Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at https://rules.wyo.gov

Revised June 2020

1. General Information

a. Agency/Board Name*	Workforce Services, Department of		
b. Agency/Board Address	5221 Yellowstone Rd	c. City: Cheyenne	d. Zip Code: 82002
e. Name of Agency Liaison	Jennifer Martinez	f. Agency Liaison Telephone Number	307-777-6746
g. Agency Liaison Email Address	jennifer.martinez1@wyo.gov		
h. Date of Public Notice	09/18/2025	i. Comment Period End Date	11/6/2025
j. Public Comment URL or Email Address:	jennifer.martinez1@wyo.gov		
k. Program	OSHA - General Industry 1910		
Amended Program Name (*if applicable*):			

* ☐ *By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.*

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment 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 non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☒ No. ☐ Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. *Please use the "Additional Rule Information" form to identify additional rule chapters.*

Chapter Number:	Chapter Name:	
26	Toxic and Hazardous Substances (Z)	☐ New ☒ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*): Toxic and Hazardous Substances - Subpart Z	
		☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
		☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
		☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
		☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	
		☐ New ☐ Amended ☐ Repealed
	Amended Chapter Name (*if applicable*):	

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ☒ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

☒ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

☒ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☐ No. ☒ Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation: 29 CFR Part 1910; [Docket No. OSHA-2019-0001]

Indicate one (1):

☒ The proposed rules meet, but do not exceed, minimum federal requirements.

☐ The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

☒ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

☒ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. ☒ The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

☒ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

☒ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☐ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____

(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____

(Provide chapter numbers)

b. Checklist

☒ The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Peter Perakos M.D.
Title of Authorized Individual	Chairman of Wyoming OSHA Commission
Date of Authorization	09/12/2025

Mark Gordon
Governor

State of Wyoming
Department of Workforce Services

Office of the Director
5221 Yellowstone Road
Cheyenne, Wyoming 82002
307-777-8650 ▪ Fax: 307-777-5857
dws.wyo.gov

Elizabeth Gagen, J.D.
Director

Jason Wolfe
Deputy Director

Statement of Principal Reasons
OSHA – General Industry 1910
Chapter 26: Toxic and Hazardous Substances – Subpart Z

After a recent review of existing rules, the Department of Workforce Services' Occupational Safety and Health Administration (OSHA) Division determined that *OSHA - General Industry 1910, Chapter 26: Toxic and Hazardous Substances - Subpart Z* needed to be updated to reflect the most recent federal OSHA standards. State Plan OSHAs, of which Wyoming is one, must have a program that is "at least as effective" as Federal OSHA's program.

On September 12, 2025, the OSHA Commission reviewed and unanimously voted to adopt *OSHA - General Industry 1910, Chapter 26: Toxic and Hazardous Substances - Subpart Z.* The OSHA Commission proposes the adoption of the federal rule updates that include the Hazard Communication Standard (First Correction) 29 C.F.R. §§ 1910 through incorporation by reference.

Chapter 26

Toxic and Hazardous Substances ~~(Z)~~ - Subpart Z

Section 1. Incorporation by Reference.

(a) The Department of Workforce Services has determined that incorporation of the full text of these rules would be cumbersome and inefficient given the length or nature of the rules;

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (d) of this section; and

(c) The incorporated code, standard, rule, or regulation is maintained at the Department of Workforce Services, OSHA Division's office (5221 Yellowstone Road, Cheyenne, WY 82002) and is available for public inspection and copying at cost at the same location.

(d) Each rule incorporated by reference is further identified as follows:

(i) 29 C.F.R. §§ 1910.1000 - 1910.1450 (~~2020~~ 2024) as it was in effect on ~~September 13, 2024~~ September 12, 2025 and adopted by the Department of Workforce Services, Wyoming OSHA Commission, found at: https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1000

Chapter 26

Toxic and Hazardous Substances - Subpart Z

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