operations, and processes which are adequate to render the place of employment safe and free of occupational health hazards. (3-28-18)

03. Posted Warnings. Every public employer must post warning signs in areas where employees are exposed to injury hazards and must ensure that employees comply with the posted warnings. (3-28-18)

04. Training and Equipment. No public employer may require an employee to go or be in any place of employment that is unsafe unless that employee has the appropriate training, is properly equipped, and is authorized to go or be in such place. (3-28-18)

05. Minimum Construction Standards. No public employer, owner, or lessee of any real property may construct or cause to be constructed any place of employment which does not meet the minimum safety requirements identified by codes adopted by the state, or other nationally recognized codes and standards as listed in Section 007 of these rules. (3-28-18)

06. Training. (3-28-18)

a. It is the responsibility of the public employer to establish and ensure a safe and healthful working environment, and to establish an accident-prevention program and training program to improve the skill and competency of all employees in the area of safety and occupational health. (3-28-18)

b. Such training must include on-the-job instruction in the safe use of powered materials-handling equipment, machine tool operations, use of hazardous/toxic materials, and operation of utility systems prior to assignment to jobs involving such exposures. (3-28-18)

013. ADMINISTRATION.

01. Annual Inspections. All safety inspections of places of public employment conducted pursuant to these rules must be performed by personnel of the Division of Building Safety, Industrial Safety Section, on an annual basis in accordance with Section 67-2313, Idaho Code. Such inspection must be conducted in accordance with the standards and codes set forth herein. (3-28-18)

02. Public Employer Responses. An employer must respond within twenty (20) days of receipt of any inspection report containing findings. The response must be made to the Division of Building Safety, Industrial Safety Section, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. If additional time is needed to respond, the administrator is authorized to grant an extension when a written request is received from the agency. (3-28-18)

03. Inapplicability of Penalties. Any provisions contained in the Occupational Safety and Health Administration regulations, including but not limited to 29 CFR 1910 and 29 CFR 1926, which relate to or provide for civil penalties for violations of the standards contained therein, do not apply and are not enforced by the Division of Building Safety in the administration of the state's safety and occupational health program. (3-28-18)

014. -- 999. (RESERVED)

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