

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Definitions
350.20	Purpose and Scope
350.30	Posting of Notice; Availability of the Acts, Regulations and Applicable Standards
350.40	Authority for Inspection
350.50	Objection to Inspection
350.60	Entry Not a Waiver
350.70	Advance Notice of Inspections
350.80	Conduct of Inspections
350.90	Representatives of Employers and Employees
350.100	Trade Secrets
350.110	Consultation with Employees
350.120	Complaints by Employees
350.125	Discrimination Prohibited Against Employees
350.130	Inspection not Warranted; Informal Review
350.140	Imminent Danger
350.150	Citations; Policy Regarding Employee Rescue Activities
350.160	Petitions for Modification of Abatement Date
350.170	Proposed Penalties
350.180	Posting of Citations
350.190	Employer and Employee Contests before the Administrative Law Judges of the Hearings Division
350.200	Failure to Correct a Violation for which a Citation has been Issued
350.210	Abatement Verification
350.220	Informal Conferences

SUBPART B: INJURY/ILLNESS RECORDKEEPING REQUIREMENTS

Section	
350.250	Purpose, Scope and Definitions
350.260	Recording Criteria

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

350.270	Determination of Work-Relatedness
350.280	Determination of New Cases
350.290	General Recording Criteria
350.300	Recording Criteria for Needlestick and Sharps Injuries
350.310	Recording Criteria for Cases Involving Medical Removal under IDOL-Adopted OSHA Standards
350.320	Recording Criteria for Cases Involving Occupational Hearing Loss
350.330	Recording Criteria for Work-Related Tuberculosis Cases
350.340	Forms
350.350	Multiple Establishments
350.360	Covered Employees
350.370	Annual Summary
350.380	Retention and Updating
350.390	Employee Involvement
350.400	Prohibition Against Discrimination
350.405	Variance from Recordkeeping Requirements
350.410	Reporting Fatalities, Hospitalizations, Amputations and Loss of Eye Incidents to the Illinois Department of Labor
350.420	Providing Records to Government Representatives
350.430	Requests from the Illinois Department of Public Health/Bureau of Labor Statistics for Data

SUBPART C: VARIANCES FROM STANDARDS

Section	
350.500	Petition for Variance from Standards

SUBPART D: CONSULTATION PROGRAM

Section	
350.600	Purpose

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section	
350.700	Adoption of Federal Standards

350.APPENDIX A	Decision Tree
350.APPENDIX B	Sample Abatement Plan or Progress Report (Non-mandatory)

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

AUTHORITY: Implementing and authorized by the Occupational Health and Safety Act [820 ILCS 219].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. 5531 and new Part adopted at 30 Ill. Reg. 4777, effective March 13, 2006; amended at 34 Ill. Reg. 4793, effective March 16, 2010; old Part repealed at 38 Ill. Reg. 11570, and new Part adopted at 38 Ill. Reg. 11572, effective May 16, 2014; amended at 38 Ill. Reg. 20781, effective October 20, 2014; amended at 39 Ill. Reg. 14176, effective October 19, 2015; peremptory amendment at 46 Ill. Reg. _____, effective _____.

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section 350.700 Adoption of Federal Standards

- a) State Standards and Rulemaking. Section 4.1 of the Health and Safety Act outlines the Director's authority to promulgate, amend and revoke State standards. Any promulgation, amending or revoking of State standards will be done in accordance with the Illinois Administrative Procedure Act.
- b) Incorporation of Federal Regulations
 - 1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby incorporates by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration, effective January 9, 2014. These standards are located at 29 CFR 1904, 1908, 1910, 1915 and 1926. All materials incorporated by this Section are incorporated as of the date specified and do not include any later amendments or editions.

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

- 2) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991). The dates listed in subsection (i) of 29 CFR 1910.1030 are not applicable to Illinois public sector employers. The effective date (subsection (i)(1) of the adopted standard) for the Illinois public sector shall be January 19, 1993. The compliance date for subsection (i)(2) of the adopted standard shall be February 18, 1993, the date for subsection (i)(3) shall be March 20, 1993 and the date for subsection (i)(4) shall be April 19, 1993.
 - 3) The Department hereby adopts as a rule of the Department, through incorporation by reference, the amendments to 29 CFR 1910, 1915, 1917, 1918, 1926, and 1928 found in 86 FR 61402, published November 5, 2021, titled COVID-19 Vaccination and Testing; Emergency Temporary Standard. The effective date for this Standard shall be January 24, 2022, and the Standard shall expire on July 24, 2022.
- c) Incorporation of Interpretations of Federal Regulations
- 1) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998) are incorporated into this Part. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998)

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998)

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998)

Illinois Fire Chiefs Association – A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (Mar. 9, 1999)

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

- 2) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998); 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998); 29 CFR 1910, Methylene Chloride (1998); 29 CFR 1910, Permit-Required Confined Spaces (1998); and 29 CFR 1910, 1915, 1917, 1918 and 1926, Powered Industrial Truck Operator Training (1999) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998)

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg. 35137 (June 29, 1998)

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998)

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998)

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998)

- 3) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (Mar. 23, 1999)

- 4) The following interpretation of 29 CFR 1926, Safety Standards for Steel Erection (2001), and 29 CFR 1910, Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001), are

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001)

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001)

- 5) The following interpretation of 29 CFR 1910.36, 1910.37, 1910.38 and 1910.39, Exit Routes, Emergency Action Plans and Fire Prevention Plans, Final Rule (Nov. 11, 2002); 29 CFR 1904, Occupational Injury and Illness Recording and Reporting, Final Rule (July 1, 2002 and Dec. 17, 2002 update); 29 CFR 1910.139, Termination of Rulemaking Respiratory Protection for M. Tuberculosis, Final Rule (Dec. 31, 2003); 29 CFR 1915.52, Fire Protection in Shipyard Employment, Final Rule (Sept. 15, 2004); and 29 CFR 1910 et al., Standards Improvement Project – Phase II (Jan. 5, 2005) are incorporated into this Part. Copies are available at any of the Department's offices. Copies may also be obtained at <http://www.osha.gov>.
- 6) The following interpretations of 29 CFR 1910, 1915 and 1926, Assigned Protection Factors, Final Rule (Aug. 24, 2006); 29 CFR 1926, Roll-Over Protective Structure, Final Rule (Dec. 29, 2005, corrected July 20, 2006); 29 CFR 1910.1026, Occupational Exposure to Hexavalent Chromium, Final Rule (Feb. 28, 2006, corrected June 23, 2006); 29 CFR 1926, Steel Erection: Slip Resistance of Skeletal Structural Steel, Final Rule (Jan. 18, 2006); 29 CFR 1910, 1915 and 1926, Electrical Installation Requirements, subpart S, Final Rule (Feb. 14, 2007, corrected Oct. 29, 2008); 29 CFR 1915, Updating National Consensus Standards in OSHA Standard for Fire Protection in Shipyard Employment, Final Rule (Jan. 3, 2007); 29 CFR 1910, Employer Payment for Personal Protective Equipment, Final Rule (Nov. 15, 2007, clarified Dec. 12, 2008); and 29 CFR 1910, Updating OSHA Standards Based on National Consensus Standards, Final Rule (Mar. 14, 2008, Dec. 14, 2007, Sept. 9, 2009) are incorporated into this Part. Copies are available at any of the Department's offices, on the Department website at www.state.il.us/agency/idol or the OSHA website at <http://www.osha.gov>.

ILLINOIS REGISTER

DEPARTMENT OF LABOR

NOTICE OF PEREMPTORY AMENDMENT

- 7) The following interpretations of 29 CFR 1910, 1915 and 1926 as appropriate, Standards Improvement Project, Phase III (June 8, 2011); Cranes and Derricks in Construction (Aug. 9, 2010); Technical Amendment concerning Safety Standards for Steel Erection (May 17, 2010); 29 CFR Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards (May 14, 2010); Revising Standards Referenced in the Acetylene Standard (Nov. 10, 2009);

- d) Clarification of Effective Dates
The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, 2, 3 and 4 years, respectively, after August 1, 1994.

- e) Conformity with Federal Regulations
The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Those amendments will be incorporated by reference or substitute provisions that provide equivalent protection will be adopted. Amendments will be adopted in accordance with the Illinois Administrative Procedure Act.

(Source: Peremptory Amendment at 46 Ill. Reg. _____,
effective _____)