

**TITLE 380. DEPARTMENT OF LABOR  
CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS  
ACT RULES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

380:40-1-2 [AMENDED]

380:40-1-7 [AMENDED]

380:40-1-20 [AMENDED]

380:40-1-21 [AMENDED]

380:40-1-23 [AMENDED]

**SUMMARY:**

The purpose of the proposed amendment to OAC 380:40-1-2 is to adopt the Hazard Communication Standard in 29 CFR 1910.1200, subject to the exception that the information and training required under 29 CFR 1910.1200(h) is required annually. The federal Hazard Communication Standard in 29 CFR 1910.1200 is substantially similar to the Oklahoma Hazard Communication Standard in OAC 380:45. Public employers are currently required to provide annual training under OAC 380:45. Therefore, the proposed amendment to this section is not anticipated to place additional requirements on public employers and is intended to simplify compliance. The Oklahoma Department of Labor intends to revoke the Oklahoma Hazard Communication Standard in OAC 380:45 in a separate rulemaking action upon approval of this rulemaking action.

OAC 380:40-1-7 is amended to change the size of the required notice from 8 ½ by 14 inches (legal size paper) to 8 ½ by 11 inches (letter size paper). This change is intended to assist compliance with this section.

The title to OAC 380:40-1-20 is amended to clarify that this section only applies to public employers. This change is only intended to avoid confusion and no additional requirements are placed on employers.

OAC 380:40-1-21 is amended to include the definition of "fire department." This definition is already in OAC 380:45 and has been moved to this section for clarity.

The purpose of the proposed amendment to OAC 380:40-1-23(e) is to clarify that all requirements of the recognition or incentive program must be met before an employer will be eligible. This is no change from the current interpretation of this section. The amendment is made only for clarity. OAC 380:40-1-23(f) is amended to refer to the specific Oklahoma statute providing for the tax exemption, rather than the Senate Bill which was enacted to create the tax exemption.

**AUTHORITY:**

Department of Labor; 40 O.S. §407, Oklahoma Occupational Health and Safety Standards Act

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 25, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 25, 2009, at the Oklahoma State Capital Conference Center, Room 104, 2300 North Lincoln Blvd., Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 25, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 17, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Tiffany J. Wythe, Assistant General Counsel, (405) 528-1500 ext. 231 or Diana Jones, Director of Occupational Safety and Health Division, (405) 528-1500 ext. 271.