

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

**LCB File No. R124-00**

October 12, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 618.295 and 618.383.

**Section 1.** NAC 618.540 is hereby amended to read as follows:

618.540 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;~~ *explanation of the methods used to ensure that employees receive the appropriate safety and health training before performing their work duties;*

(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 shall 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.

# 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

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## 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:

**Offices of the Division of Industrial Relations:** 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

**Department of Transportation:** 1263 South Stewart Street, Third Floor, Room 314, Carson City, Nevada; and 123 East Washington Boulevard, Building A, Las Vegas, Nevada

**Nevada State Library and Archives:** 100 Stewart Street, Carson City, Nevada

**Legislative Counsel Bureau:** 401 South Carson Street, Carson City, Nevada

**The Grant Sawyer Building:** 555 East Washington, Las Vegas, Nevada

and all other 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.

