

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATION

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Labor and Industry
(Agency or Board)

Regulation No. MOSHC 100 thru 314 (amended and new)

Subject: Miscellaneous

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
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FILED
RICHARD L. BRUBACHER
Commissioner of Administration

FEB 20 1974 2:08 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

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Rev. 9-72

CHAPTER EIGHT: MOSHC 100-119

ELEVATORS, DUMBWAITERS, ESCALATORS AND MOVING WALKS

MOSHC 100 General Provisions

(a) Scope

(1) The matters covered in this code shall include regulations for passenger elevators, freight elevators, hoists, lifts, dumbwaiters, moving stairways, moving walks, or any mechanical device or apparatus, permanently installed and fixed in position in any building or structure except private residences, for the purpose of conveying people, animals, vehicles, merchandise, building materials or any other load regardless of whether said load is to be conveyed above or below the grade line.

(2) The regulations given herein shall apply to the construction, installation, alteration and operation of all such installations listed in MOSHC 100 (a) of this section, which are hereafter constructed, installed or altered within the limits of the State of Minnesota.

(b) Definitions

(1) An existing elevator installation or moving stairway shall mean one on which construction was begun prior to the effective date of this code.

(2) A new elevator or moving stairway installation shall mean one on which construction was begun subsequent to the effective date of this code.

(c) Existing Installations

(1) All existing installations may be continued in service as long as they are properly maintained and are, in the opinion of the administrative authority, installed and maintained in a safe condition. The Administrative Authority may order the installation of car gates, car tops, and the car walls extended to the car top on all existing installations. The administrative authority shall have the authority to shut down any piece of equipment covered by this chapter, which in his opinion is dangerous to life, limb and adjoining property, and such equipment shall not be put back into operation until such unsafe condition has been corrected and approved by the Administrative Authority.

(2) Any installation, which is materially changed subsequent to the date of enactment of this code, shall comply with all of the requirements covering a new installation. A material change shall be defined as any change which moves the location, increases or decreases the length of travel, changes the type of operation, increases the speed or carrying capacity or changes the types of power supply of an existing installation.

(3) Any installation, whether new or existing, which shall become damaged, defective or worn by fire or other causes including ordinary wear to such an extent that, in the opinion of the administrative authority it becomes dangerous to life, limb and adjoining property, such installations shall be repaired or rebuilt in conformity with the provisions of this chapter for new installations. Such equipment shall, if in the opinion of the administrative authority, it is found necessary to protect life, limb and property, be taken out of service until such unsafe

condition has been removed.

MOSHC 101 Inspections, Tests and Approval

(a) Approval of Plans. Any person, firm or corporation desiring to install, relocate, alter materially or extend any installation covered by this chapter shall be required to obtain approval for so doing from the administrative authority.

(b) Inspections and Tests. It shall be unlawful for any person, firm or corporation to put into service any installation covered by this chapter whether such installation is newly installed, relocated or altered materially without such installation being inspected and approved by the administrative authority. The installer of any equipment included in this chapter shall notify the administrative authority seven days prior to completion of the installation for such inspection. The administrative authority shall have the authority to require such tests as he may deem necessary to prove the safe operation of any installation providing these tests meet the requirements as outlined in ANSI A17.1-1971 and supplements.

(c) Approval. A certificate or letter of approval shall be issued by the administrative authority for such installation when the entire installation is completed in conformity with this chapter. The entire installation shall include all enclosures or shafts, gates, doors, machinery safety and control devices and all other appurtenances necessary.

MOSHC 102 Accidents

(a) To Be Reported. The owner or person in control of an elevator or other installation covered by this chapter shall promptly notify the

administrative authority of any accident to person or apparatus, on, about or in connection with such elevator or other installation, and shall afford the administrative authority every facility for investigating such accident and the damage resulting therefrom. Notification may be given to the administrative authority by telephone or verbally, but such notification shall be confirmed in writing.

(b) Investigation. The administrative authority shall make or cause to be made an investigation and the report of such investigation shall be placed on file in his office. Such report shall give in detail the cause or causes, so far as they can determine and such report shall be open to public inspection.

(c) Operation Discontinued. When an accident involves the failure or destruction of a part of the installation or the operation mechanism, the elevator or other installation shall be taken out of service and shall not be used again until it has been made safe and such reuse approved by the administrative authority. The administrative authority may, if deemed necessary, order the discontinuance of operation of any such elevator or installation until a new certificate of approval has been issued.

(d) Removal of Parts Restricted. No part of the damaged installation, construction or operating mechanism shall be removed from the premises until permission is granted by the administrative authority.

MOSHC 103 Elevators, Dumbwaiters, Escalators and Moving Walks

(a) Applicable Standards. The eighth edition of the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving

Walks, ANSI A17.1-1971, including supplements A17.1(a)-1972 and A17.1(b)-1973 as amended, is hereby incorporated by reference and made a part of these Minnesota Department of Labor and Industry Occupational Safety and Health Rules.

All references in ANSI A17.1-1971 to the National Electrical Code ANSI C1-1968 shall be changed to read, "National Electrical Code, ANSI C1-1971 (NFPA 70-1971)."

MOSHC 104 Exceptions and amendments to ANSI A17.1

(a) Winding drum machine. Winding drum machine shall not be permitted on new elevator installations nor replacements on existing installation.

(b) Swing doors. Horizontal swing doors, either single section or center opening two section, shall not be permitted on new elevator installations nor as replacements on existing installation if the conditions are such as to make it impossible to install other than swing doors.

(c) Side Exits. Side emergency exits on elevator cars shall not be permitted.

(d) Solid Bumpers. Solid bumpers shall not be permitted on new installations nor as a replacement on existing installations.

(e) Clearances. The minimum pit depth shall be not less than three (3) feet. Overhead clearance shall be not less than two (2) feet with piston in stop ring and in no case less than three (3) feet when car is leveled at top landing.

(f) Door Unlocking Devices. Hoistway door unlocking devices shall

not be permitted except at the bottom landings.

(1) Top and bottom landings shall be provided with hoistway access switches conforming to Rule 111.9b and 111.9c of ANSI A17.1-1971.

(2) The door at the lowest landing shall be provided with a special key not easily duplicated and said key shall be available only to elevator mechanics and inspectors. The interlocks shall be designed and adjusted as to prevent movement of the car until after the door is closed and in the locking position.

(3) Access to hoistways for emergency purposes.

(aa) The elevator shall have hoistway doors which are unlocked when closed with the car at floor, or locked but openable from landing by means effective only when car is in landing zone.

(bb) The operating means for unlocking the doors shall be kept on the premises by the person responsible for the maintenance and operation of the elevators in a location readily accessible to qualified persons in case of an emergency but where they are not accessible to the general public.

(g) Door Openings. Elevator doors shall provide a clear opening of at least 32 inches.

(h) Door Closing Speed. Automatic closing doors shall have a closing interval of not less than 3 seconds except center opening horizontal slide doors.

(i) Emergency Elevators. At least one elevator must be provided for fire department emergency access to all floors.

(j) Height of Call Buttons. Exterior elevator call buttons shall be placed not higher than 42 inches above the floor. No emergency stop switch, door opening and door closing buttons shall be placed higher than 48 inches above the floor.

(k) Standby power. In every building over one story and more than 75 feet in height, emergency power shall be provided for at least one elevator in each bank. This emergency power shall be automatically transferable to any other elevator in the bank and shall be capable of operating the elevator with a full load at contract speed or not less than 150 feet per minute. Emergency power shall be provided by a loss of power in the normal power supply. The generator shall be in a separate room having at least a One Hour Fire Resistive Occupancy Separation from the remainder of the building and shall have a fuel supply adequate to operate the equipment for two hours. See UBC Standards 18-1.

(l) Emergency Communications. Every elevator car shall be provided with a two-way communication system connected to an approved emergency service which operates 24 hours every day.

(m) Operating Devices. All operating devices shall be of the enclosed electric type. Rope or rod operated devices activated by hand, or rope operating devices activated by wheels, levers or cranks, shall be removed.

EXCEPTION: This shall not be considered a material change.

(n) Illumination. A guarded light and convenience outlet shall be provided on the top and underside of each elevator car.

(o) Limited Use of an Elevator. When a building or structure is

to be equipped with one or more elevators, at least one of such elevators may be approved for limited use prior to the completion of the building or structure. The use of such elevators may be permitted by the administrative authority under the authority of a limited permit issued by him for each class of service. Such limited permit shall specify the class of service permitted and it shall not be issued until the elevator has been tested with rated load and the car safety and terminal stopping equipment has been tested to determine the safety of the equipment and until permanent or temporary guards or enclosures are placed on the car and around the hoistway and at the landing entrance on each floor. Landing entrance guards shall be provided with locks that can be released from the hoistway side only. Automatic and continuous pressure elevators shall not be placed in a temporary operation from the landing push buttons unless door locking devices and/or interlocks are installed and operative.

(p) Access to Elevator Pits. A pit ladder shall be provided for each elevator in all pits where access is from the bottom landing. Access to elevator pits which extend more than eighteen (18) inches below the sill of the pit access door shall have a pit ladder as required.

(q) Dumbwaiters and Handpowered Elevators. All dumbwaiters and handpowered elevators shall be equipped with a broken rope safety device.

(r) Car Safety Mechanism Switch. Car safety mechanism switches shall be of the manually reset type.

(s) Hoistway Door Protection in Passenger Elevators. Hoistway doors on all passenger elevators shall not be solely dependent upon the door edge reopening device for protection from the doors closing on an

obstruction, but shall also be provided with an approved light beam or electronic door protection device.

(t) Emergency Keys. All keyed switches installed to operate elevators on emergency service will be required to be keyed alike to a pattern approved by the Administrative Authority. In lieu of the above, keys for emergency elevator service may be in a metal box placed in a location approved by the Administrative Authority, provided said box is locked with a 5 pin tumbler core lock or equivalent which is keyed to the same pattern.

(u) Amendment to ANSI Supplement A17.1(b)-1973.

(1) Rule 211.3a-1 to read as follows: "One (1) car in each bank of automatic-operation elevators serving three (3) or more landings or having a travel distance of twenty-five (25) feet or more shall be provided with emergency service controls as specified in rule 211.3a-4 of this supplement."

(2) Rule 211.3a-2 Reference to NFPA Standard No. 72d shall be the 1972 Edition and NFPA Standard No. 13 shall be the 1973 Edition.

MOSHC 105 Stage and Orchestra Lifts

Stage and orchestra lifts shall be designed, installed, constructed and maintained so as to be reasonably safe to life, limb and adjoining property and shall be approved by the administrative authority prior to installation or construction.

MOSHC 106 Mechanized Parking Garage Equipment

Mechanized parking garage equipment shall be designed, constructed,

installed and maintained so as to be reasonably safe to life, limb and adjoining property, shall conform to the standards specified in the American Standard Safety Code for Mechanized Parking Garage Equipment ANSI A113.1-1964 (R1971).

MOSHC 107-119 Reserved for Future Use

CHAPTER NINE: MOSHC 120-129

PLATFORM MANLIFTS

MOSHC 120 General Requirements

(a) Installation Limitations. Subject to the approval of the Department of Labor and Industry, manlifts may be installed in buildings where such manlifts are not accessible to the public and where their installation and use are safe. Such manlifts shall comply with the safety requirements set out in this section.

(1) The use of manlifts shall be restricted to employees and authorized persons who are trained in their use. New employees shall be individually and properly instructed in the use of manlifts.

(2) The area adjoining the floor opening shall be kept clear and adequately lighted at all times.

(3) Signs shall be posted at a conspicuous position on each landing, at approximately eye level, indicating "Authorized Personnel Only."

(b) Approval. Before final approval, an inspection of each new or relocated manlift shall be made by the Department of Labor and Industry.

(c) Types of manlifts. Manlifts may be of the following types:

(1) Manual elevator platform type

(2) Power operated elevator platform type.

MOSHC 121 Hand Powered Platform Passenger Type Manlifts

Hand powered platform passenger type manlifts shall conform to the following requirements:

(a) Sill clearance. The clearance between the platform and the landing shall be not more than 1½ inch nor less than ¾-inch.

(b) Guarding of access openings. Access openings shall be guarded by semi-automatic vertical sliding gates or by self-closing swing gates. Such gates shall be equipped with; a top crossmember not less than 42 inches above the floor, a bottom crossmember not more than 1/2 inch above the floor, and with at least one intermediate crossmember. The gates shall be placed within 4 inches horizontally from the landing sill.

(c) Shaftway enclosures. All unused sides of the shaftway shall be enclosed to a height of at least 8 feet above each floor.

(d) Ladders. A fixed ladder shall be installed in the shaftway accessible from the manlift at any point within its travel to provide a means of exit from the elevator hatchway.

(e) Car sides. The car shall be enclosed to a height of at least 42 inches on all sides not used for entrances.

(f) Car construction. Car frames and platforms shall be of metal or sound-seasoned wood designed with a safety factor of not less than four (4) for metal construction and six (6) for wood construction based on the rated load uniformly distributed. Connections between frame members of the car frame and platform shall be riveted, bolted, or welded.

(1) Glass shall not be used on any part of the frame or enclosure.

(g) Counterbalancing of cars. Cars counterbalancing each other shall not be permitted.

(h) Car safety device. All cars shall be provided with a car safety device attached to the top or bottom of each car frame capable

of stopping and sustaining the car and its rated load. The car safety device is not required to be operated by a speed governor and may be of the instantaneous type operated as a result of the breaking or slackening of the suspension members.

(i) Compensating cable. Where the travel exceeds 40 feet, compensating cables or chains properly guided shall be provided.

(j) Load capacity.

(1) The rated load capacity shall not exceed 300 pounds.

(2) Only one person shall be permitted to ride the manlift at a time.

(3) The movement of freight or materials on the manlift is prohibited.

(k) Load tests. A rated load test and a test of the car safety device with rated load in the car shall be made on each new or relocated installation before it is placed in service.

(l) Guide rails. Cars and counterweights shall be provided with steel guide rails or straight grained seasoned wood free from knots, shakes, dry rot, or other imperfections.

(m) Guide rail fastenings. Guide rails shall be securely fastened with through-bolts or clips of such strength, design, and spacing that:

(1) The guide rails and their fastenings shall not deflect more than 1/4 inch under normal operation.

(2) The guide rails and their fastenings shall withstand the application of the safety when stopping the car with rated load under free-fall conditions.

(3) Car and counterweight guide rails shall rest on suitable supports and extend at the top of the hoistway sufficiently to prevent the guide shoes from running off the guide rails in the case of the car or counterweight traveling beyond the terminal landings.

(n) Car counterweights. When counterweight sections are used, they shall be secured by at least two tie rods passing through holes in each section. Tie rods shall have lock nuts at each end secured by cotterpins.

(o) Factors of safety. The factor of safety, based on static loads, to be used in the design of driving machines and sheaves shall not be less than eight (8) for wrought iron or rod steel and ten (10) for cast iron or other materials.

(p) Car brake. Each car shall be equipped with a manual deadman type brake which operates in either direction of travel and is capable of stopping and holding the car with its rated load at any point in its limit of travel.

(q) Overhead beams. Overhead beams and their supports shall be designed to withstand the static load plus two (2) times the sum of the tensions in all wire ropes passing over sheaves or drums supported by the beams with rated load in the car.

(r) Machine access. Adequate and permanent means of access shall be provided to all equipment for maintenance and inspection.

(s) Power driving mechanism. Power driving mechanisms shall not be attached to or made part of any hand powered elevator.

(t) Suspension cables. Suspension means shall consist of not less than two wire ropes of not less than 1/2 inch diameter each.

(u) Sheaves. All hoisting and counterweight sheaves shall have a diameter of at least 40 times the diameter of the cable passing over them.

(v) Cable fastenings. Car and counterweight cable ends, except such fastenings as are required for compensating cables or chains, shall be fastened by passing through tapered and babbitted sockets with the same requirements of those for power elevators or secured by approved clamp or special fastening devices conforming to the following:

(1) Clamps shall not be of the U-bolt type.

(2) Both members of the clamps shall be provided with seats conforming with the lay of the rope.

(3) Clamps shall be drop forgings.

(4) Ropes shall be passed around metal thimbles.

(w) Operating rope. The operating rope may pass through the car crossheads if a guard to prevent entry of the hand is provided.

(x) Car locking device. A separate locking device, independent of the manual brake, that will hold the car and its rated load at each landing shall be provided. This device may be either manual or automatic.

(y) Counterweight guarding. The counterweight shall be fully enclosed for the full length of its travel, except for an inspection section at the lower limit of travel. The inspection section shall be large enough only to inspect the fastenings and be covered with a screen or mesh which will reject a two-inch ball.

(z) Shaftway illumination. Shaftway illumination shall be adequate to enable the operator to have full view of all obstructions and hazards which might possibly cause injury.

(aa) Bumper springs. Bumper springs shall be provided either on the top of the car or on the bottom of the sheave supports and shall be of sufficient strength to absorb the impact of the car and its load.

(bb) Car counterbalance weights. If weights are to be used to properly counterbalance car, a suitable box or container shall be mounted firmly in the elevator car to contain such weights while in use.

(cc) Car gate. A car gate or guardrail 42" from car floor capable of withstanding a lateral pressure of 250 lbs. without causing structural failure shall be provided.

(dd) Pit buffers. Spring buffers of such a design and construction as to absorb the energy of the car with a capacity load shall be provided at the lowest limit of travel.

MOSHC 122 Powered Platform Manlifts

Powered platform manlifts may be installed providing they meet all the requirements of power passenger elevators with the following exceptions:

(a) Hoistway doors. Landing openings shall be protected with hoistway doors or gates in conformance with the ANSI A17.1 freight elevator requirements.

(b) Hoistway door interlocks. Interlocks or electro-mechanical locks shall be provided in accordance with freight elevator requirements.

(c) Rule exception. An exception to paragraph 2 of Rule 110.1-ANSI A17.1 is acceptable providing the following requirements are met:

(1) Emergency escape hatch on top of the car can be opened from the inside of the car.

(2) A manual reset type switch is provided on the emergency escape hatch.

(3) Steel ladder located totally within the hoistway shall be provided the full length of manlift travel.

MOSHC 123-129 Reserved for Future Use

B = Item 1

CHAPTER TWENTY: MOSHC 250-269

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION RULES OF PROCEDURE

MOSHC 250 General Provisions

(a) Definitions

(1) "Act" means the Minnesota Occupational Safety and Health Act of 1973, Minn. Laws 1973, Chapter 732.

(2) "Commissioner," "commission," "person," "employer," and "employee," have the meanings set forth in Section 2 of the Act.

(3) "Chairman" means the Chairman of the Commission as designated by the governor.

(4) "Affected employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.

(5) "Hearing Examiner" means a Hearing Examiner appointed by the Chairman of the Commission pursuant to § 15, Subd. 3 of the Act.

(6) "Authorized employee representative" means a labor organization which has a collective bargaining relationship with the cited employer and which represents affected employees.

(7) "Representative" means any person, including an authorized employee representative, authorized by a party or intervenor to represent him in a proceeding.

(8) "Citation" means a written communication issued by the Commissioner to an employer pursuant to § 11 of the Act.

(9) "Notification of proposed penalty" means a written communication issued by the Commissioner to an employer pursuant to § 12, Subd. 1 or 2 of the Act.

(10) "Day" means a calendar day.

(11) "Working day" means all days except Saturdays, Sundays, or holidays as defined in Minn. Stat., 645.44.

(12) "Proceeding" means any proceeding before the Commission or before a Hearing Examiner.

(b) Scope of Rules

(1) These rules shall govern all proceedings before the Commission and its Hearing Examiners.

(2) In the absence of a specific provision, procedures shall be in accordance with the Minnesota Administrative Procedure Act.

(c) Construction of Terms

Particular words and phrases shall be construed according to the provisions of Minn. Stat., Chapter 645.

(d) Computation of Time

In computing any period of time prescribed or allowed in these rules, the provisions of Minn. Stat., Chapter 645, shall be complied with.

(e) Extensions of Time

Requests for extensions of time for the filing of any pleading or document must be received in advance of the date on which the pleading or document is due to be filed.

(f) Record Address

The initial pleading filed by any person shall contain his name, address, and telephone number. Any change in such information must be communicated promptly in writing to the Hearing Examiner or the Commission, as the case may be, and to all other parties and intervenors. A party or intervenor who fails to furnish such information shall be deemed to have waived his right to notice and service under these rules.

(g) Service and Notice

(1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

(6) Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in paragraph (3) of this section.

(7) In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of the notice of contest or petition for modification of the abatement period, post, where the citation is

required to be posted, a copy of the notice of contest and a notice informing such affected employees of their right to party status and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this paragraph:

(Name of Employer)

Your employer has been cited by the Commissioner of Labor for violation of the Minnesota Occupational Safety and Health Act of 1973. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Commission in its Rules of Procedure. Notice of intent to participate should be sent to:

Occupational Safety and Health
Review Commission
444 Lafayette Road
St. Paul, Minnesota 55101

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace.)

Where appropriate, the second sentence of the above notice will be deleted and the following sentence will be substituted:

The reasonableness of the period prescribed by the Commissioner of Labor for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission.

(8) The authorized employee representative, if any, shall be served with the notice set forth in paragraph (7) of this section and with a copy of the notice of contest.

(9) A copy of the notice of the hearing to be held before the Hearing Examiner shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of such hearing at or near the place where the citation is required to be posted.

(10) A copy of the notice of the hearing to be held before the Hearing Examiner shall be served by the employer on the authorized employee representative of affected employees in the manner prescribed in paragraph (3) of this section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such notice is received by the employer.

(11) Where a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the statement filed in conformance with §252(f) of these rules, serve a copy thereof on such authorized employee representative in the manner prescribed in paragraph (3) of this section and shall file proof of such service.

(12) Where a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and response filed in support thereof shall be provided to the employer for posting in the manner prescribed in paragraph (g) of this section.

(13) An authorized employee representative who files a notice of contest shall be responsible for serving any other authorized employee representative whose members are affected employees.

(14) Where posting is required by this section, such posting shall be maintained until the commencement of the hearing or until earlier disposition.

(h) Filing

(1) Prior to the assignment of a case to a Hearing Examiner all papers shall be filed with the Chairman of the Commission at 444 Lafayette Road, St. Paul, Minnesota 55101. Subsequent to the assignment of the case to a Hearing Examiner and before the issuance of his decision all papers shall be filed with the Hearing Examiner at the address given in the notice informing of such assignment. Subsequent to the issuance of the decision of the Hearing Examiner all papers shall be filed with the Chairman of the Commission.

(2) Unless otherwise ordered, all filing may be accomplished by first class mail.

(3) Filing is deemed effected at the time of mailing.

(i) Consolidation

Cases may be consolidated on the motion of any party, on the Hearing Examiner's own motion, or on the Commission's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

(j) Severence

Upon its own motion, or upon the motion of any party or intervenor, the Commission or the Hearing Examiner may, for good cause, order any proceeding severed with respect to some or all issues or parties.

(k) Protection of Trade Secrets and Other Confidential Information

Upon application by any person in a proceeding where trade secrets or other matters may be divulged, the Hearing Examiner shall issue such orders as may be appropriate to protect the confidentiality of such matters.

MOSHC 251 Parties and Representatives

(a) Party Status

(1) Affected employees may elect to participate as parties at any time before the commencement of the hearing before the Hearing Examiner, unless for good cause shown, the Commission or the Hearing Examiner allows such election at a later time. See also §251(b) of these rules.

(2) Where a notice of contest is filed by an employee or by an authorized employee representative with respect to the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing before the Hearing Examiner. See also §251(b) of these rules.

(b) Intervention; Appearance by Nonparties

(1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing before the Hearing Examiner.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not necessarily delay the proceeding.

(3) The Commission or the Hearing Examiner may grant a petition for intervention to such an extent and upon such terms as the Commission or the Hearing Examiner shall determine.

(c) Representatives of Parties and Intervenors

(1) Any party or intervenor may appear in person or through a representative.

(2) A representative of a party or intervenor shall be deemed to control all matters respecting the interest of such party or intervenor in the proceeding.

(3) Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.

(4) Nothing contained herein shall be construed to require any representative to be an attorney at law.

(5) Withdrawal of appearance of any representative may be affected by filing a written notice of withdrawal and by serving a copy thereof on all parties and intervenors.

MOSHC 252 Pleadings and Motions

(a) Form

(1) Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required to contain a caption sufficient to identify the parties in accordance with §252(b), which shall include the Commission's docket number, if any, and a clear adn plain statement of the relief that is sought, together with the ground therefor.

(2) Pleadings and other documents (other than exhibits) shall be typewritten, double spaced, on letter size opaque paper (approximately 8½ inches by 11 inches). The left margin shall be 1½ inches and the right margin 1 inch. Pleadings and other documents shall be fastened at the upper left corner.

(3) Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information and belief the statements made therein are true, and that it is not interposed for delay.

(4) The Commission may refuse for filing any pleading or document which does not comply with the requirements of paragraphs (1), (2), and (3) of this section.

(b) Caption; Titles of Cases

(1) Cases initiated by a notice of contest shall be titled:

Commissioner of Labor,
Complainant

v.

(Name of Contestant),
Respondent

(2) Cases initiated by a petition for modification of the abatement period shall be titled:

(Name of employer),
Petitioner

v.

Commissioner of Labor,
Respondent

(3) The titles listed in paragraphs (1) and (2) of this section shall appear at the left upper portion of the initial page of any pleading or document (other than exhibits) filed.

(4) The initial page of any pleading or document (other than exhibits) shall show, at the upper right of the page, opposite the title, the docket number, if known, assigned by the Commissioner.

(c) Notices of Contest

The Commissioner shall, within 30 days of receipt of a notice of contest, transmit the original to the Commissioner, together with copies of all relevant documents.

(d) Employer Contests

(1) Complaint

(aa) The Commissioner shall file a complaint with the Commission no later than 40 days after his receipt of the notice of contest.

(bb) The complaint shall set forth all alleged violations and proposed penalties which are contested, stating with particularity:

(i) The basis for jurisdiction;

(ii) The time, location, place, and circumstances of each such alleged violation; and

(iii) The considerations upon which the period for abatement and the proposed penalty on each such alleged violation is based.

(cc) Where the Commissioner seeks in his complaint to amend his citation or proposed penalty, he shall set forth the reasons for amendment and shall state with particularity the change sought.

(2) Answer

(aa) Within 15 days after service of the complaint, the party against whom the complaint was issued shall file an answer with the Commission.

(bb) The answer shall contain a short and plain statement denying those allegations in the complaint which the party intends to contest. Any allegation not denied shall be deemed admitted.

(e) Petitions for Modification of Abatement Period

(1) An employer may file with the Commissioner a petition for modification of an abatement period no later than the close of the next working day following the date on which abatement is required.

(2) The Commissioner shall transmit such petition to the Commission within 3 days after its receipt.

(3) The Commissioner shall file a response within 10 days of receipt of the petition.

(4) The burden of proving the need for modification of the abatement period shall rest with the petitioner.

(f) Employee Contests

(1) Where an affected employee or authorized employee representative files a notice of contest with respect to the abatement period, the Commissioner shall, within 10 days from his receipt of the notice of contest, file a clear and concise statement of the reasons the abatement period prescribed by him is not unreasonable.

(2) No later than 10 days after receipt of the statement referred to in paragraph (1) of this section, the contestant shall file a response.

(g) Statement of Position

At any time prior to the commencement of the hearing before the Hearing Examiner, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

(h) Response to Motions

Any party or intervenor upon whom a motion is served shall have 10 days from service of the motion to file a response.

(i) Failure to File

Failure to file any pleading pursuant to these fules when due, may, in the discretion of the Commission or the Hearing Examiner, constitute a waiver of the right to further participation in the proceedings.

MOSHC 253 Prehearing Procedures and Discovery

(a) Withdrawal of Notice of Contest

At any stage of a proceeding, a party may withdraw his notice of contest.

(b) Prehearing Conference

(1) At any time before a hearing, the Commission or the Hearing Examiner, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The Commission or the Hearing Examiner may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

(c) Requests for Admissions

(1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within 15 days after service of the request, or within such shorter or longer time as the Commission or the Hearing Examiner may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of §250(g)(1) and filed with the Commission within the time allotted and shall be a part of the record.

(d) Discovery Depositions and Interrogatories

(1) Except by special order of the Commission or the Hearing Examiner, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the Commission or the Hearing Examiner grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

(e) Failure to comply with Orders for Discovery

If any party or intervenor fails to comply with an order of the Commission or the Hearing Examiner to permit discovery in accordance with the provisions of these rules, the Commission or the Hearing Examiner may issue appropriate orders.

(f) Issuance of Subpoenas; Petitions to Revoke or Modify Subpoenas; Right to Inspect or Copy Data

(1) Any member of the Commission shall, on the application of any party directed to the Commission, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for subpoenas, if filed subsequent to the assignment of the case to a Hearing Examiner, shall be filed with the Hearing Examiner. A Hearing Examiner shall grant the application on behalf of any member of the Commission. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

(2) Any person served with a subpoena, whether ad testificandum or duces tecum, shall, within 5 days after the date of service of the subpoena upon him, move in writing to revoke or modify the subpoena if he does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpoena was issued. The Hearing Examiner or the Commission, as the case may be, shall revoke or modify the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid. The Hearing Examiner or the Commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and any ruling thereon shall become a part of the record.

(3) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to produce copies of transcripts of the data or evidence submitted by them.

(4) Upon the failure of any person to comply with a subpoena issued upon the request of a party, the Commission through the office of the Commissioner may have proceedings initiated in the appropriate district court for the enforcement thereof, if in its judgment the enforcement of such subpoena would be consistent with the law and with policies of the Act. Neither the Commission nor the office of the Commissioner shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

MOSHC 254 Hearings

(a) Notice of Hearing

Notice of the time, place, and nature of a hearing shall be given to the parties and intervenors at least 10 days in advance of such

hearing, except as otherwise provided in §256(b).

(b) Postponement of Hearing

(1) Postponement of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least 3 days in advance of the time set for the hearing.

(3) No postponement in excess of 30 days shall be allowed without Commission approval.

(c) Failure to Appear

(1) Subject to the provisions of paragraph (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the Hearing Examiner and to request Commission review pursuant to §255(b).

(2) Requests for re-instatement must be made, in the absence of extraordinary circumstances, within 5 days after the scheduled hearing date.

(3) The Commission or the Hearing Examiner, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be scheduled.

(d) Payment of Witness Fees and Mileage; Fees of Persons Taking Depositions

Witnesses summoned before the Commission or the Hearing Examiner shall be paid the same fees and the mileage that are paid witnesses in the district courts, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the district courts. Witness fees and mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

(e) Reporter's Fees

Reporter's fees shall be provided for according to the provisions of Minn. Stat., Section 15.0418.

(f) Transcript of Testimony

Hearings shall be transcribed verbatim. Transcripts shall be provided according to the provisions of Minn. Stat., Section 15.0418.

(g) Duties and Powers of Hearing Examiners

(1) It shall be the duty of the Hearing Examiner to conduct a fair and impartial hearing, to assure that the facts are fully elicited to adjudicate all issues and avoid delay. The Hearing Examiner shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the Commission, to:

(aa) Administer oaths and affirmations;

(bb) Issue authorized subpoenas;

(cc) Rule upon petitions to revoke subpoenas;

(dd) Rule upon offers of proof and receive relevant evidence;

(ee) Take or cause depositions to be taken whenever the needs of justice would be served;

(ff) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;

(gg) Hold conferences for the settlement or simplification of the issues;

(hh) Dispose of procedural requests or similar matters, including motions referred to the Hearing Examiner by the Commission and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of his decision;

(ii) Call and examine witnesses and to introduce into the record documentary or other evidence;

(jj) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(kk) Adjourn the hearing as the needs of justice and good administration require;

(ll) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the Commission.

(h) Disqualification of Hearing Examiner

(1) A Hearing Examiner may withdraw from a proceeding whenever he deems himself disqualified.

(2) Any party may request the Hearing Examiner, at any time following his designation and before the filing of his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts on affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

(3) If, in the opinion of the Hearing Examiner, the affidavit referred to in paragraph (2) of this section is filed with due diligence and is sufficient on its face, the Hearing Examiner shall forthwith disqualify himself and withdraw from the proceeding.

(4) If the Hearing Examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision, and the provisions of § 255(a) shall thereupon apply.

(i) Examination of Witnesses

Witnesses shall be examined orally under oath. Opposing parties shall have the right to cross-examine any witness whose testimony is introduced by an adverse party.

(j) Affidavits

An affidavit may be admitted as evidence in lieu of oral testimony if the matters therein contained are otherwise admissible and the parties agree to its admission.

(k) Deposition in Lieu of Oral Testimony; Application; Procedures; Form; Rulings

(1) An application to take the deposition of a witness in lieu of oral testimony shall be in writing and shall set forth the reasons such deposition should be taken, the name and address of the witness, the matters concerning which it is expected he will testify and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be

taken (for purposes of this section, hereinafter referred to as "the officer"). Such application shall be filed with the Commission or the Hearing Examiner, as the case may be, and shall be served on all other parties and intervenors not less than 7 days prior to the time when it is desired that the deposition be taken. Where good cause has been shown, the Commission or the Hearing Examiner shall make and serve on the parties and intervenors an order which specifies the name of the witness whose deposition is to be taken and the time, place, and designation of the officer before whom the witness is to testify. Such officer may or may not be the officer specified in the application.

(2) Such deposition may be taken before any officer authorized to administer oaths.

(3) At the time and place specified in the order, the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and the testimony of the witness shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objection, but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties not interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may be used as fully as though signed. The officer shall immediately deliver an original and two copies of the transcript, together with his certificate, in person or by registered mail to the Chairman at 444 Lafayette Road, St. Paul, Minnesota 55101.

(4) The Hearing Examiner shall rule upon the admissibility of the deposition or any part thereof.

(5) All errors or irregularities in compliance with the provision of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, discovered.

(6) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used as other depositions.

(l) Exhibits

(1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the Hearing Examiner pursuant to § 254(m).

(3) Unless the Hearing Examiner finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identifed as in paragraph (1) of this section and shall be placed in a separate file designated for rejected exhibits.

(m) Rules of Evidence

Hearings before the Commission and its Hearing Examiners shall be in accordance with Minnesota Administrative Procedure Act.

(n) Burden of Proof

(1) In all proceedings commenced by the filing of a notice of contest, the burden of proof shall rest with the Commissioner.

(2) In proceedings commenced by a petition for modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

(o) (o) Objections

(1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling by the Hearing Examiner, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

(p) Interlocutory Appeals; Special; As of Right

(1) Unless expressly authorized by these rules, rulings by the Hearing Examiner may not be appealed directly to the Commission except by its special permission. Unless otherwise provided by these rules, all such rulings shall become a part of the record.

(2) Request to the Commission for special permission to appeal from such ruling shall be filed in writing within 5 days following receipt of the ruling and shall state briefly the grounds relied on.

(3) Interlocutory appeal from a ruling of the Hearing Examiner shall be allowed as of right where the Hearing Examiner certifies that: (1) the ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and (2) an immediate appeal from the ruling will materially expedite the proceedings. Such appeal shall also be allowed in the circumstances set forth in § 250(k).

(4) Neither the filing of a petition for interlocutory appeal, nor the granting thereof as provided in paragraphs (2) and (3) of this section, shall stay the proceedings before the Hearing Examiner unless such stay is specifically ordered by the Commission.

(q) Filing of Briefs and Proposed Findings with the Judge; Oral Argument at the Hearing

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief, proposed findings of fact and conclusions of law, or both, with the Hearing Examiner. The Hearing Examiner may fix a reasonable period of time for such filing, but such initial period may not exceed 20 days from the receipt by the party of the transcript of the hearing.

MOSHC 255 Post Hearing Procedures

(a) Decisions of Hearing Examiners

(1) The decision of the Hearing Examiner shall include findings of fact, conclusions of law, and an order.

(2) The Hearing Examiner shall sign and date the decision. Upon issuance of the decision, jurisdiction shall rest solely in the Commission, and all motions, petitions and other pleadings filed subsequent to such issuance shall be addressed to the Commission.

(b) Discretionary Review; Petition

(1) A party aggrieved by the decision of a Hearing Examiner may submit a petition for discretionary review.

(2) The petition must be received by the Commission at its offices in St. Paul, Minnesota on or before the 25th day following receipt by the Commission of the Hearing Examiner's decision.

(3) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The original and three (3) copies shall be filed with the Commission.

(4) Failure to act on such petition within the review period shall be deemed a denial thereof.

(c) Stay of Final Order

(1) Any party aggrieved by a final order of the Commission may, while the matter is within the jurisdiction of the Commission, file a motion for a stay.

(2) Such motion shall set forth the reasons a stay is sought and the length of the stay requested.

(3) The Commission may order such stay for the period requested or for such longer or shorter period as it deems appropriate.

(d) Oral Argument Before the Commission

(1) Oral argument before the Commission ordinarily will not be allowed.

(2) In the event the Commission desires to hear oral argument with respect to any matter it will advise all parties to the proceeding of the date, hour, place, time allotted, and scope of such argument at least 10 days prior to the date set.

MOSHC 256 Miscellaneous Provisions

(a) Settlement

(1) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.

(2) Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.

(3) Where parties to settlement agree upon a proposal, it shall be served upon represented and unrepresented affected employees in the manner set forth in §250(g). Proof of such service shall accompany the proposed settlement when submitted to the Commission or the Hearing Examiner.

(b) Expedited Proceeding

(1) Upon application of any party or intervenor, or upon his own motion, any Commissioner may order an expedited proceeding.

(2) When such proceeding is ordered, the Executive Commissioner shall notify all parties and intervenors.

(3) The Hearing Examiner assigned in an expedited proceeding shall make necessary rulings with respect to time for filing of pleadings and with respect to all other matters, without reference to times set forth in these rules, shall order daily transcripts of the hearing, and

shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

(c) Standards of Conduct

All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the State of Minnesota.

(d) Ex Parte Communication

(1) There shall be no ex parte communication, with respect to the merits of any case not concluded, between the Commission, including any member, officer, employee, or agent of the Commission who is employed in the decisional process, and any of the parties or intervenors.

(2) In the event such ex parte communication occurs, the Commission or the Hearing Examiner may make such orders or take such action as fairness requires. Upon notice and hearing, the Commission may take such disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

(e) Restrictions as to Participation by Investigative or Prosecuting Officers

In any proceeding noticed pursuant to the rules in this part, the Commissioner shall not participate or advise with respect to the report of the Hearing Examiner or the Commission decision.

(f) Inspection and Reproduction of Documents

(1) Subject to the provisions of law restricting public disclosure of information, any person may, at the offices of the Commission, inspect and copy any document filed in any proceeding.

(2) Costs shall be borne by such person.

(g) Restrictions with Respect to Former Employees

(1) No former employee of the Commission or the Department of Labor and Industry shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, in which he participated personally and substantially during the period of his employment.

(2) No former employee of the Commission or the Department of Labor and Industry shall appear before the Commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which he was personally responsible during the period of his employment,

unless one year has elapsed since the termination of such employment.

(h) Special Circumstances; Waiver of Rules

In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the Commission may, upon application by any party or intervenor, or on its own motion, after 3 days notice to all parties and intervenors, waive any rule or make such orders as justice or the administration of the Act requires.

(i) Penalties

(1) All penalties assessed by the Commission are Civil.

(2) The Commission has no jurisdiction under § 18 of the Act and will conduct no proceeding thereunder.

MOSHC 257-269 Reserved for Future Use

B ITEM 2

CHAPTER 21 - MOSHC 270-289

INSPECTION, CITATIONS AND PROPOSED PENALTIES

MOSHC 270 Purpose and Scope

The Minnesota Occupational Safety and Health Act of 1973 requires in part that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act and that employees comply with standards, rules, regulations and orders which are applicable to their own actions and conduct. The Act authorizes the Department of Labor and Industry to conduct inspections and to issue citations and propose penalties for alleged violations. The Act, under section 10, authorizes the Commissioner to conduct inspections and question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations periods prescribed for the abatement of violations and proposed penalties by the Occupational Safety and Health Review Commission if contested by an employer or by an employee or authorized representative of employees and for judicial review. The purpose of this Part B is to prescribe rules and set forth general policies for enforcement of the inspection, citation and proposed penalty provisions of the Act.

MOSHC 271 Posting of Notice; Availability of the Act, Regulations and Applicable Standards

(a) Each employer shall post and keep posted a notice or notices, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the Department of Labor and Industry. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

(b) "Place of Employment" means any factory, plant, foundry, construction site, farm workplace, premises, vehicle or any other work environment where any employee is during the course of his employment.

(c) All regulations published in this chapter and the Minnesota Compliance Manual for Occupational Safety and Health will be available at the Documents Section, Room 140, Centennial Office Building, St. Paul, Minnesota. If an employer has obtained copies of these he shall make them available upon

request to any employee or employee representative for review at the place of employment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee, employee representative and the employer.

(d) Any employer failing to comply with the provisions shall be subject to citation and penalty in accordance with the provisions of section 17 of the Act.

MOSHC 272 Objection to Inspection

Upon a refusal to permit an Occupational Safety and Health Investigator, in the exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner, operator, agent, or employee, or to permit a representative of employees to accompany the OSHI during the physical inspection of any workplace, the OSHI shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The OSHI shall endeavor to ascertain the reason for such refusal, and he shall immediately report the refusal and the reason therefor to the Commissioner.

MOSHC 273 Entry Not a Waiver

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. OSHI are not authorized to grant any such waiver.

MOSHC 274 Conduct of Inspections

(a) Inspections shall take place at such times and in such places of employment as the Commissioner or the OSHI may direct. At the beginning of an inspection, OSHI shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records which they wish to review. However, such designation of records shall not preclude access to additional records.

(b) OSHI shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment.

(c) In taking photographs and samples, OSHI shall take

reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. OSHI shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

(e) At the conclusion of an inspection, the OSHI shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the OSHI any pertinent information regarding conditions in the workplace.

(f) Inspections shall be conducted in accordance with the requirements of this part.

MOSHC 275 Representatives of Employers and Employees

(a) OSHI shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the OSHI during the physical inspection of any workplace for the purpose of aiding such inspection. An OSHI may permit additional employer representatives and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the OSHI during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) OSHI shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the OSHI is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace. Any employee taking part in the inspection is entitled to his regular pay for the time spent in such inspection.

(c) The representative authorized by employees shall be an employee of the employer.

(d) OSHI are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of

§182.688 of the Act.

MOSHC 276 Citations; Notices of De Minimis Violations

(a) The Commissioner shall review the inspection report of the OSHI. If on the basis of the report the Commissioner believes that the employer has violated a requirement of section 182.653, subdivision 2, 3 or 4, or any standard, rule or regulation promulgated pursuant to the Act he shall issue to the employer either a citation or a notice of de minimis violations which have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though, after being informed of alleged violation by the OSHI, the employer immediately abates or initiates steps to abate such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of six months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the Act, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Review Commission.

MOSHC 277 Posting of Citations

(a) Upon receipt of any citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The filing by the employer of a notice of intention to contest shall not affect his posting responsibility under this section unless and until the Review Commission issues a final order vacating the citation.

(c) An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Review Commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

(d) Any employer failing to comply with the provisions of paragraphs (a) and (b) of this section shall be subject to citation and penalty in accordance with the provisions of section 182.666 of the Act.

MOSHC 278 Employer and Employee Contests Before the Review Commission

(a) Any employer to whom a citation or notice of proposed penalty has been issued may, under section 12 of the Act, notify the Commissioner in writing that he intends to contest such citation or proposed penalty before the Review Commission. Such notice of intention to contest shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty. Every notice of intention to contest shall specify whether it is directed to the citation or to the proposed penalty, or both.

(b) Any employee or representative of employees of an employer to whom a citation has been issued may, under section 182.661 of the Act, file a written notice with the Commissioner alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable. Such notice shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty or notice that no penalty is being proposed.

MOSHC 279 Informal Conferences

At the reqest of an affected employer, employee or representative of employees, the Commissioner may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty or notice of intention to contest. Any affected party may be represented by counsel at such conference. No such conference or request for conference shall operate as a stay of any 15 working day period for filing a notice of intention to contest.

MOSHC 280-289 - Reserved for future use.

B-ITEM 3

CHAPTER TWENTY-TWO: MOSHC 290-309

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

MOSHC 290 Purpose and Scope

The regulations in this part implement section 14 of the Minnesota Occupational Safety and Health Act of 1973. These sections provide for recordkeeping and reporting by employers covered under the act as necessary or appropriate for enforcement of the act, for developing information regarding the cause and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

MOSHC 291 Log of Occupational Injuries and Illnesses

(a) Each employer shall maintain in each establishment a log of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in paragraph (b) of this section an employer may maintain the log of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter each recordable occupational injury and illness on the log as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose OSHA Form No. 100 or any private equivalent may be used. OSHA Form No. 100 or its equivalent shall be completed in the detail provided in the form and the instructions contained in OSHA From No. 100. If an equivalent to OSHA Form No. 100 is used, such as a printout from data-processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data processing equipment as the OSHA Form 100 itself.

(b) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

(1) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by paragraph (a) of this section.

(2) At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

MOSHC 292 PERIOD COVERED

Logs shall be established on a calendar year basis. The initial log shall include recordable occupational injuries and illnesses occurring on or after January 1, 1974.

MOSHC 293 SUPPLEMENTARY RECORD

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for the establishment. The record shall be completed in the detail prescribed in the instructions accompanying OSHA Form No. 101. Workmens compensation, insurance, or other reports are acceptable alternative records if they contain the information required by OSHA Form No. 101. If no acceptable alternative record is maintained for other purposes, OSHA Form No. 101 shall be used or the necessary information shall be otherwise maintained.

MOSHC 294 ANNUAL SUMMARY

(a) Each employer shall compile an annual summary of occupational injuries and illnesses for each establishment. Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses for the particular establishment. OSHA Form No. 102 shall be used for this purpose, and shall be completed in the form and detail as provided in the instructions contained therein.

(b) The summary shall be completed no later than 1 month after the close of each calendar year beginning with calendar year 1971.

(c) Each employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer, who supervises the preparation of the annual summary of occupational injuries and illnesses, to the lower right hand corner of the annual summary or by appending a separate statement to the annual summary certifying that the annual summary is true and complete.

(d)

(1) Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under § 1903.2 (a) of this chapter. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment of a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary during the month of February of the following year to each such employee who receives pay during that month. For multiestablishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

MOSHC 295 RETENTION OF RECORDS

Records provided for in § § 1904.2, 1904.4, and 1904.5 shall be retained in each establishment for 5 years following the end of the year to which they relate.

MOSHC 296 ACCESS TO RECORDS

Records provide for in § § 1904.2, 1904.4, and 1904.5 shall be available for inspection and copying by authorized representatives of the Department of Labor and Industry and the Department of Health.

MOSHC 297 REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATION ACCIDENTS

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the Minnesota Department of Labor and Industry. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Commissioner of Labor and Industry may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

MOSHC 298 FALSIFICATION, OR FAILURE TO KEEP RECORDS OR REPORTS

(a) Section 18 of the Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment, for not more than 6 months or both."

(b) Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part, may result in the issuance of citations and assessment of penalties as provided for in section 18 of the Act.

MOSHC 299 CHANGE OF OWNERSHIP

Where an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which he owned such establishment. However, in the case of any change in ownership, the employer shall preserve those records, if any, of the prior ownership which are required to be kept under this part. These records shall be retained at each establishment to which they relate, for the period, or remainder thereof, required under § 1904.6

MOSHC 300

(a) "Act" means the Minnesota Occupational Safety and Health Act of 1973.

(b) The definitions and interpretations contained in section (2) of the Act shall be applicable to such terms when used in this Part 1904.

(c) "Recordable occupational injuries or illnesses" are any occupational injuries or illnesses which result in:
(1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or
(2) Lost workday cases, other than fatalities, that result in lost workdays; or
(3) Nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve: loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(d) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(e) "First aid" is any one-time treatment, and any followup visit for the purpose of observation, of minor scratches, cuts burns, splinters, and so forth, which do not ordinarily require medical care. Such on-time treatment, and any followup visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

(f) "Lost workdays:" The number of days (consecutive or not) after, but not including, the day of injury or illness during which the employee would have worked but could not do so; that is, could not perform all or any part of his normal assignment during all or any part of the workday or shift, because of the occupational injury or illness.

(g)

(1) "Establishment:" A single physical location where business is conducted or where services or industrial operations are performed. (For example: a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities operated from the same physical location as a lumber yard), each activity shall be treated as a separate establishment.

(2) For firms engaged in activities such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, which may be physically dispersed, records may be maintained at a place to which employees report each day.

(3) Records for personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as traveling salesmen, technicians, engineers, etc., shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

(4) For political subdivisions, an establishment shall be defined as an activity or department within a political subdivision (for example: a police department, fire department, hospital, maintenance activity, or administrative units.)

MOSHC 301 BETITIONS FOR RECORDKEEPING EXCEPTIONS

(a) Submission of Petition.

Any employer who wishes to maintain records in a manner different from that required by this part may submit a petition containing the information specified in paragraph (c) of this section to the Commissioner of Labor & Industry.

(b) Opportunity for comment.

Affected employees or their representatives shall have an opportunity to submit written data, views, or arguments concerning the petition to the Commissioner within 10 working days following the receipt of notice under paragraph (c) (5) of this section.

(c) Contents of petition.

A petition filed under paragraph (a) of this section shall include:

(1) The name and address of the applicant;
(2) The address of the place or places of employment involved;
(3) Specifications of the reasons for seeking relief;
(4) A description of the different recordkeeping procedures which are proposed by the applicant;
(5) A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them or to their authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this subparagraph shall be posted in each establishment in the same manner that notices are required to be posted under § 1903.2 (a) of this chapter. The applicant shall also state that he has informed his affected employees of their rights under paragraph (b) of this section;

(6) In the event an employer has more than one establishment he shall submit a list of the addresses of such establishments. In the further event that certain of the employer's establishments would not be affected by the petition, the employer shall identify every establishment which would be affected by the petition.

(d) Additional Notice, Conferences.

(1) In addition to the actual notice provided for in paragraph (c) (5) of this section, the Commissioner may provide, or cause to be provided, such additional notice of the petition as he may deem appropriate.
(2) The Commissioner may also afford an opportunity to interested parties for informal conference or hearing concerning the petition.

(e) Action.

After review of the petition, and of any comments submitted in regard thereto, and upon completion of any necessary appropriate investigation concerning the petition, if the Commissioner, finds that the alternative procedure proposed will not hamper or interfere with the purposes of the Act and will provide equivalent information, he may grant the petition subject to such conditions as he may determine appropriate, and subject to revocation for cause.

(f) Publication.

Whenever any relief is granted to an applicant under this Act, notice of such relief, and the reasons therefor, shall be published according to Departmental procedures.

(g) Revocation.

Whenever any relief under this section is sought to be revoked for any failure to comply with the conditions thereof, an, opportunity for informal hearing or conference shall be afforded to the employers and affected employees, or their representatives. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer shall: (1) Be notified in writing of the facts or conduct which may warrant the action; and (2) be given an opportunity to demonstrate or achieve compliance.

(h) Compliance after submission of petitions.

The submission of a petition or any delay by the Commissioner in acting upon a petition shall not relieve any employer from any obligation to comply with this part. However, the Commissioner shall give notice of the denial of any petition within a reasonable time.

(i) Consultation.

There shall be consultation between the appropriate representatives of the Minnesota Department of Labor and Industry, the Occupational Safety and Health Administration, and the Bureau of Labor Statistics in order to insure the effective implementation of this section.

MOSHC 302 EMPLOYEES NOT IN FIXED ESTABLISHMENTS

Employers of employees engaged in physically dispersed operations such as occur in construction, installation, repair or service activities who do not report to any fixed establishment on a regular basis but are subject to common supervision may satisfy the provisions of § 1904.2, 1904.4, and 1904.6 with respect to such employees by:

(a) Maintaining the required records for each operation or group of operations which is subject to common supervision (field superintendent, field supervisor, etc.) in an established central place:

(b) Having the address and telephone number of the central place available at each worksite;and

(c) Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

MOSHC 303 SMALL EMPLOYERS

(a) An employer who had no more than seven (7) employees at any one time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this part except § 1904. 8 concerning fatalities or multiple hospitalization accidents (i.e., he need not prepare the log, OSHA 100, the supplementary record, OSHA 101, nor prepare or post the summary OSHA 102).

(b) Paragraph (a) of this section shall not apply when an employer has been notified in writing by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses. If selected, an employer will be required to maintain a log of occupational injuries and illnesses (OSHA 100) in accordance with § 1904.2 and to make reports in accordance with § 1904.16 for the period of time which is specified in the notice.

MOSHC 304 DESCRIPTION OF STATISTICAL PROGRAM

The Department of Labor and Industry with the U.S. Bureau of Labor Statistics shall develop and maintain a program of collection, compilation and analysis of occupational injuries and illnesses.

MOSHC 305 DUTIES OF EMPLOYERS

Upon receipt of an Occupational Injuries and Illnesses Survey Form, OSHA No. 103, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid instructions.

MOSHC 306-309 Reserved for Future Use

CHAPTER TWENTY-THREE: MOSHC 310-319

VARIANCES

MOSHC 310 Effect of Variances

All variances granted pursuant to this chapter shall have only future effect. In his discretion, the Commissioner may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the Occupational Safety and Health Review Commission until the completion of such proceeding.

MOSHC 311 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption.

Every final action granting a variance, limitation, variation, tolerance, or exemption under this part shall be made public. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

MOSHC 312 Variances Under Minn. Stat. §182.655, Subdivisions 5, 6 and 7

(a) Application for Variance

Any employer, or class of employers, desiring a variance from a standard or provision thereof, authorized by Section 182.655, subdivisions 5, 6 and 7 of the Act may file a written application containing the information specified in paragraph (b) of this section with the Commissioner.

(b) Contents

An application filed pursuant to paragraph (a) of this section shall include:

(1) A specification of the standard or portion thereof from which the employer seeks a variance;

(2) A representation by the employer, supported by representations from qualified persons having first hand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor;

(3) A statement of the steps being taken and which will be taken, with specific dates, to protect employees against the hazards covered by the standard;

(4) A statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take, with specific dates, to come into compliance with the standard; and

(5) A certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving the summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means, and that he has informed his employees of their right to petition the Commissioner for a hearing.

(6) In addition the application should set out sufficient facts to establish that;

(aa) The employer is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by effective date;

(bb) The employer is taking all available steps to safeguard his employees against the hazards covered by the standards; and

(cc) The employer has an effective program for coming into compliance with the standard as quickly as practicable.

(c) Interim Order

(1) Application. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of facts and arguments as to why the order should be granted.

(2) Notice of denial of application. If an application filed pursuant to subparagraph (1) of this paragraph is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) Notice of the grant of an interim order. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

MOSHC 313 Variances Under §182.655, Subdivision 8 & 9

(a) Application for variance. Any employer, or class of employers desiring a variance authorized by Section 182.655, subdivision 8 or 9 of the Act may file a written application containing the information specified in paragraph (b) of this section with the Commissioner of Labor and Industry.

(b) Contents. An application filed pursuant to paragraph (a) of this section shall include:

(1) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;

(2) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(3) A certification that the applicant has informed his employees of the application by:

(aa) Giving a copy thereof to their authorized representative;

(bb) Posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself);

(cc) By other appropriate means.

(c) Hearing

(1) The Commissioner may at his discretion provide for a hearing on the variance.

(2) Affected employees shall be given notice of any such hearing and allowed to participate.

(d) Variance

(1) The Commissioner shall, by rule or order, grant a permanent variance from a promulgated standard when he finds by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment which are as safe and healthful as those provided for by the standard.

(2) The rule or order granting variance shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations and processes which he must adopt and utilize.

MOSHC 314 Modification, Revocation and Renewal of Rules or Orders

(a) Modification or Revocation. A rule or order may be modified or revoked upon application by an employer, employees, or by the Commissioner on his own motion, in the manner prescribed for its issuance at any time after six months from its issuance.

(b) Temporary orders may be in effect only for the period needed to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice. Orders will be renewed only if the requirements for issuance are met and an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim order shall remain in effect for longer than 180 days.

MOSHC 315-319 Reserved for Future Use

MOSHC 100-119
120-129
250-269
270-289
310-319
290-309

APPROVED AS TO FORM AND LEGALITY
February 20 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 20 1974 — 2:00 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
FEB 20 1974 2:08 pm
BY Eda Staudenmaier
AUTH. SIGNATURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

State Ex 1

BEFORE E. I. MALONE

COMMISSIONER OF LABOR & INDUSTRY

In the matter of the Proposed Adoption of Rules of the Department of Labor and Industry governing Occupational Safety and Health

AND

The Proposed Adoption of Occupational Safety and Health Standards

ORDER FOR HEARING

To effectively implement Minn. Laws 1973, Chapter 732, the Commissioner of the Department of Labor and Industry deems it necessary to consider adoption of both the standards and the rules captioned above. Standards and Rules will be adopted pursuant to the authority of Minn. Laws 1973, Chapter 732, §6 and §8 respectively.

NOW, THEREFORE, IT IS ORDERED this 30th day of October, 1973, that a public hearing on the captioned proposals be held in the State Veteran's Service Building, 20 W. 12th Street and Columbus Avenue, 5th floor, Room D, St. Paul, Minnesota, commencing at 9:00 a.m., December 3, 1973, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given by U.S. Mail to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

STATE OF MINNESOTA
Department of Labor and Industry

E. I. McCone

Commissioner

Stater Ex. 2

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE E. I. MALONE

COMMISSIONER OF LABOR & INDUSTRY

NOTICE OF HEARING

In the matter of the Proposed Adoption of Rules of the Department of Labor and Industry governing Occupational Safety and Health

AND

The Proposed Adoption of Occupational Safety and Health Standards

Notice is hereby given that a public hearing will be held pursuant to Minn. Laws 1973, Chapter 732, §§ 6 and 8, on the above entitled matters in the State Veteran's Service Building, 20 West 12th Street and Columbus Avenue, 5th floor, Room D, St. Paul, Minnesota, commencing at 9:00 a.m., December 3, 1973. Said hearing shall continue until all representatives of associations and other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

The hearing will consist of the following subparts:

A. Occupational Safety and Health Standards proposed for adoption under Section 6 of the Occupational Safety and Health Act. It is proposed:

1. To revise MOSHC 1, as indicated in Exhibit A attached, to reflect changes, additions, deletions and corrections made to the Federal Occupational Safety and Health Standards from May 1, 1973 to October 15, 1973.

2. To revise MOSHC 1 by amending Tables G-1, G-2 and G-3 of Section 1910.93 to reflect the changes in and additions to the threshold limit values for chemical substances adopted by the American Conference of Governmental Industrial Hygienists for 1973 and also to reflect the 1973 American National Standards Institute Z37 series additions.

3. To adopt the American Conference of Governmental Industrial Hygienists' threshold limit values for exposure to lasers and ultraviolet radiation.

4. Amend Chapter 8 of MOSHC 1973, 2nd edition, to be in accord with those codes adopted by other state regulatory agencies and to incorporate 1972 and 1973 supplements to ANSI A17.1, 1971.

5. Amend Chapter 9 of MOSHC 1973, 2nd edition, by revising MOSHC 120 & 121 and adding MOSHC to cover Powered Platform Manlifts.

6. To adopt, as MOSHC Chapter 10 (MOSHC 130-139) Hazardous Products, rules governing the transportation and handling of hazardous products. The proposed rules are set out in Exhibit B.

7. To adopt as MOSHC Chapter 11 (MOSHC 140-145) Truck Safety, rules relating to structural and operational safety for trucks and buses. The proposed rules are set out in Exhibit C.

B. Administrative Rules and Regulations proposed for adoption under Section 8 of the Occupational Safety and Health Act. It is proposed:

1. To adopt Rules of Procedure for the Minnesota Occupational Safety and Health Review Commission.

2. To adopt rules prescribing general policies for enforcement of the inspection, citation and proposed penalty provision of the Minnesota Occupational Safety and Health Act.

3. To adopt regulations affecting the recording and reporting of occupational injuries and illnesses for both public and private employers. The proposed regulations are substantially the same as 29CFR Part 1904.

4. To adopt rules of practice for administrative proceedings in the granting of variances under Section 6 of the Act.

Complete texts of the proposed regulation changes are available for public inspection at the Minnesota Department of Labor and Industry, Space Center, Fifth Floor, 444 Lafayette Road, St. Paul, Minnesota, and will also be available for inspection at the door on the date of the hearing. Telephone inquiries regarding the information described above should be directed to (612) 296-2116. Materials are also available for the public as outlined in Exhibit A.

A copy of the procedural rules for the hearing is attached. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Commissioner E. I. Malone at the above-mentioned address within 20 days following the conclusion of the subject hearing. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit a written statement or exhibit, it is requested that at least three (3) copies of such statement, exhibit, or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

E. I. Malone

E. I. Malone, Commissioner
Department of Labor and Industry

October 30, 1973

EXHIBIT A

PROPOSED CHANGES TO
MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
OCCUPATIONAL SAFETY AND HEALTH RULES AND REGULATIONS

1. It is proposed that MOSHC 1 in the 1973 second edition Minnesota Department of Labor and Industry Occupational Safety and Health Rules be modified as shown below. Deletions are shown as: ~~deletions~~; additions are shown as: additions.

MOSHC 1 - Adoption of Federal Occupational Safety and Health Regulations by reference. The 1973 second edition of the Minnesota Department of Labor and Industry Occupational Safety and Health Rules are amended by incorporating by reference and thereby making a part thereof, Title 29 of the Code of Federal Regulations, Part 1910, Occupational Safety and Health Standards as published in Part II, Volume 37, No. 202 of the Federal Register on October 18, 1972, along with any changes, additions, deletions, and corrections made prior to ~~May 1~~, October 15, 1973, including:

Part 1926 - Safety and Health Regulations for Construction dated December 16, 1972, along with any changes, additions, deletions, and corrections made prior to ~~May 1~~, October 15, 1973.

Part 1915 - Safety and Health Regulations for Ship Repairing dated October 19, 1972 along with any changes, additions, deletions, and corrections made prior to ~~May 1~~, October 15, 1973.

Part 1916 - Safety and Health Regulations for Shipbuilding dated October 19, 1972, along with any changes, additions, deletions, and corrections made prior to ~~May 1~~, October 15, 1973.

Part 1917 - Safety and Health Regulations for Shipbreaking dated October 19, 1972, along with any changes, additions, deletions, and corrections made prior to ~~May 1~~, October 15, 1973.

Part 1918 - Safety and Health Regulations for Longshoring dated October 19, 1972, along with any changes, additions, deletions and corrections made prior to ~~May 1~~, October 15, 1973.

Federal Standards and Regulations described above are those which are currently being enforced by the Federal Occupational Safety and Health Administration. They are available from either of the following two sources:

Supt. of Documents
U. S. Government Printing Office
Washington, D.C. 20402

Document Section
Department of Commerce
Room 306 Federal Courts Building
110 South Fourth Street
Minneapolis, Minnesota 55402

2. This section presents a summary of the changes made between May 1, 1973 and October 15, 1973 to the Federal Occupational Safety and Health Regulations.

AFFECTED STANDARD	SYNOPSIS OF CHANGE
MODIFICATION OF CERTAIN MACHINE BRAKE STANDARDS - 1910.68(c)(1)(i); 1910.217(b)(2) and 1910.263(h)(2). Standards for brakes on manlifts, mechanical power presses, and rollers on bakery conveyors were changed to permit any brake system that is self engaging. Previous standards required mechanically fed brakes.	
1910.68(c)(1)(i) 6/21/73 16223	MANLIFTS (c) Mechanical requirements, (1) Machines, general - (i) Brakes The amendment requires that brakes provided for stopping and holding a manlift shall be inherently self engaging and shall be disengaged by an external source of power or force.
1910.217(b)(2) 6/21/73 16223	MECHANICAL POWER PRESSES (b) Guarding and construction, general (2) Brakes The amendment requires that friction brakes used for stopping or holding a slide movement shall be inherently self engaging and shall be disengaged by an external source of power or force.
1910.263(h)(2) 6/21/73 16223	BAKERY EQUIPMENT (h) Manually fed dough brakes, (2) Emergency stop bar The amendment requires that when pressure is applied to the emergency stop bar the rolls shall stop instantly. The drive motor shall be de-energized immediately and the brakes shall be inherently self engaging and shall be disengaged by an external source of power or force.
1910.93(c) 7/27/73 20074	CARCINOGENS This proposed addition to the code is already being enforced as an emergency temporary standard on certain carcinogens. The original standard was issued May 3, 1973 and modified July 27, 1973. The standard regulates the exposure of employees to certain listed substances that are known to cause cancer. Under the provisions of the Minnesota Occupational Safety and Health Act, the temporary standard presently has the status of a proposed permanent standard.

AFFECTED STANDARD	SYNOPSIS OF CHANGE
1910.141 5/3/73 10932	SANITATION The section is amended in its entirety. Although the amendment covers a broad spectrum, the changes are generally slight in degree. The tone of the amendment is to liberalize standards for purposes of practicality and workability.
1910.157(b)(1) 7/17/73 19030	PORTABLE FIRE EXTINGUISHERS (b) Selection of extinguishers, (1) General The standard is amended to require that portable fire extinguishers be approved as that term is clarified in Paragraph 1910.56(s).
1910.160(b)(1) 7/17/73 19030	FIXED DRY CHEMICAL EXTINGUISHER SYSTEMS (b) Alarms and indicators, (1) General The standard is amended by deleting the sentence, "The extent and type of alarm and/or indicator equipment shall be approved."
1910.160(c)(1)(iv)	(c) Inspection and maintenance, (1) Inspection and tests, (iv) The standard was modified to allow for inspections "following a predetermined schedule" rather than "an approved schedule".
1910.177 6/1/73 14373	INDOOR GENERAL STORAGE The standard was objected to on the basis that the overall purpose of the standard was the protection of property and not the protection or safety of employees. The standard was revoked in its entirety.
1910.178 6/1/73 14373	POWERED INDUSTRIAL TRUCKS (a) General (1) The standard was amended to exempt vehicles intended primarily for over-the-road hauling. (7) The revised standard defines the terms "approved truck" and "approved industrial truck".

AFFECTED STANDARD	SYNOPSIS OF CHANGE
	(m) Truck operations (5) The standard is amended so as to define when industrial trucks are unattended and to provide substantive standards in such cases.
1910.179(b)(8) 6/1/73 14373	OVERHEAD AND GANTRY CRANES (b) General requirements, (8) Designated personnel The amendment requires that only designated personnel operate cranes covered by this section.
1910.179(e)	(e) Stops, bumpers, rail sweeps, and guards The amendment requires cranes to be equipped with trolley and bridge bumpers.
1910.180(b)(3) 6/1/73 14373	(b) General requirements, (3) Designated personnel The amendment requires that only designated personnel operate cranes covered by this section.
1910.181(b)(3) 6/1/73 14373	DERRICKS (b) General requirements, (3) Designated personnel The amendment requires that only designated personnel operate cranes covered by this section.
1910.243 6/1/73 14373	GUARDING OF PORTABLE POWER TOOLS (a) Portable power tools (1) Portable circular saws (i) Requires all portable power driven circular saws with blades greater than 2" diameter to be equipped with guards of specific requirements. (ii) Exempt the meat industry from above paragraph (i). (2) Switches and controls The amendment requires momentary contact "on/off" control and positive "on/off" control for portable power tools covered by this section.

AFFECTED STANDARD	SYNOPSIS OF CHANGE
	(5) Grounding The amendment requires that portable electrical power tools to meet the electrical requirements of subpart S of this section. (b) PNEUMATIC POWER TOOLS AND HOSE (1) Tool retainer Pneumatic power tools and hose that may eject tools shall be equipped with a tool retainer. (2) Air hose Hoses and hose connections shall be designed for the pressure and service for which they are subjected. (c) PORTABLE ABRASIVE WHEELS (1) General requirements The amendment specifies the classes of wheels and conditions of use that are accepted from the safety guard requirements and lists the excluded machinery. (e) POWER LAWNMOWER (2) Walk behind and riding rotary mower (vi) The earlier standard has been revoked. The standard pertained to deadman controls on walk behind and riding rotary mowers. (3)(iii) WALK BEHIND ROTARY MOWERS Amended to redefine the lowest blade position with respect to the blade enclosure front. (4)(vi) RIDING ROTARY MOWERS Amendment is to correct a typegraphical error.

AFFECTED STANDARD	SYNOPSIS OF CHANGE
1926.602(a)(8) 6/27/73 16856	MATERIAL HANDLING EQUIPMENT (a) Earth moving equipment (8) Effective specific dates - brakes and fenders The standard is amended to change an effective date from June 30, 1973 to January 2, 1974. The change relates to the installation of fenders on pneumatic tired earth moving equipment.
1926.602 10/5/73 27594	SUSPENSION OF REQUIREMENTS CONCERNING FENDERS The requirements for the installation of fenders on certain pneumatic tired earth moving equipment as required in Section 1926.602(a)(5) and (a)(8)(i) is suspended.
1910.106 9/28/73 27047	FLAMMABLE AND COMBUSTIBLE LIQUIDS The amendments involved were proposed on June 15, 1972. They defined the meaning of "flammable liquid" and "combustible liquid" and the procedure for determining the flashpoints. Also involved are amendments to paragraphs 1910.106 and 1910.108 that concern conforming changes to preserve the requirements of the existing standards.
1910.106 10/11/73 28035	FLAMMABLE AND COMBUSTIBLE LIQUIDS Change consists of correction made to amendments of 10/28/73, page 27047, which concerns the definition of "flammable liquids" and"combustible liquids".
1910.106 10/12/73 28259	FLAMMABLE AND COMBUSTIBLE LIQUIDS Change consists of correction made to amendments of 10/28/73, pages 27047, 27048 and 27049, which concerns the determination of flashpoints.

PROPOSED MOSHC CHAPTER TEN

MOSHC 130 - TRANSPORTATION & HANDLING OF HAZARDOUS PRODUCTS

a. It shall be mandatory that all refineries, pipelines, barges and storage terminals shall have an experienced loader or loaders on duty at all times for the purpose of loading tank trucks and/or other vehicles used in the transportation of inflamable products, including gasoline, fuel oil, propane, butane, acids, or any other product falling within the scope of dangerous or inflamable materials.

b. Loaders shall be employees of the shipper or company and must be properly trained and qualified to perform the duties required for the safe loading of tank vehicles transporting hazardous and flamable products.

c. No driver will load or assist in loading the vehicle. Vehicle shall mean any type of vehicle used for the purpose of transporting fuel oil, gasoline, propane, butane, anhydrous, and all other allied products. The provisions of this section shall not apply to loading or filling fuel into the fuel tank of any vehicle for actual use in propelling such vehicle or for loading or filling at facilities which have a capacity of 1,000,000 gallons or less.

d. Hose shall be fabricated of materials that are resistant to the action of LP-Gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material, such as stainless steel.

e. When loading or unloading Anhydrous Amonia there shall be at least one other person in attendance in addition to the driver of the vehicle. Such person shall be an employee of the consignor or consignee.

f. Backflow check valve, excess flow valve, or a shut off valve with means of remote closing to protect against discharge of acid from storage tank piping shall be installed close to the point where the liquid piping and hose or pipe is connected.

(1) Acid shall be unloaded by using sunction pumps to avoid hose being ruptured and acid being sprayed under pressure which could result in injury to anyone in the unloading area.

g. Employees entering the premises of shipper or consignee shall not be required to perform work other than that for which his employer is responsible, or for such shipper or consignee which is hazardous or under unsafe conditions.

PROPOSED MOSHC CHAPTER ELEVEN

MOSHC 140 - WEATHERPROOFING

Truck Cabs must be weatherproof and properly equipped with defrosters and adequate heaters; and must be free from gas odors at all times.

MOSHC 141 - POWER STEERING

There shall be power steering on all power units used for pulling semitrailer units after January 1st, 1973.

MOSHC 142 - WEIGHT DISTRIBUTION ON FRONT TIRES

There shall be no more weight distributed to the front axel of any unit than the maximum that is prescribed for the tires used on the front axel.

MOSHC 143 - SOUND-PROOFING

Cabs shall be sound-proofed to meet the minimum requirements prescribed as permissible noise level standards.

MOSHC 144 - UNSAFE VEHICLES

No driver shall be required to drive a vehicle that has previously been reported as unsafe until such vehicle has been inspected and repaired and approved as being safe by an authorized agent of the company responsible for the condition of such equipment.

MOSHC 145 - SAFETY ON SCHOOL BUSES

1. Safety belts should be installed on every seat.

2. School buses shall travel at least at 500 feet intervals.

3. There should be exits on both sides of the bus in addition to the back door.

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MOSHC 145 - SAFETY ON SCHOOL BUSES

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MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present their views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but that fact that it is unsworn may be considered in determining the weight to be given it.

State Ex 3

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed
Adoption of Rules of the
Department of Labor and Industry
governing Occupational Safety
and Health
AND
The Proposed Adoption of Occupa-
tional Safety and Health Standards

3 1/2 sheets

I hereby certify that the attached 302 labels & 3½ sheets constitute the complete list of persons, associations, and other interested groups who as of 1:00 o'clock P.M., this 31st day of October, 1973, have requested pursuant to M.S. 1971, Sec. 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State
Arlen I. Erdahl
By Cecil Dion

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R. R. 4
RED WING, MN. 55066

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AM CAMPING ASSN MRS LEACOCK
1235 BRIGHTON SQ
NEW BRIGHTON MN
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AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANDERSON JAMES
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MPLS MN
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BENSONI - PETER USW OF AM.
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BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
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ST PAUL MN
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BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
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BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BUR. ENGR. IND. DIV. MR. KIBIGER
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MPLS. MN

BUR NATL AFFAIRS INC
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CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT COMM
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ST PAUL MN
55101

CUSHMAN J S DAYTON HUDSON
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MPLS MN
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DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAVIS HENRY
6301 SHINGLE CREEK
BROOKLYN CTR MN
55429

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
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EDINA MN
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1908 IDS CENTER
MPLS MN
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527 JACKSON RM 227
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ENGELWOOD CLIFFS
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EVERETT JERRY NW PETRO ASSN
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FLEMING FREDERICK A
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207 UNION DEPOT
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BLOOMINGTON MN
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ST PAUL MN
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COURT HOUSE
ANOKA MN
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MINN BD PODIATRY EXAM & REG.
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MINN ELECTRICAL ASSN INC
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MINN ENV CONTROL CITIZEN ASN
CENTRAL MANOR 26 E EXCH
ST PAUL MN
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MINN FOOD RETAILERS ASSN
555 WABASHA
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MINN. HOTEL & MTR. ASSN
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MINN LP GAS ASSN
7515 WAYZATA BLVD 106
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MINN.MTR.TRANSP. .J.N.DENN
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MINN PUB INT RES DAYTON
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MINN REP STATE CEN COMM
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MINN RETAIL HARDWARE ASSN
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MPLS MN
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MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
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MINN STATE BAR ASSN
100 MINN FED BLDG
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MINN ST BD PHAR P G GRUSSING
1965 FORD PKWY
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RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
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ROBBIE JOSEPH
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NEW BRIGHTON MN
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ST PAUL MN
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ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
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UNION STOCK YARDS
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MPLS. MN
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ELY MN
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ST LOUIS PARK MN
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RT 2
ISANTI MN
55040

COX AND KING
600 BUILDERS EXCH
MPLS MN
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CROW WING CO PLANNING & A
COURT HOUSE
BRAINERD MN
56401

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MPLS MN
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1200 WEST FOURTH STREET
RED WING MN
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DAYTON CHAS SIERRA CLUB
400 ROANOKE
MPLS MN
55402

DIEHL JOHN
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MPLS MN
55402

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOYTON MAURICE, MET SEWER
350 METRO SQ BLDG
ST PAUL MN
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ST PAUL MN
55101

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FLETCHER RONALD
7900 XERXES AVE S
MPLS MN
55431

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FURLONG DR JOHN
RT 1
BOVEY MN
55709

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GAS HUT INC
4940 VIKING DR
MINNEAPOLIS MN
55435

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HESS DONALD MIDWEST PLANN
2101 HENN BLDG
MPLS MN
55405

HENN CO WELFARE BRD RM 26
COURT HOUSE
MPLS MN
55415

HILL JIM ASSOC. MILK PROD
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUNT MRS CHAS L MECCA
26 E EXCH CENTRAL MANOR
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGVALSON VERN MN. FARM BU
3110 WCODDALE DR PO 337
OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRU
BLUE EART[redacted] MN
56013

KANE ANTHONY
176 E FIFTH ST
ST PAUL MN
55101

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KNOWLES, LARRY D
8025 33RD AVE N
CRYSTAL MN
55427

KNUTSON DR KEITH, BIOLOGY
ST CLOUD STATE
ST CLOUD MN
56301

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LAUNDERERS&DRY CLEANERS A
W 1ST NATL BK BLDG
ST PAUL MN
55101

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
2000 UNION COMM BLDG
CLEVELAND OH
44115

MASTOR MATTSON HART ET AL
414 ROANOKE BLDG
MPLS MN
55402

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION C
OAK & DELAWARE
MPLS MN
55440

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L O LA SHO
414 AUDITORIUM ST
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS M
55403

MINN AUTOMOBILE DEALERS A
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES D
1275 UNIV AVE
ST PAUL MN
55104

MINN HWYS MANAGEMENT SERVICE
410 HWY BLDG
ST PAUL MN
55101

MINN HOUSING INST N T CAR
7801 METRO PKWY
MPLS MN
55420

MINN PETROLEUM COUNCIL
446 BUILDERS EXCH BLDG
MPLS MN
55402

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN ASSN WATERSHED DIST'

ADA MN
56510

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH D
10200 PENN SO
BLOOMINGTON MN
55431

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MIT
5501 GREEN VALLEY DR
MPLS MN
55437

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON D
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OCONNELL THOMAS
941 LAUREL
ST PAUL MN
55104

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHILLIPS LEGISLATIVE SERVICE
113 W UNIV AVE
ST PAUL MN
55103

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PULSCHER RBT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROCHE T E
5007 FREMONT AVE S
MPLS MN
55419

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SATHRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHAPS NICHOLAS
100 DAIN TOWER
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SEARS ROEBUCK & CO
2929 ELLIOT AVE D 703MW
MPLS MN
55401

SENATE COUN OFF J ST MARI
STATE CAPITOL
ST PAUL MN
55101

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

STANSFIELD ARLENE LAND O
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TWIN CITY RETAIL DRUGGIST
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN
55415

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-
FRANCIS CREEK WI

WYANT CLINTON W ATTY
ATKIN MN
56431

ADA Bakery, 306 E. Main St., Ada, Minn. 56510
Amerco, Attn.C.A.Clinger, 2727 N Central Ave., Phoenix,Ariz. 85004
Architectural Metal Assoc. of Minn., 4725 Excelsior Ave., Mpls. 55416

Architectural & Engineering Services, 525 Junction St., Winona 55987
(ONLY Wages & Hrs. for Women)
A. S. Mark & Son, Inc., Princeton

Associates Corporate Services Company, Inc.,Attn.E.W. Reznik,1700 Mishawaka Ave., So.Bend, Ind. 46624
Ben Franklin Store, Eleanor Benson, Sauk Center
Canby Home Bakery, Canby, Minn.
Bose, Vilmar K., Ellerbe Arch., 333 Sibley St., St Paul 55101
Cassidy, Adrian C., N.W. Bell Tele. Co., 224 S. 5th St., Mpls. 2
Arrington & Healy, 135 So. La Salle Street, Chicago, Illinois 60603
Burns & Enstad Accounting Service, P.O. Box 1, Hastings 55033
Chokio Cafe, Attn.Doris Olson, Chokio 56221
Cluett, Peabody & Co., Inc., Virginia, Minn.
Carlton County Hwy Engineer & Carlton Co.Commissioners,Court House,Carlton 55718
Colonial Soda-Cafe, Attn.Mgr., 115 1st Ave. S.W.,Rochester 55901
Conway, Kendell, 6221 Portland Ave., Richfield
C.R. Anthony Company, Attn. Dick Adams,P.O. Box 994,Oklahoma City,Okla. 73101
(ONLY Wages & Hrs. for Women)
Colloton, J. Michael,Dayton Hudson Corp.,777 Nicollet Mall,10th flr,Mpls 55402
Dept. Labor, Div. Research & Statistics, Sr.Librarian,80 Centre St., N.Y. 13, N.Y.
Dew Drop Inn, Hoffman, Minn.
Doidge, Chas. J., 309 E. Wyoming St., Redwood Falls, Minn. (Wage & Hr. Div. only)
Dudin, Donald, City Hall, Red Wing.
Dorsey, John G., 1st Natl. Bk. Bldg., Mpls.
Draper & Kramer, Attn. Stephen R. Hofstad,515 Marquette Ave., Mpls. 55402
Eagle Valley Coop. Oil Ass'n., Clarissa 56440
E. F. Johnson Company, 299 10th Ave SW, Waseca 56093
Exquisite Cleaners, 811 E. 56th St., Mpls. 55417

Farmers Co-op Produce Assn., Clarissa, Minn. 56440

Goodwill Industries, Attn. J.M. Glendenning, 412 S. 3rd St., Mpls 15
Habergarten, Charles, Farmers Union Central Exch., PO Box G, St. Paul 55101
Hartford Steam Boiler Insp. and Ins. Co., Eng. Dept., Hartford, Conn.
Hawley, Lyle R., Graco, PO Box 1441, Minneapolis 55440
Higgins, J.C. Brotherhood Rwy. Clerks, 2317 W. 7th St., Duluth, Minn.

Hill, Curt, Coordinator, Alexander Ramsey High School, Roseville, Minn.

Hoisman, Catherine, Hi-Way Cafe, 300 N. Sec. Ave., Spring Valley 55975
Horsman, Glen, Tracy,Minn.
Housnan, Mrs. Henry, Box 94, Jeffers 56145

Hudson, William C., Aitkin 56431

Int. Union of Operating Engineers, Local 34, 1043 Midland Bk. Bldg., Mpls.

Irene's Cafe, Irene Pasche, Hoffman, Minn. 56339

Jensen, Glenn A., 111 N. Cedar, Luverne 56156

Jim's Lanes, New Richland, Minn.
Johnson, Leonard J., Falls Cafe, Granite Falls 56241
Koch, Curtis G., 10049 Goodrich Rd., Bloomington, Minn. 55431
King, M. A., Mounds Park Hosp.,200 Earl St., St Paul 55106 (Min.Wage only)
Kvitek, Raynold R., Rays Cafe, Glenwood, Minn.

L. B. Hartz Wholesale, Inc., Thief River Falls, Minn. 56701

Latz, Robert, Atty, 848 Roanoke Bldg., Mpls. 55402 (Collection Agencies only)
McCauley, Thos.H., Public Serv.Dept.,Moorhead, 56560
Mead, Gerald M, Food Serv. Dir. St. John's Univ. Collegeville 56321
Merritt, Mamie, 112 W. 7th St., Morris 56267
Minn. Council of State Employees No. 6, 555 Wabasha, St. Paul

Minn. Painting & Decorating Pub. Relations Bur.,1821 Univ.Ave.,St.Paul 55104

Minn. State Pharmaceutical Assn., 3388 Univ. Av., St. Paul 4
Mundt, Daniel, c/o Van Evera, Mundt et al, 700 Torrey Bldg., Duluth 55802
Motec Industries, Inc., Hopkins, Minn.
Motel Ely, 1047 E Sheridan St., Ely 55731
New Cafe, c/o Arnold Schlecht, Parkers Prairie 56361
National Data Communications, Inc., Personnel Dept., 1400 Empire Life Bldg. Dallas Tex. 75201
Ohlemann, Mr. & Mrs. Otto, 320 W. Van Dusen, Springfield 56087

Ohlrogg, M. J., Chatfield 55923

Otto, Kermit, Box 97 Frazee, Minn. 56544
Patterson, V.W., Ogden Foods, Inc., 2140 Ashland Ave., Toledo, Ohio 43620
Paul's Reliable Drugs - 117 W. 1st St., Duluth 2 (Wage & Hr. Div. only)
Quiter, Younger & Swanson, Box 6487, Rochester, 55901
Sanford, S.M., 7000 Portland Ave., Richfield, Mpls. 55423
Schmidts Cafe, Gibbon 55335
Sears, Roebuck & Co. Attn. Mr. Smith, Maintenance & Cost., Dept., 2929 Elliot Ave.
Saint Paul Goodwill Industries, Jean Sisson, 2543 Como Ave., St. Paul 55108
Schmitt Music Company, Attn A. M. Bell, Payroll Dept., 88 S. 10th St., Mpls 3
Schiltz, Earl, 209 City Hall, Duluth 55802
Trandem, Leon, Leon & Edie's Cafe, Erskine, Minn.

Tureck & Keszler, 1517 8th St. N., Fargo, N.D. 58102 (ONLY wages & Hrs for women)
Volume Merchandise, Inc., 75 Ninth Ave., New York, N.Y. 10011 Attn. C.L. Goldberg
Unze, Mrs. Sylvester, 810 E 4th Ave., Shakopee 55379
United Steelworkers of Am. Loc. 4108, Box 10, Aurora 55705
Williams, Philip R., Sawyer Transport, Inc., 2424 M'haha Ave. S., MPLS 55404

Winrich, Al, Al's Drive Inn, Jackson 56143
Utsunomiya, Thomas, Personnel Officer, 250 S 4th St., Minneapolis 55415
United Steelworkers Loc. 4757, c/o Harold J. Engelhart, 56 Beech Court, Babbitt 55706
Ziesemer Our Own Hardware, Brooten, Minn. 56316

WORKMEN'S COMPENSATION

Anderson, Allen E., Dodge Bldg., Moose Lake
Bardessono Insurance Agency, 210-11 Power Bldg., Hibbing

Capretz Insurance Agency, 219-A No. Main St. Austin

Engberg Agency, 1931 Payne Ave., St. Paul

Insurance Agents Assn. of Mpls, 550 Builders Exchange, Mpls. 2

Lewis-Thompson Agency, 212 S. 6th St., Mpls. 1

Minn. Assn. of Insurance Agents, 550 Builders Exchange, Mpls. 2

Wood-Nelson Co., 400 Bldrs., Exch., Mpls 2

Assn. of Cas and Surety Executives, 60 John St. New York 7, N.Y.

Country Kitchen International, Inc., 2950 Metro Dr., Mpls. 55420

Dorsey, John G., 1st Natl. Bk. Bldg., Mpls.

King Packing, Inc., Box 208, So. St. Paul (Employment Only)

Minn. State Federation of Labor, Labor Temple, St. Paul

Minn. State Federation of Teachers, 2147 Univ. Ave. St. Paul 14

Prudential Ins. Co. of America (Att, Law Dept.), Box 1143, Mpls.

5

WOMEN & CHILDREN'S DIVISION

Bellefueille, L. E., Rialto Theatre, Aitkin 56431

Hoffmann, Al H., Gamble Store, Hallock, Minn.

P & M Furniture Co., Hallock, Minn.

BOILER INSPECTION

Hartford Steam Boiler Insp. & Ins. Co., Eng. Dept, Hartford, Conn.

Pettebone, O. R. 215 Fremont St. San Francisco 19, California

[redacted]UPATIONAL SAFETY & HEALTH [redacted]IV.

Abrahamson, R.D., HRA, 301 E. 2nd St., Duluth 55805

[redacted]

~~Boven, Earl H.Minn.Associated Gen.Contractors,Builders Exch., Mpls. 55402~~

Fire Equip.Mfrs.Assn Inc.,J.E.Bates, 1803 S Busse Rd,Mount Prospect, ~~[illegible]~~ 60056

Farrell, Gene, Public Safety, Rm 314 Hwy Bldg., St Paul 55155

Boven, Earl,Assoc.Gen.Cont., 910 Builders Exch Bldg., Mpls. 55402

McEvoy, Bernard,Whirlpool, PO Box 3380, 850 Arcade St,St Paul 55165

Farmers Union Grain Terminal Assn.,Attn.Donald E. Ostrum, St Paul 55165

Ganscoe, W. C.,Washington Natl Ins.,Evanston, Ill. 60201

Independent Garage Owners of Minnesota, Inc.,8231 Westwood Hills Curve,Mpls ~~5542~~ 55426

Minn.Automotive Wholesalers & Mfrs.Assn.Inc.,5509 44th Ave N, Mpls. 55422

Tyler, Clark H., St Paul F & Marine, 385 Washington St., St Paul 55102

Davoli, Raymond M., St. Paul Tech.Voc.Inst.,235 Marshall Ave, St Paul 55102

Franz, Walter, 1102 Box Elder St., Mountain Lake 56159

Lacina, James V., 6301 Shingle Creek Pkwy,Brooklyn Center 55430

Reedy, J. S., 4401 Xylon Ave N., New Hope 55428

Ubel, Frank A. Dr., 3M Center, St. Paul 55101

C. H. Leavell & Company, 3063 White Bear Ave N, North St Paul 55109

Davis, R. F., Control Data Corp., PO Box 0, Mpls 55440

Frigon, D. E., Minn.Power & Light, 30 W Supr St, Duluth 55802

Hennes, Gary L., McCulloch Industries, Inc., 1800 65th Ave N, Mpls 55430

Hove, Don E., Municipal Center, 1616 Humboldt Ave., West St. Paul 55118

Kelly, Homer C.,Minn.State Junior College Bd.,Capitol Sq Bldg.,St Paul 55101

Knight, Lowell, Shasta Beverages, 3530 E 28th St., Mpls 55406

McSweeney, Bryan, Mayo Clinic, Rochester 55901

Marthaler, S. Butch, Woodland Container Company, Aitkin 56431

Otter Tail Power Company,Attn L.E. Yates, 215 S Cascade St, Fergus Falls 56537

Portec Inc., Attn E.A.Benesh, 3200 Como Ave SE, Mpls 55414

St. Marie, Paul A., 1515 N.W. Bk. Bldg., Mpls. 55402

Sawhill Tubular Div.,Cyclops Corp., 2848 34th Ave S., Mpls 55408

Scheffler, Gustave L.,Dept. EH& S, Univ.Health Service, U of M, Mpls 55455

Thermo-Serv Company,Attn Jerry Raney, 2939 Sixth Ave N, Anoka 55305

State Ex b

AFFIDAVIT

Robert T. Sarna, being duly sworn on oath deposes and says:

1) That he is an employee of the Occupational Safety and Health Division of the State of Minnesota.

2) That on the 31st day of October, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 31st day of October, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Robert T. Sarna

Subscribed and sworn to before me
this 31 day of Oct,
1973.

Raymond O. Adel

Notary Public,
Hennepin County, Minnesota
My Commission expires _____.

RAYMOND O. ADEL
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Sept. 3, 1976

Statu Ex 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed
Changes to the Minnesota
Occupational Safety and Health
Rules and Regulations.

AFFIDAVIT OF MAILING

IVAN W. RUSSELL, being first duly sworn, deposes and says: That on the 1st day of November, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing it in the United States mail at said City of St. Paul, true and correct copies thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Ivan W. Russell

Subscribed and sworn to before
me this 3rd day of December, 1973.

Lloyd E. Willie

LLOYD WILLIE
Notary Public, Goodhue County, Minn.
My Commission Expires Mar. 13, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE E. I. MALONE

COMMISSIONER OF LABOR & INDUSTRY

In the matter of the Proposed Adoption of Rules of the Department of Labor and Industry governing Occupational Safety and Health

AND

The Proposed Adoption of Occupational Safety and Health Standards

STATEMENT OF NEED

The need to adopt the above captioned rules arises out of the legislative mandate of Minn. Stat. 182.657 (1973), which specifically requires the promulgation of rules and regulations dealing with the inspection of places of employment and further requires promulgation of such rules and regulations as may be deemed necessary to carry out the responsibilities of the Occupational Safety and Health Act of 1973. Rules and Regulations dealing with Review Commission Procedures, Records and Reporting and the granting of Variances are deemed necessary if Minn. Stat. 182.664, 182.663 and 182.655 are to be effectively complied with.

E. I. Malone

E. I. Malone, Commissioner
Department of Labor and Industry

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE E. I. MALONE

COMMISSIONER OF LABOR & INDUSTRY

In the matter of the Proposed
Adoption of Rules of the
Department of Labor and Industry
governing Occupational Safety
and Health
AND
The Proposed Adoption of Occupa-
tional Safety and Health Standards

FINDING OF FACT

The above-entitled matter came on for hearing before the undersigned on the 3rd day of December, 1973, at 9:00 a.m. in Hearing Room D of the State Veteran's Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, after proper notice required by Minn. Stat. 1973, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. Revision of Chapter One: MOSHC 1 in Exhibit A attached to the Notice of Hearing on the above captioned matter will comply with the legislative mandate of Minn. Stat. 182.655, Subd. 13 by insuring that all standards adopted by the commissioner will be at least as effective as those promulgated under Section 6 of the Federal Occupational Safety and Health Act of 1970.
2. Revision of Chapter One: MOSHC 1 by amendment of Tables G-1, G-2, and G-3 of Section 1910.93 of

the standards as proposed in A2 of the Notice of Hearing would have a potentially detrimental affect on interstate commerce and as such is proscribed by Minn. Stat. Section 182.655, Subd. 12 (1973).

3. Adoption of the American Conference of Governmental Industrial Hygienist's Threshhold Limit Values for Exposure to Lasers and Ultraviolet Radiation as proposed in A3 of the Notice of Hearing would have a potentially detrimental affect on interstate commerce and as such is proscribed by Minn. Stat. Section 182.655 (1973).
4. Chapter Eight: MOSHC 100-119 need be amended so as to be consistent with those provisions of the State Building Code relating to elevators, which the Department of Labor and Industry must enforce under authority of Minn. Stat. §16.86, subd. 5.
5. Chapter Nine: MOSHC 120-129 need be amended as proposed so as to complement adopted OSHA standards.
6. The record of the December 3, 1973, hearing does not justify the adoption of the proposed MOSHC Chapter Ten (130-139) at this time. It is appropriate to refer these proposals to the Occupational Safety and Health Division's staff for further study and review.
7. The subject matter of proposed MOSHC Chapter Eleven is adequately regulated at present by other state agencies and as such adoption of proposed MOSHC Chapter Eleven would be inappropriate.
8. The adoption of Chapter Twenty - Occupational Safety and Health Review Commission Rules of

Procedure, as proposed would be in keeping with the legislative mandate of Minn. Stat. 182.567 (1973) and such adoption would be in accordance with the record of the December 3 public hearing in this matter.

9. The adoption of Chapter Twenty-One - Inspection, Citations and Proposed Penalties, as proposed would be in keeping with the legislative mandate of Minn. Stat. 182.567 (1973) and such adoption would be in accordance with the record of the December 3 public hearing.

10. The adoption of Chapter Twenty-Two - Recording and Reporting Occupational Injuries and Illnesses, as proposed would be in keeping with the legislative mandate of Minn. Stat. 182.567 (1973) and such adoption would be in accordance with the record of the December 3 public hearing in this matter.

11. The adoption of Chapter Twenty-Three - Variances, as proposed would be in keeping with the legislative mandate of Minn. Stat. 182.567 (1973) and such adoption would be in accordance with the record of the December 3 public hearing in this matter.

E. I. Malone

E. I. Malone, Commissioner
Department of Labor and Industry

Dated this 25th day of
January, 1974.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE E. I. MALONE

COMMISSIONER OF LABOR & INDUSTRY

In the matter of the Proposed Adoption of Rules of the Department of Labor and Industry governing Occupational Safety and Health

AND

The Proposed Adoption of Occupational Safety and Health Standards

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota Department of Labor and Industry on the 3rd day of December, 1973, at 9:00 a.m. in Hearing Room D of the State Veteran's Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, after proper notice as required by Minnesota law was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW, THEREFORE, IT IS ORDERED that these Rules identified as the Minnesota Occupational Safety and Health Codes, 1) Chapter 1: MOSHC 1; 2) Chapter 8: MOSHC 100-119; 3) Chapter 9: MOSHC 120-129; 4) Chapter 20: MOSHC 250-269; 5) Chapter 21: MOSHC 270-289; 6) Chapter 22: MOSHC 290-309; 7) Chapter 23: MOSHC 310-319, be, and hereby are, adopted this 25th day of January, 1974, pursuant to authority vested in me by M. S. §§182.655 and 182.657.

Dated this 25th day of January, 1974.

E. I. Malone

E. I. Malone, Commissioner
Department of Labor and Industry