



## Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** (After completing all of Sections 1 through 3, proceed to Section 5 below)

**Regular Rules**

### 1. General Information

a. Agency/Board Name <b>Department of Workforce Services - OSHA Commission</b>		
b. Agency/Board Address <b>1510 East Pershing Blvd.</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Agency Liaison <b>Marcia J. Price</b>	f. Agency Liaison Telephone Number <b>(307) 777-6746</b>	
g. Agency Liaison Email Address <b>marcia.price@wyo.gov</b>	h. Adoption Date <b>10/27/17</b>	
i. Program <b>OSHA Division - Practice &amp; Procedure</b>		

### 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment that not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.     Yes. Please provide the Enrolled Act Numbers and Years Enacted:

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
<b>1</b>	<b>Introduction</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **8/29/17**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature:**

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the Legislative Service Office:

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual

Printed Name of Signatory

Don Alston

Signatory Title

Co-Chair, Wyoming OSHA Commission

Date of Signature

10/27/2017

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

## **Principal Statement of Reasons**

### **OSHA Chapter 1, Practice and Procedure: Introduction**

This rule has not been updated since 2004. Wyoming OSHA proposes to incorporate Chapter 1, Information Practices: General into Chapter 1, Practice and Procedures: Introduction; and, repeal Chapter 1, Information Practices: General in compliance with Governor Mead's directive for reduction of Wyoming rules.



**Matthew H. Mead**  
Governor

# State of Wyoming Department of Workforce Services

Office of the Director  
614 South Greeley Highway  
Cheyenne, Wyoming 82007  
307.777.8650 ■ Fax: 307.777.5857  
[www.wyomingworkforce.org](http://www.wyomingworkforce.org)



**John Cox**  
Director  
**John Ysebaert**  
Deputy Director

October 27, 2017

## Public Comments For OSHA Practice and Procedure Chapter 1 – Introduction

On September 10, 2017, a public notice was published in the Casper newspaper for statewide notice.

The 45 day public comment period for this rule expired on October 26, 2017.

No public comments were received.



We Bridge Human and Economic  
Development for Wyoming's Future.



## **Chapter 1**

### **Introduction**

#### **Section 1. Purpose and Scope.**

(a) It shall be the purpose and scope of these Rules of Practice and Procedure to provide assurance that insofar as possible every working person within this State shall have safe and healthful working conditions free from recognized hazards:

(i) By providing the authority necessary to administer a complete occupational health and safety program.

(ii) By providing for the promulgation of health and safety rules, regulations and standards as necessary to protect businesses and occupations from accident or illness due to unsafe and/or unhealthy industrial environments.

(iii) By providing the means to grant variances to rules, regulations and standards promulgated, except that no variance may be granted to the Act, these Rules of Practice and Procedure and the Federal Recordkeeping Requirements.

(iv) By providing for the administration and enforcement of all rules, regulations and standards promulgated under the provisions of the State of Wyoming Occupational Health and Safety Act.

(v) By providing the necessary Rules of Practice and Procedure for the Right of Entry and Inspection.

(vi) By enforcing the Federal Occupational Safety and Health Administration (OSHA) Recordkeeping Requirements as well as those of the State.

(vii) By providing technical assistance and research in the field of occupational health and safety for the benefit and protection of employers and employees through voluntary compliance with rules, regulations and standards promulgated by the State.

(viii) By providing for an occupational health program.

(b) It shall also be the purpose and scope of these rules to further provide the assurance that information collected, stored and disseminated about persons is consistent with the Wyoming Public Records Act, W.S. § 16-4-201, while safeguarding the interests of the persons and allowing the State to exercise its proper powers.

**Section 2. Authority.** The authority for these Rules of Practice and Procedure is provided in the State of Wyoming Occupational Health and Safety Act, Wyoming Statute §§ 27-11-101 through 27-11-114 and the Wyoming Public Records Act, W.S. § 16-4-201.

**Section 3. Definitions.**

(a) “Act” - means the Wyoming Occupational Health and Safety Act, W.S. §§ 27-11-101 through 27-11-114.

(b) “Administrator” - means the Administrator of the Workers’ Compensation Division or his representative(s).

(c) “Citation” – Please see “Notice of Violation”.

(d) “Commission” - means the Occupational Health and Safety Commission.

(e) “Confidential” – refers to the status of certain personal information as privileged or private, available only to the data subject and/or certain specific subjects.

(f) “Consultant” - means an employee in the Consultation Section of Wyoming OSHA Division who provides consultation.

(g) “Consultation” - means all activities related to the provision of technical assistance, including offsite consultation and onsite consultation.

(h) “Court” – means a court of competent jurisdiction which can order dissemination of information or to hear appeals in contested cases.

(i) “Data Collection” – means the gathering of personal information by any means including but not limited to; surveys, inspections, investigations, forms and oral testimony.

(j) "Department" or “Agency” - means the Department of Workforce Services.

(k) “Department Representative” or “Agency Representative” - means any person authorized by the Department or State of Wyoming Occupational Health and Safety Commission to conduct inspections or any other routine activity of the Department.

(l) “Disseminate” – means to release, transfer or otherwise communicate information orally, in writing or by electronic means.

(m) “Employee” - means a person permitted to work by an employer in employment for wages, salary or commission.

(n) “Employee Representative” - means an employee or other person designated or selected by the employees of an establishment to represent said employees in exercising their rights under the Act.

(o) “Employer” - means any individual or organization including the State and all its political subdivisions, which has in its employ one or more individuals performing services for it in employment.

(p) “Employment” - means all services for pay as an employee.

(q) “Establishment” – means any place in or about which an employee shall perform work for the employer.

(r) “File” – means any aggregation of data gathered for a particular purpose and organized or indexed as a unit.

(s) “Financial” – means fiscal, relating to salary, benefits, profits and/or debts of an individual.

(t) “General Duty” - Each employer has the general duty to furnish to each of his employees, a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious harm to his employees.

(u) “Hearing Officer” – means a member of the Wyoming State Bar, not a member of the Commission, the Department or the Attorney General who, under contract, hears contested cases, prepares findings of fact and conclusions of law, and recommended decisions for the Occupational Health and Safety Commission’s consideration.

(v) “Imminent Danger” - Any conditions or practices in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act.

(w) “Inspection” - means an audit of any property, premises, or place, except private residences, where persons are employed and work is performed by an employee for an employer, and includes any inspection conducted pursuant to a complaint filed, any re-inspection, follow-up inspection, accident investigation or other inspection conducted under W.S. §§ 27-11-108 and 27-11-109.

(x) “Non-serious Violation” - A condition existing in a place of employment where an incident or occupational illness resulting from a violation of a rule, regulation or standard would probably not cause death or serious physical harm but which has a direct or immediate impact on the health and safety of employees.

(y) “Notice” – means the requirement that all individuals who are a part of a data system be informed of the initiation of a file on them or of any changes to an existing file.

(z) “Notice of Violation” - The document issued by the Department and sent to an employer alleging health and/or safety violation(s) of the Act, rule, regulation or order issued under the Act. Also referred to as “Citation”.

(aa) “Party” - means each person or agency named in a Citation or Notice.

(bb) “Person” - means an individual, governmental agency, partnership, association, corporation, business, trust, receiver, trustee, legal representative or successor to any of the foregoing.

(cc) “Personal Information” – means all information that describes anything about an individual such as identifying characteristics, measurements, or test scores; evidences things done by or to an individual, such as records of financial transactions, medical treatments, or other services; any information that is or can be retrieved from a recordkeeping system by reference to the name, number, or some other identifying feature associated with the individual to whom the information pertains.

(dd) “Personal Information System” – means any method by which personal information is collected, stored, or disseminated by this agency.

(ee) “Personnel” – means personnel of the State of Wyoming Department of Workforce Services and Wyoming Occupational Health and Safety Division.

(ff) “Place of Employment” - means plant, premises, or any other place under control of the employer or about which an employee is permitted to work.

(gg) “Purge” – means the physical destruction of files, records or information.

(hh) “Repeated Violations” - means the subsequent violation of any rule, regulation, standard or order, or general duty where a Citation or Notice has previously been issued for violations.

(ii) “Serious Violation” - a serious violation exists in a place of employment if there is a probability that death or serious physical harm could result from a condition or from one or



more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment.

(jj) “State” - means the State of Wyoming.

(kk) “Subject” – means the person about whom information is collected and maintained.

(ll) “Trade Secrets” – a plan or process, tool, mechanism, or compound known only to its owner and those employees of the owner to whom it is necessary to confide it; a secret formula or process having commercial value.

(mm) “Working Day” - means Monday through Friday but shall not include Federal or State holidays. In computing 15 working days, the day of receipt of any Notice shall not be included, and the last day of the 15 working days shall be included.

(nn) “Willful Violation” - Willful violation means either an intentional violation of the Act or indifference to its requirements.

## Chapter 1

### Introduction

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