

**LCB File No. R109-00**

**PROPOSED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**NOTICE OF INTENT TO ACT UPON REGULATIONS**

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
OCCUPATIONAL SAFETY AND HEALTH ENFORCEMENT SECTION

IN THE MATTER OF THE ADOPTION/AMENDMENT  
OF REGULATIONS PERTAINING TO WRITTEN  
SAFETY PROGRAM (DIR No: 00-003); and  
EXPLOSIVES MANUFACTURING SAFETY  
(DIR No: 00-004); and OTHER MATTERS RELATED  
THERE TO

DIR NO: 00-003  
LCB FILE NO: 124-00  
  
DIR NO: 00-004  
LCB FILE NO: 109-00

NOTICE OF INTENT TO ACT UPON REGULATIONS

Notice of Hearing for the Adoption of Regulations of the Division of Industrial Relations, Occupational Safety and Health Enforcement Section.

The Division of Industrial Relations (DIR) will hold a public hearing on December 18, 2000, commencing at 10 a.m. at: Nevada Department of Transportation and **via teleconference** at Nevada Department of Transportation  
1263 South Stewart 123 East Washington Boulevard  
3<sup>rd</sup> Floor, Room 314 Building A  
Carson City, Nevada Las Vegas, Nevada

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations in Chapter 618 of the Nevada Administrative Code (NAC). The public hearing on Written Safety Program (DIR 00-003) will commence at 10 a.m. with the public hearing on Explosives Manufacturing Safety and other related matters (DIR 00-004) to immediately follow this hearing.

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. THE NEED and PURPOSE OF PROPOSED REGULATIONS AND AMENDMENTS:**

**DIR 00-003:** The purpose of the proposed regulations is to clarify the training requirements of a written safety program that is required by NRS 618.383.

**DIR 00-004:** The purposes of the proposed regulations are to:

- Adopt explosive manufacturing safety regulations as required by NRS 618.890.
- Adopt regulations concerning the issuance of a permit for construction or alteration of an explosive manufacturing plant.
- Amend NAC 618.494 to clarify the definition of a "Construction Project."
- Amend NAC 618.6431, *et seq.*, to bring the regulation into conformity with Federal OSHA regulations pertaining to Inspections.
- Amend NAC 618.894 to clarify the definition of "Project for the abatement of asbestos."
- Amend NAC 618.946 regarding the training requirements for a person who performs spot repairs.

**2. TERMS OR SUBSTANCE OF PROPOSED REGULATIONS AND AMENDMENTS:**

**DIR 00-003:** The proposed amended regulation clarifies the training requirement to ensure that employees received the appropriate safety and health training before performing their work duties.

**DIR 00-004:** The proposed amended regulations: 1) include safety standards for the manufacturing of explosives as required by NRS 618.890; 2) include provisions concerning the issuing of a permit for the construction or alteration of an explosive manufacturing plant and the suspension or revocation of a construction or alteration permit; 3) adopt, pursuant to NRS 618.890, a certificate of competency to provide annual explosives training and testing to employers who manufacture explosives; 4) clarify the definition of a "Construction Project" which involves a total construction cost of \$10 million dollars or more; 5) revise "inspection" regulations to bring them into in conformity with federal OSHA regulations; 6) eliminate emergency asbestos projects from NAC 618.894 definition of a "Project for the abatement of asbestos"; and 7) revise NAC 618.946 to address the training requirement for a person who performs spot inspections.

3. **ESTIMATED ECONOMIC EFFECT OF PROPOSED REGULATIONS AND AMENDMENTS:**

**DIR 00-003: On the Businesses Which It Is To Regulate:**

**Adverse:** Minimal adverse effects are anticipated.

**Beneficial:** Businesses may realize a benefit to training employees prior to performing hazardous duties which would prevent injuries.

**Immediate:** Same as above.

**Long-Term:** Same as above.

**DIR 00-004: On the Businesses Which It Is To Regulate:**

**Adverse:** The explosive manufacturing safety regulations may have a major economic impact on businesses engaged in explosive manufacturing. The other proposed regulations will have a minimal adverse effect.

**Beneficial:** Will provide employees of explosives manufacturing, and other businesses, with a safer work place.

**Immediate:** Same as above.

**Long-Term:** Same as above.

**DIR 00-003: On the General Public:**

**Adverse:** No significant effects are anticipated.

**Beneficial:** Same as above.

**Immediate:** Same as above.

**Long-Term:** Same as above.

**DIR 00-004: On the General Public:**

**Adverse:** No significant effects are anticipated.

**Beneficial:** The requirements will make explosives manufacturing safer and therefore less likely to affect the public who live or work in the vicinity of an explosives manufacturing plant.

**Immediate:** Same as above.

**Long-Term:** Same as above.

4. **THE ESTIMATED COST OF ENFORCEMENT TO THE AGENCY:**

**DIR 00-003:** It is anticipated that the cost of enforcement of the proposed amended regulation will be minimal.

**DIR 00-004:** The cost to the agency enforcement would be minimal because there are very few manufacturers in the state.

5. **OVERLAP OR DUPLICATION WITH OTHER REGULATIONS:**

**DIR 00-003/DIR 00-004:** The Division is not aware of any overlap or duplication with the proposed regulations and any other state, local or federal regulations.

6. **WHETHER THE REGULATION IS REQUIRED PURSUANT TO FEDERAL LAW:**

**DIR 00-003/DIR 00-004:** No, no part of the regulation is required by federal law.

7. **WHETHER REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION THAT REGULATES THE SAME ACTIVITY:**

**DIR 00-003:** No, no part of the regulation is more stringent than a federal regulation.

**DIR 00-004:** Yes, explosives regulations are more stringent than the federal OSHA explosives standards. The other regulations are more stringent than Federal Law.

8. **WHETHER REGULATION IMPOSES A NEW OR INCREASED FEE:**

There is no new or increased fee.

**PUBLIC COMMENTS:**

Persons wishing to comment upon the proposed action of the Division of Industrial Relations, may appear at the scheduled public hearing or may address their comments, data, view or arguments, in written form, to Roger Bremner, Administrator, Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada 89703. Written submissions must be received by the Division of Industrial Relations on or before December 11, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Industrial Relations will proceed immediately to act upon any written submissions.

**LOCATION OF COPIES OF REGULATIONS AND NOTICE:**

A copy of this notice and the proposed regulations may be found at <http://www.state.nv.us/b&i/ir/index.htm>. In addition, a copy of this notice and the proposed regulations are on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the offices of the Division of Industrial Relations, located at 400 West King Street, Suite 402, Carson City, Nevada; 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada; and 4600 Kietzke Lane, Suite F-153, Reno, Nevada; and in all counties in which an office of the agency is not maintained, at the public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:



## Small Business Impact Statement

This statement was prepared to comply with NRS 233B.0609 to address the fiscal impact these regulations may have on small businesses in Nevada. Workshops are scheduled in Henderson on May 24, 2000, and in Reno on May 25, 2000, to solicit comments on the proposed regulations.

### EXPLOSIVE REGULATIONS

1. Comments on the fiscal impact of explosive regulations and the best sources of safety standards were solicited by telephone. Prior to the workshops, David L. Going, District II Manager, telephoned officials from Austin Powder, Buckley Powder, Orica, and Sierra Chemical Company to solicit their comments.
2. The regulations could have significant financial impact on small explosive manufacturers because they may require that buildings be structurally sound enough to withstand an explosive detonation. Explosive manufacturing may be required to operate in remote locations creating a negative impact from the standpoint of obtaining utilities, road construction and workers willing to commute to remote locations.

The beneficial effect of the safety measures required by the regulation is the significant increase in safety for explosive workers and the public.

3. To reduce the financial impact on small business, the agency will allow the explosive manufacturer latitude in what techniques the business can employ to protect their employees.
4. Depending upon the number of explosive manufacturers, types of explosives and size of the explosive manufacturing facility the cost to the Division could be significant.
5. NRS 618.892 (4) allows the Division to charge and collect a fee for the issuance of a permit to construct or alter an explosive manufacturing facility. At this time, the Division does not intend to charge a permit fee.
6. Because of the catastrophic consequences of an explosive accident at a manufacturing facility, the regulations may be more stringent than current federal or state standards. Some of the more stringent requirements have been created by the Manufacturing and Use of Explosives statute in NRS 618.890 through 618.900. To the extent possible, nationally recognized safety standards will be used in the regulations.

## CONSTRUCTION PROJECT DEFINITION

The potential amendments to NAC 618.492 (2) clarifying the definition of “Construction Project” are not likely to have an adverse fiscal impact on small businesses. Meeting with the Division to discuss safety measures to be utilized on the project is more likely to have a positive impact on improving safety and avoiding citations and penalties.

## WRITTEN SAFETY PROGRAM

The Division does not have a proposed amendment to NAC 618.540. Therefore, the impact on small businesses cannot be determined. There have been some concerns raised about the Written Safety Program regulation. These workshops are an opportunity for small business and other employers to make suggested changes to clarify the regulation. The Division has no intent to add additional requirements to the regulation that would have a significant fiscal impact on small businesses.

## INSPECTION REGULATION

The Division has analyzed the potential amendment to NAC 618.6431 et. seq. and has determined that they will not have an adverse fiscal impact on small businesses. This change will merely bring Nevada’s regulation in conformity with the federal regulations.

## PENALTY REGULATION

The Division has analyzed the potential penalty regulations and has determined that they will not have an adverse fiscal impact on small businesses. It is proposed that the penalty structure in the Nevada Operations Manual be adopted as a regulation. This is the same penalty structure that is used by Federal OSHA.

## ASBESTOS TRAINING PROVIDER APPROVAL

This item was added to the Workshop agenda because of a request from the asbestos professionals and the Laborers Union. They would like the Division to begin approving asbestos training providers so they can train contractors, supervisors, workers and consultants to meet the Federal EPA requirements. The fiscal impact cannot be determined until the proposals have been received and evaluated.

## **NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Department of Business and Industry, Division of Industrial Relations (“DIR”), is proposing amendments to Chapter 618 of the Nevada Administrative Code (“NAC”) concerning occupational safety and health. Two workshops have been set for:

**10:00 a.m. on May 24, 2000  
at the Training Room  
1301 N. Green Valley Parkway  
Henderson, Nevada 89014**

**10:00 a.m. on May 25, 2000  
at Building B, Room 111  
600 Kietzke Lane  
Reno, Nevada 89502**

NRS 618.890 requires the Division to adopt regulations concerning safety standards for the manufacture of explosives. In addition, NRS 681.898 requires the Division to adopt regulations concerning the issuance of a permit for construction or alteration of an explosive manufacturing facility. One purpose of the workshops will be to solicit comments from interested persons on what explosive safety standards should be adopted to ensure that all makers of explosives are being manufactured in a safe manner.

Other proposed amendments to Chapter 618 of the NAC that will be considered are:

- Potential amendment to NAC 618.494 (2) to clarify the definition of a “Construction Project.”
- Potential amendments to NAC 818.540 to clarify the requirements of the written safety program.
- Potential amendments to NAC 618.6431 et. seq., to bring the regulations in conformity with Federal OSHA’s regulations pertaining to inspections.
- Potential amendment to Chapter 618 of the NAC to incorporate the Penalty Chapter of the Nevada Operations Manual.
- Potential amendment to Chapter 618 of the NAC to add a new section to the Asbestos Licensing Regulations, NAC 618.910 et. seq., concerning approval/licensing asbestos training providers.

The purpose of the workshops will be to solicit comments from interested persons on the amendment of the occupational safety and health regulations.

This notice of Workshop to Solicit Comments of Proposed Regulation has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

Carson City Library  
Attn: Sally Edwards, Director  
900 N. Roop Street  
Carson City, NV 89701

Eureka Branch Library  
Attn: Lauri Oki, Director  
P.O. Box 293  
Eureka, NV 89316

Pershing County Library  
Attn: Jeanne Munk, Director  
P.O. Box 781  
Lovelock, NV 89419

Churchill County Library  
Attn: Barbara Mathews, Director  
5553 S. Maine Street  
Fallon, NV 89406

Humboldt County Library  
Attn: Sherry Allen, Director  
85 E. 5<sup>th</sup> Street  
Winnemucca, NV 89445

Storey County Library  
P.O. Box 14  
Virginia City, NV 89440

Las Vegas - Clark County Library  
Attn: Darryl Baston, Director  
833 Las Vegas Boulevard North  
Las Vegas, NV 89101

Lincoln County Library  
93 Main Street  
P.O. Box 330  
Pioche, NV 89043

Washoe County Library  
Attn: Nancy Cummings, Director  
P.O. Box 2151  
Reno, NV 89505

Douglas County Library  
Attn: Carolyn Rawles - Heiser, Director  
P.O. Box 337  
Minden, NV 89423

Lyon County Library  
Attn: Christian Free-Parsons, Director  
20 Nevin Way  
Yerington, NV 89447

White Pine County Library  
Attn: Lori Romero, Director  
950 Campton Street  
Ely, NV 89301

Elko County Library  
Attn: Sara Jones, Director  
720 Court Street  
Elko, NV 89801

Mineral County Library  
P.O. Box 1390  
Hawthorne, NV 89415

Goldfield Public Library  
P.O. Box 430  
Goldfield, NV 89013

Tonopah Public Library  
Attn: Diane Hartsock, Director  
P.O. Box 449  
Tonopah, NV 89049

State Library, 100 Stewart Street, Carson City, Nevada 89701  
Division of Industrial Relations, 400 West King Street, Suite 200, Carson City, Nevada 89703  
Division of Industrial Relations, 1301 N. Green Valley Parkway, Suite 200, Henderson, Nevada 89014  
Division of Industrial Relations, 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502

A copy of this notice may be obtained from the Occupational Safety and Health Enforcement Section (OSHES), 400 West King Street, Suite 200, Carson City, Nevada 89701 (775)687-5240.

Date: May 5, 2000.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the Workshops. Please notify the OSHES' office at (775) 687-5240 five working days before the meeting.



PROPOSED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF  
THE DEPARTMENT OF BUSINESS AND INDUSTRY  
Dated June, 2000

EXPLANATION - Matter in *italics* is new; matter in ~~strikeout~~ is material to be omitted.

AUTHORITY: NRS 618.295, 618.890, 618.898 and 618.765

**Section 1.** Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 34, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 26, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Barricade” means a barrier which will effectively screen the building containing explosives from other buildings, public ways or magazines from the force of the explosion.*

**Sec. 4.** *“Binary explosive” means a material that is made by combining two nonexplosive materials into a material that is an explosive.*

**Sec. 5.** *“Division 1.1 Explosives” means explosives that have a mass explosion hazard. A mass explosion is one which affects almost the entire load instantaneously.*

**Sec. 6.** *“Division 1.2 Explosives” mean explosives that have a projection hazard but not a mass explosion hazard.*

**Sec. 7.** *“Division 1.3 Explosives” means explosives that have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard.*

**Sec. 8.** *“Division 1.4 Explosives” means explosives that present a minor explosion hazard. The explosive effects are largely confined to the package and not projection of fragments of*

*appreciable size or range is to be expected. An external fire must not cause virtually an instantaneous explosion of almost the entire contents of the package.*

*Sec. 9. “Division 1.5 Explosives” means very insensitive explosives. This division is comprised of substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions.*

*Sec. 10. “Explosives Manufacturing Plant” means a place of employment where explosives are manufactured or where explosive is used, processed, handled, moved on site or stored in relation to its manufacture. This does not include the onsite mixing of a binary explosive for the same day use at the same site.*

*Sec. 11. “Explosive Training Provider” means a person who has received a certificate of competency from the enforcement section to provide annual explosive training and testing of employees who work at an explosives manufacturing plant.*

*Sec. 12. “Magazine” means a building or structure, other than an explosives manufacturing building, used for the storage of explosive materials.*

*Sec. 13. All employers that manufacture explosives must comply with 29 CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.*

*Sec. 14. All employers that manufacture explosives must comply with storage of explosives requirements of 27 CFR 55.201 to 55.224, inclusive.*

*Sec. 15. An employer who is a manufacturer of explosive materials shall establish and implement a written safety plan and procedures which include the following:*

*1. Work rules to prevent employee exposure to workplace hazards and an accidental explosion.*

- 2. A Personal Protective Equipment program to comply with 29 CFR 1910.132.*
- 3. A worksite air monitoring program to ensure that employees are not exposed to hazardous chemicals.*
- 4. An employer that manufactures division 1.1 and 1.2 explosives must provide a medical surveillance program under the direction of a licensed physician for manufacturing employees.*
- 5. An employer that manufactures division 1.1, 1.2 and 1.3 explosives must provide a change room and shower facility in conformity with 29 CFR 1910.141.*
- 6. Provisions for site security to ensure that only designated people can enter the explosives manufacturing plant.*
- 7. Procedures that during the approach and progress of an electrical storm, all explosive manufacturing operations must be suspended and employees withdrawn to a safe location.*
- 8. An emergency evacuation plan that is tested at least once a year.*
- 9. Procedures for the movement of explosive materials within the explosives manufacturing plant.*
- 10. Procedures for explosive testing and quality control operations.*
- 11. Personnel and explosive material limits must be posted on each explosive manufacturing building.*
- 12. Explosive material limits must be posted on each explosive magazine.*
- 13. Procedures to ensure that foreign matter does not enter the explosive manufacturing process.*
- 14. Operating rules and standard operating procedures must be posted for each explosive material operation.*

*15. Procedures to ensure that personnel must not enter, remain in or go near explosive materials manufacturing buildings or operations unless necessary for performance of duties.*

*16. Procedures to ensure that only approved tools will be used for construction, maintenance and repair in explosive material operations.*

*17. A copy of the initial explosives safety training program and annual refresher training programs.*

**Sec. 16.** *A person who wants to obtain a permit for construction or alteration of an explosives manufacturing plant shall submit the following information in the permit application package to the enforcement section:*

*1. An application form.*

*2. A copy of the safety plan and procedures.*

*3. A copy of the written safety program.*

*4. A copy of the process safety management of highly hazardous chemicals program.*

*5. A map of a 1 mile radius surrounding area of the explosives manufacturing plant, to*

*include:*

*(a) The identity of all inhabited buildings.*

*(b) Roadways.*

*(c) Railways.*

*(d) Other buildings and areas where there may be people, such as, ranching operations.*

*6. A plot plan of the explosives manufacturing plant, that includes:*

*(a) A general layout of the explosives manufacturing plant.*

*(b) Buildings where explosives will be manufactured with a description of:*

*(1) The types of explosives present;*

*(2) The maximum quantity of each explosive; and*

*(3) The maximum number of employees to be present during manufacturing operations.*

*(c) Locations of explosive storage magazines.*

*(d) Other buildings and uses of those buildings at the explosives manufacturing plant.*

*(e) Location and dimensions of all barricades.*

*7. Building plans for all explosive manufacturing buildings to include:*

*(a) Details and diagrams describing materials of construction for floors, walls, ceilings and the roof including locations and setup of revetments and blast walls.*

*(b) Electrical installations and fixtures, diagrams describing locations, type and code designations.*

*(c) Plumbing diagrams for water supply, drains and grey water.*

*(d) Ventilation plans and diagrams of heating, ventilation and air conditioning systems and local exhaust systems.*

*(e) Fire suppressions systems, if installed.*

*(f) Lightning protection systems.*

*(g) Steam plant and steam distribution systems, if installed.*

*(h) Detailed diagrams of the electrostatic discharge system.*

*8. A copy of the building plans of all other buildings at the explosives manufacturing plant.*

*9. When the enforcement section receives incomplete or inaccurate documentation in the permit application package, the enforcement section will notify the person requesting a permit in writing and inform him of the deficiencies.*

**Sec. 17.** *The enforcement section may suspend or revoke any permit issued pursuant to NRS 618.898 if it finds a violation of any federal or state law or regulation governing activities for the safe manufacture of explosives which constitutes a imminent danger.*

**Sec. 18.** *When the enforcement section suspends or revokes a permit issued pursuant to NRS 618.898, the enforcement section will notify the permit holder of the suspension or revocation by:*

*1. Delivering a notice of suspension or revocation to the permit holder by certified mail at the address indicated on his application for a permit;*

*2. Enclosing with the notice of suspension or revocation:*

*(a) A statement indicating the division's legal authority and jurisdiction to issue the suspension or revocation; and*

*(b) A statement of the reasons for the proposed action, including a citation of the applicable federal or state law or regulations supporting the action.*

**Sec . 19.** *Appeal to the administrator.*

*1. A permit holder may appeal the suspension or revocation of his permit by filing an appeal with the administrator within 15 days after the effective date of the suspension or revocation.*

*2. Any appeal filed pursuant to this section does not stay the suspension or revocation.*

*3. An appeal filed pursuant to this section must be made in writing and describe in particular the matters to be appealed. The appeal must be accompanied by:*

*(a) Any documents applicable to the appeal;*

*(b) The names of any witnesses who may be called at the hearing; and*

*(c) The expected time needed to present the appeal.*

*If any person alleges that the division does not have the jurisdiction or legal authority to act with regard to any suspension or revocation, it must be indicated in the appeal documents.*

*4. The administrator or his designee shall set a date for hearing within 30 days after the receipt of any written appeal. A permit holder may request that the hearing be held on an earlier date by submitting a written request to the administrator. The request must show that the permit holder will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for hearing. The permit holder has the burden of establishing a substantial hardship.*

*5. The administrator or his designee shall hear all appeals filed pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The administrator or his designee shall issue his decision within a reasonable time after the conclusion of the hearing. A decision by the administrator is a final decision for purposes of judicial review.*

**Sec. 20. 1.** *A building containing division 1.1, 1.2 and 1.3 explosives must be separated for all other buildings, including magazines, within the confines of the explosives manufacturing plant by a distance not less than the following:*

<i>Pounds of Explosives Over</i>	<i>Pounds of Explosives Not Over</i>	<i>Minimum Distance in feet</i>
	<i>50</i>	<i>60</i>
<i>50</i>	<i>100</i>	<i>80</i>
<i>100</i>	<i>200</i>	<i>100</i>

<i>Pounds of Explosives Over</i>	<i>Pounds of Explosives Not Over</i>	<i>Minimum Distance in feet</i>
<i>200</i>	<i>300</i>	<i>120</i>
<i>300</i>	<i>400</i>	<i>130</i>
<i>400</i>	<i>500</i>	<i>140</i>
<i>500</i>	<i>600</i>	<i>150</i>
<i>600</i>	<i>700</i>	<i>160</i>
<i>700</i>	<i>800</i>	<i>170</i>
<i>800</i>	<i>900</i>	<i>180</i>
<i>900</i>	<i>1000</i>	<i>190</i>
<i>1000</i>	<i>1500</i>	<i>210</i>
<i>1500</i>	<i>2000</i>	<i>230</i>
<i>2000</i>	<i>3000</i>	<i>260</i>
<i>3000</i>	<i>4000</i>	<i>280</i>
<i>4000</i>	<i>5000</i>	<i>300</i>
<i>5000</i>	<i>6000</i>	<i>320</i>
<i>6000</i>	<i>7000</i>	<i>340</i>



<i>Pounds of Explosives Over</i>	<i>Pounds of Explosives Not Over</i>	<i>Minimum Distance in feet</i>
<i>7000</i>	<i>8000</i>	<i>360</i>
<i>8000</i>	<i>9000</i>	<i>380</i>
<i>9000</i>	<i>10,000</i>	<i>400</i>
<i>10,000</i>	<i>15,000</i>	<i>450</i>
<i>15,000</i>	<i>20,000</i>	<i>490</i>
<i>20,000</i>	<i>25,000</i>	<i>530</i>
<i>25,000</i>	<i>30,000</i>	<i>560</i>
<i>30,000</i>	<i>35,000</i>	<i>590</i>
<i>35,000</i>	<i>40,000</i>	<i>620</i>
<i>40,000</i>	<i>45,000</i>	<i>640</i>
<i>45,000</i>	<i>50,000</i>	<i>660</i>
<i>50,000</i>	<i>55,000</i>	<i>680</i>
<i>55,000</i>	<i>60,000</i>	<i>700</i>
<i>60,000</i>	<i>65,000</i>	<i>720</i>
<i>65,000</i>	<i>70,000</i>	<i>740</i>

<i>Pounds of Explosives Over</i>	<i>Pounds of Explosives Not Over</i>	<i>Minimum Distance in feet</i>
<i>70,000</i>	<i>75,000</i>	<i>770</i>
<i>75,000</i>	<i>80,000</i>	<i>780</i>
<i>80,000</i>	<i>85,000</i>	<i>790</i>
<i>85,000</i>	<i>90,000</i>	<i>800</i>
<i>90,000</i>	<i>95,000</i>	<i>820</i>
<i>95,000</i>	<i>100,000</i>	<i>830</i>
<i>100,000</i>	<i>125,000</i>	<i>900</i>
<i>125,000</i>	<i>150,000</i>	<i>950</i>
<i>150,000</i>	<i>175,000</i>	<i>1000</i>
<i>175,000</i>	<i>200,000</i>	<i>1050</i>
<i>200,000</i>	<i>225,000</i>	<i>1100</i>
<i>225,000</i>	<i>250,000</i>	<i>1150</i>

*2. When a building or magazine containing explosives is provided with a barricade as prescribed by section 19, the distances shown are allowed to be reduced by one half.*

**Sec. 22.** *Barricades shall effectively screen the building containing explosives from other buildings, public ways or magazines. When mounds or revetted walls of earth are used for*

*barricades, they shall not be less than 3 feet in thickness. A straight line from the top of any side wall of the building containing explosives materials to the eave line of any other building or a point 12 feet about the center line of a public way shall pass through the barricades.*

**Sec. 23.** *A person who desires to provide annual explosives training and testing of employees must obtain a certificate of competency from the enforcement section before doing so.*

**Sec. 24.** *A person who desires to receive a certificate of competency from the enforcement section as an explosives training provider must provide the enforcement section with the following:*

- 1. A completed application form provided by the enforcement section.*
- 2. The qualifications of the person who will be instructing the explosives training course.*
- 3. A copy of the lesson plan and course materials.*
- 4. A copy of the examination and the answers.*

**Sec. 25.** *At least annually and whenever the course is updated must submit a new application and a copy of any updated materials.*

**Sec. 26.** *The explosives training course and training materials must be given in a language that is understandable to each employee.*

**Sec. 27.** *Every employee must participate in an explosives training course and pass an examination prior to assignment to any explosive manufacturing duties and participate in annual refresher training thereafter.*

**Sec. 28.** *The enforcement section must be notified at least 10 working days prior to conducting an explosives training course so the enforcement section can audit the course.*

**Sec. 29.** *The enforcement section may at any time, upon a showing of good cause and after notice and an opportunity to be heard, suspend or revoke any certificate of competency.*

- 1. Notice from the enforcement section must be in writing and served upon the person receiving adverse action from the enforcement section at least 48 hours in advance of the hearing.*
- 2. Service must be by personal service or certified mail to the training provider.*
- 3. The notice must specify the reasons for the action proposed by the enforcement section in order that the notified party may be prepared for the hearing.*
- 4. The hearing shall be held as soon as possible at an office of the enforcement section and will be presided over by the Chief or his designee.*
- 5. At the hearing the enforcement section must establish good cause for the action proposed. Good cause is deemed to exist if the enforcement section establishes the training provider did not provide the required explosives training or examination as required.*
- 6. The chief or his designee shall issue his decision within a reasonable time after the conclusion of the hearing. A decision by the chief is a final decision for purposes of judicial review.*

**Sec. 30.** NAC 618.494 is hereby amended to read as follows:

NAC 618.494 "Construction project" defined. "Construction project" means a project which involves:

- ~~1. A new or renovated building or structure that has a floor level which is more than 30 feet above or below ground level;~~
- ~~2. A new building or structure which has an initial~~ ***A project which has a total*** construction cost of \$10,000,000 or more;
- 2.** A new building or structure which, when completed, will be 50,000 square feet or more; or

—4. **3.** A new building or structure which, when completed, will be more than 60 feet above the ground, ~~excluding any antenna, smokestack, flagpole or similar attachment.~~ *or more than 48 feet below ground level.*

*4. For the purposes of this section:*

*(a) The height of the building or structure must be determined by measuring from the ground level to the highest structural level, including any parapet wall, mechanical room, stair tower or elevator penthouse structure, but not including any antenna, smokestack, flagpole or other similar attachment.*

*(b) The depth of the building or structure must be determined by measuring from the ground level to the lowest floor level. The lowest level of a building or structure does not include any local depression such as a sump or an elevator pit.*

*(c) "Ground level" means the level of the primary construction entrance to the building or structure.*

*(d) In computing the height of a building or structure, the depth must not be considered and in computing the depth of a building or structure, the height must not be considered.*

**Sec. 31.** NAC 618.540 is hereby amended to read as follows.

NAC 618.540 Requirements of written safety program.

1. Except as otherwise provided in this section, in addition to the requirements set forth in subsection 2 of NRS 618.383, a written safety program must include:

(a) A statement explaining that the managers, supervisors and employees are responsible for carrying out the program;

(b) An explanation of the methods used to identify, analyze and control new and existing hazardous conditions;

(c) ~~An outline of the training program for employees which will be used to comply with NRS 618.383;~~ *An explanation of the methods used to ensure employees receive the appropriate safety and health training prior to performing their work duties; and*

(d) The procedures that must be followed to investigate an accident which has occurred and the corrective actions that are to be initiated; and

(e) A method for ensuring that employees comply with the safety rules and work practices.

2. Except as otherwise provided in this section, an employer with more than 25 employees who is required to establish a safety committee pursuant to NRS 618.383 will include in the written safety program:

(a) The manner in which members of the committee are selected;

(b) The purpose and duties of the committee; and

(c) The frequency of the meetings of the committee.

3. In lieu of establishing a written safety program in accordance with subsections 1 and 2, an employer may establish an equivalent written safety program if he obtains the approval of the administrator of the division of industrial relations of the department of business and industry.

**Sec. 32.** NAC 618.6434 is hereby amended to read as follows:

NAC 618.6434 ~~Powers and duties of inspector.~~ Inspection Process

~~1. The inspector is in charge of inspections and the questioning of persons.~~

~~2. At the beginning of an inspection, the inspector shall confer with the employer and:~~

~~(a) Explain the nature, purpose and scope of the inspection.~~

~~(b) State the legal authority for the inspection and the right of the employer to deny entry for routine inspections of the areas of the establishment which are not open to the public.~~

~~—(c) Designate the records he wishes to review, but such a designation does not preclude access to additional records.~~

~~—(d) State that he may question the employer and any employees during the inspection.~~

~~—(e) Inform the employer that he may identify areas in the establishment which contain or might reveal a trade secret.~~

~~—(f) State that an employee or representative of the employees may accompany the inspector during the inspection.~~

~~—3. During the inspection, an inspector may:~~

~~—(a) Take samples to show or determine the environment at the establishment.~~

~~—(b) Use devices to measure employees' exposure to radiation, chemical substances or physical agents.~~

~~—(c) Attach sampling devices such as dosimeters, pumps and filters or badges to employees to measure their exposure.~~

~~—(d) Take or obtain photographs related to the purpose of the inspection.~~

~~—(e) Question any employer or employee of the establishment.~~

~~—(f) Use any other reasonable investigative techniques.~~

~~—4. In taking photographs and samples, an inspector shall:~~

~~—(a) Take reasonable precautions to ensure that such actions are not hazardous;~~

~~—(b) Comply with the employer's rules and practices for safety and health; and~~

~~—(c) Wear appropriate protective clothing and use appropriate equipment.~~

~~—5. Whenever possible, an inspector shall conduct the inspection so as to preclude unreasonable disruption of the operations of the employer's establishment.~~

~~—6. An inspector may deny the right of accompaniment to any person whose conduct interferes with a full and orderly inspection.~~

~~—7. At the conclusion of an inspection, the inspector shall inform the employer and employees' representative of:~~

~~—(a) Each violation he has noted, the reason the condition does not comply with the applicable standard and the time fixed for abatement of the violation.~~

~~—(b) Any potential problems concerning industrial hygiene.~~

~~—(c) The fact that notices of violations and citations may be issued and monetary administrative fines may be proposed for such violations.~~

~~(d) Any requirements for posting citations and notices of violations.~~

~~—(e) The procedures for contesting citations, administrative fines or orders for abatement and for requesting informal conferences.~~

~~—(f) Letters of abatement, extensions and procedures for requesting variances.~~

~~—(g) Procedures which may be used in case of willful or repeated violations or any failure to abate.~~

*1. At the beginning of an inspection, inspectors shall present their credentials to the owner, operator, or agent in charge at the place of employment; 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 must not preclude access to additional records.*

*2. Inspectors 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 the*



*place of employment. As used herein, the term “employ other reasonable investigative techniques” includes, but is not limited to, the use of devices to measure employee exposure and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposure.*

*3. In taking photographs and sampling, inspectors shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. Inspectors shall comply with all employer safety and health rules and practices at the place of employment being inspected and they shall wear and use appropriate protective clothing and equipment.*

*4. The conduct of inspections must be such as to preclude unreasonable disruption of the operations of the employer’s place of employment.*

*5. At the conclusion of the inspection, the inspector 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 will be afforded an opportunity to bring to the attention of the inspector any pertinent information regarding the conditions in the place of employment.*

**Sec. 33.** NAC 618.948 is hereby amended to read as follows:

NAC 618.946 Licensing of person who performs project for spot repairs. Any person who performs a project for spot repairs:

1. Is not required to be licensed as a contractor.
2. Must be ~~licensed as an abatement worker or a~~ *appropriately trained in the duties to be performed and supervised by a licensed* supervisor.

**Sec. 34.** NAC 618.894 is hereby amended to read as follows:

NAC 618.894 "Project for the abatement of asbestos" defined. "Project for the abatement of asbestos" means any activity for the abatement of asbestos involving more than 3 linear feet of material containing asbestos located on pipes or more than 3 square feet of material containing asbestos located on any other surface. The term includes activities for the abatement of asbestos, but does not include ~~emergency asbestos projects or~~ projects for spot repairs if the number of procedures can be predicted within 1 year and the material containing asbestos to be disturbed exceeds these limits.