

## For ASSE Members Only -- A Membership Benefit

### ASSE Government Affairs

#### State SH&E Regulatory Activity Report

2.20.09 – 3.19.09

To ASSE Chapter Government Affairs Chairs:

If you believe that ASSE members should be concerned about or take action any of the following regulatory activities, you should inform your ASSE Regional Vice President and/or Dave Heidorn, ASSE Manager of Government Affairs at [dheidorn@asse.org](mailto:dheidorn@asse.org).

This ASSE State SH&E Regulatory Activity Report is to be used by ASSE Chapter Government Affairs Chairs to notify their chapter members of significant developments affecting safety, health and environmental professionals in their state or other states. Please review the report and forward any important information to your Chapter's members. At <http://www.asse.org/professionalaffairs/govtaffairs/getinvolved.php> on the ASSE Government Affairs page are instructions on how to proceed through ASSE's approval process for government affairs activities, which are fairly simple.

Regulatory information is generally more difficult to find than legislative information. If you want more detailed information, the best approach may be to contact the agency contact included in each summary. You also can find information about the agency online through an Internet search engine by typing in the name of the state and "government." Or, at [http://www.asse.org/about/sites\\_state.php](http://www.asse.org/about/sites_state.php) you can link to state government sites.

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AK 3634 2008

AGENCY: Department of Labor and Workforce Development

TITLE: Explosive Handler License

PROPOSED: 01/18/2008

ADOPTED: 08/27/2008

SUMMARY:

Deals with explosive handler licensing, plumbing safety, electrical safety, boiler and pressure vessel code regulation, elevator safety standards and related inspection fees.

AGENCY CONTACT:

Al Nagel, Labor Standrds and Safety Division, Dept of Labor and Workforce Development, 3301 Eagle ST, Ste 302, Anchorage,

AK 99503, 907-269-4925, fax 907-269-4932, Al.Nagel@alaska.gov

**CITATION:**

8 AAC 61.080(b) thru 90.900 (Non Seq)

**STATUS:**

08/27/2008 Rule Adoption  
EFFECTIVE: 09/26/2008  
Department of Labor and Workforce Development/Labor Standards and Safety 03/01/2009

AK 3794 2009

**AGENCY:** Department of Environmental Conservation

**TITLE:** Air Emissions User Fees

**PROPOSED:** 02/26/2009

**SUMMARY:**

Amends rules to extend the date through which the current emission fee rates apply to stationary sources.

**AGENCY CONTACT:**

Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave, Ste 303, Juneau, AK 99811-1800, 907-465-5121, fax 907-465-5129, dec.aq.airdocket@alaska.gov

**CITATION:**

18 AAC 50.410

**STATUS:**

02/26/2009 Proposed Rule  
COMMENT DL: 04/06/2009  
Alaska Administrative Journal 03/02/2009

CA 18687 2008

**AGENCY:** Labor and Workforce Development Agency/Department of Industrial Relations/Occupational Safety and Health Standards Board

**TITLE:** Mechanical Refrigeration and Handling Loads

**PROPOSED:** 05/30/2008

**ADOPTED:** 03/19/2009

**SUMMARY:**

Amends general industry safety orders concerning mechanical refrigeration and properly-rigged handling loads. Sets forth requirements for the design, installation, testing and maintenance of mechanical refrigeration systems. Requires a qualified person to be trained to safely perform rigging operations. Prohibits cranes, derricks or hoists from being loaded beyond their rated capacity and addresses the responsibility of qualified persons to determine the magnitude of the load, except for cases where the crane or derrick is equipped with a load weighing device.

**AGENCY CONTACT:**

Marley Hart, Executive Officer, Occupational Safety and Health Standards Board, 2520 Venture Oaks Wy, Ste 350, Sacramento CA 95833, 916-274-5721, oshsb@dir.ca.gov

**CITATION:**

Title 8 CCR Sec(s) 3248, 4999

**STATUS:**

03/19/2009 Partial Rule Adoption Title 8 CCR Section 3248  
EFFECTIVE: 04/03/2009  
Office of Administrative Law 03/19/2009

CA 18820 2008

**AGENCY:** Labor and Workforce Development Agency/Department of Industrial Relations/Occupational Safety and Health Standards Board

**TITLE:** High Voltage Electrical Safety Orders

**PROPOSED:** 08/01/2008

**ADOPTED:** 03/03/2009

**SUMMARY:**

Promulgates revisions to high voltage electrical safety orders as they relate to national consensus standards for insulating protective equipment and seat belts and signalers for powered industrial trucks. Addresses provisions related to the use of electrical insulating equipment, fall protection, the use of live line and hand tools, and suitable apparel. Considers regulatory amendments concerning the use of an operator restraint system when a forklift equipped with a rollover protective structure is moved and the use of a signaler when a forklift operator is carrying a load that blocks the operator's view.

**AGENCY CONTACT:**

Marley Hart, Executive Officer, Occupational Safety and Health Standards Board, 2520 Venture Oaks Wy, Ste 350, Sacramento CA 95833, oshsb@dir.ca.gov, 916-274-5721

**CITATION:**

Title 8 CCR Sec(s) 2940.6, Appendix C, 3336, 3650, 3653

**STATUS:**

03/03/2009 Partial Rule Adoption 8 CCR 3336, 3650, 3653  
Office of Administrative Law 03/03/2009

CA 18881 2008

**AGENCY:** Labor and Workforce Development Agency/Department of Industrial Relations/Occupational Safety and Health Standards Board

**TITLE:** Construction Safety Orders

**PROPOSED:** 08/29/2008

**SUMMARY:**  
Ensures workers on California's public roads and highways are provided with and wear HVA that maximizes their visibility at work and reduces the possibility of being struck by a vehicle. Addresses the wearing of white outer garments during snow or fog conditions during hours of darkness.

**AGENCY CONTACT:**  
Standards Board Office, 2520 Venture Oaks Way, Ste 350, Sacramento, CA

**CITATION:**  
Title 8 CCR Sections 1598, 1599, 3328

**STATUS:**  
03/06/2009 Decision of Partial Disapproval of Regulatory Action  
No. 10, California Regulatory Notice Register 03/06/2009 p.389

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CA 19240 2009

**AGENCY:** Environmental Protection Agency/Air Resources Board

**TITLE:** AB 118 Air Quality Improvement Guidelines 2009

**PROPOSED:** 03/06/2009

**SUMMARY:**  
Amends rules to comply with the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air and Carbon Reduction Act of 2007 (AB 118), which provides approximately \$200 million in annual incentive funding for air quality and greenhouse gas improvement projects and the development and deployment of alternative and renewable fuels. Establishes the overall administrative requirements for the program through 2015 and applies to all funding years. Establishes requirements for issuing project solicitations, and defines the elements that must be included in such solicitations.

**AGENCY CONTACT:**  
Clerk of the Board, Air Resources Board, 1001 I St, Sacramento CA 95814, fax 916-322-3928

**CITATION:**  
Title 13 CCR, Chapter 8.2, Sec(s) 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359

**STATUS:**  
03/10/2009 Proposed Rule  
Environmental Protection Agency/Air Resources Board 03/10/2009

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CT 4536 2009

**AGENCY:** Department of Labor

**TITLE:** Occupational Safety and Health Standards

**PROPOSED:** 03/17/2009

**SUMMARY:**  
Updates the Occupational Safety and Health Standards and adoption by reference to the Federal Occupational Safety and Health Standards.

**AGENCY CONTACT:**  
George M Wentworth, Director, Office of Program Policy, Labor Department, 200 Folly Brook Boulevard, Wethersfield, CT 06109, 860-263-6755

**CITATION:**  
RCSA 31-372-101-1910, -102-1915, -104-1917, -105-1918, -107-1926

**STATUS:**  
03/17/2009 Proposed Rule  
COMMENT DL: 04/16/2009  
Vol. LXX, No. 38, Connecticut Law Journal 03/17/2009 pp.2B-4B

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CT 4537 2009

**AGENCY:** Department of Labor

**TITLE:** Occupational Safety and Health Standards

**PROPOSED:** 03/17/2009

**SUMMARY:**  
Updates the Occupational Safety and Health Standards and adoption by reference to the Federal Occupational Safety and Health Standards.

**AGENCY CONTACT:**  
George M Wentworth, Director, Office of Program Policy, Labor Department, 200 Folly Brook Boulevard, Wethersfield, CT 06109, 860-263-6755

**CITATION:**  
RCSA 31-372-104-1917, -105-1918

**STATUS:**  
03/17/2009 Proposed Rule  
COMMENT DL: 04/16/2009  
Vol. LXX, No. 38, Connecticut Law Journal 03/17/2009 pp.4B-5B

FL 33243 2008

**AGENCY:** Department of Health/Division of Environmental Health  
**TITLE:** Radon Certification  
**PROPOSED:** 02/15/2008  
**ADOPTED:** 02/24/2009  
**SUMMARY:**  
Amends rule to change certification fee schedule in order to recover radon certification program costs.  
**AGENCY CONTACT:**  
Clark Eldredge, Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, 850-245-4288  
**CITATION:**  
FAC 64E-5.1203 through 1207  
**STATUS:**  
02/24/2009 Rule Adoption  
EFFECTIVE: 03/16/2009  
Vol. 35, Issue 10, Florida Administrative Weekly 03/13/2009 p.1265

IA 7620 2009

**AGENCY:** Environmental Protection Commission  
**TITLE:** Underground Storage Tank Licensing and Programs  
**PROPOSED:** 03/11/2009  
**SUMMARY:**  
Adds a licensing scheme for UST removers and requires that soil and groundwater sampling at the time of UST closure be performed by a certified groundwater professional. Raises the required insurance liability coverage for UST professionals from \$250,000 to \$1 million. Clarifies the type of work that must be performed by a licensed professional from that performed by service technicians and clarifies when an installation inspection is required. Revises various other rules relating to underground storage tank licensing.  
**AGENCY CONTACT:**  
Tom Collins, Underground Storage Tank Section, Department of Natural Resources, 502 East Ninth St, Des Moines, IA 50319-0034, fax 515-281-8895, tom.collins@dnr.iowa.gov  
**CITATION:**  
IAC 567-Chapter 134, 567-134.17(455B) thru 567-134.29(455B)  
**STATUS:**  
03/11/2009 Proposed Rule  
COMMENT DL: 04/09/2009  
Vol. XXXI, No. 19, Iowa Administrative Bulletin 03/11/2009 pp.1942-1952

IN 958 2009

**STATE ID:** 09-58  
**AGENCY:** Pesticide Review Board  
**TITLE:** Open Burning of Pesticide Containers  
**PROPOSED:** 01/28/2009  
**SUMMARY:**  
Prohibits open burning of pesticide containers so as to make it consistent with similar prohibition under the Indiana clean air rules.  
**AGENCY CONTACT:**  
David Scott, Secretary, Pesticide Review Board, 175 South University Street, West Lafayette, IN 47907-2063, 765-494-1593, scottde@purdue.edu  
**CITATION:**  
357 IAC 1-13  
**STATUS:**  
03/18/2009 Proposed Rule  
Indiana Register 03/12/2009

KY 18456 2008

**AGENCY:** Environmental and Public Protection Cabinet/Department for Environmental Protection/Division of Water  
**TITLE:** Inorganic and Organic Chemical Sampling  
**PROPOSED:** 11/13/2008  
**SUMMARY:**  
Establishes sampling and analytical requirements for certain inorganic and organic chemicals and sets maximum contaminant levels for those chemicals which, if exceeded, may affect public health.  
**AGENCY CONTACT:**  
Abigail Powell, Regulations Coordinator, Division of Water, 200 Fair Oaks Ln, Frankfort, KY 40601, 502-564-3410, fax: 502-564-0111  
**CITATION:**  
401 KAR 8:250  
**STATUS:**

02/09/2009 As amended at the Administrative Regulation Review Subcommittee  
Vol. 35, No. 9, Kentucky Administrative Register 03/01/2009

LA 11411 2008

**AGENCY:** Department of Environmental Quality/Office of the Secretary/Legal Affairs Division  
**TITLE:** Mercury Risk Reduction  
**PROPOSED:** 08/20/2008  
**ADOPTED:** 03/20/2009  
**SUMMARY:**  
Amends rules relating to mercury risk reduction. Relates to the control of mercury releases to the environment. Creates a comprehensive system for control of mercury-containing products. Requires notification to the DEQ by manufacturers of mercury containing products. Phases out these products with increasingly stringent restrictions on sales.  
**AGENCY CONTACT:**  
Judith Schuerman, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302, fax 225-219-3398, judith.schuerman@la.gov  
**CITATION:**  
LAC 33:I.2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, 2721 (OS077)  
**STATUS:**  
03/20/2009 Rule Adoption  
EFFECTIVE: 03/20/2009  
Vol. 35, No. 03, Louisiana Register 03/20/2009 pp.449-456

LA 11690 2009

**AGENCY:** Department of Public Safety/Office of State Fire Marshal/Code Enforcement and Building Safety  
**TITLE:** Emergency Elevator Access  
**PROPOSED:** 03/20/2009  
**SUMMARY:**  
Amends rules relating to emergency elevator access.  
**AGENCY CONTACT:**  
Felicia Cooper, Office of State Fire Marshal, 8181 Independence Blvd, Baton Rouge, LA 70806  
**CITATION:**  
LAC 55:V.Chapter 29  
**STATUS:**  
03/20/2009 Proposed Rule  
COMMENT DL: 04/13/2009  
Vol. 35, No. 03, Louisiana Register 03/20/2009 pp.577-579

MD 11688 2009

**STATE ID:** 09-093  
**AGENCY:** Department of the Environment/Air Quality  
**TITLE:** Control of Fuel-Burning Equipment  
**PROPOSED:** 02/13/2009  
**ADOPTED:** 02/27/2009  
**SUMMARY:**  
Amends rules relating to the control of fuel-burning equipment, stationary internal combustion engines, and certain fuel-burning installations. Establishes particulate matter emission standards for small wood boilers.  
**AGENCY CONTACT:**  
Deborah Rabin, Regulations Coordinator, Department of the Environment, 1800 Washington Blvd, Ste 730, Baltimore, MD 21230-1720, 410-537-3240, drabin@mde.state.md.us  
**CITATION:**  
COMAR 26.11.09.01, .04, .06, .11  
**STATUS:**  
02/27/2009 Emergency Rule Adoption  
EFFECTIVE: 02/04/2009  
EXPIRATION: 06/29/2009  
Vol. 36, Issue 5, Maryland Register 02/27/2009

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MD 11689 2009

**STATE ID:** 09-094  
**AGENCY:** Department of the Environment/Air Quality  
**TITLE:** Volatile Organic Compounds from Adhesives and Sealants  
**PROPOSED:** 02/13/2009  
**ADOPTED:** 02/27/2009  
**SUMMARY:**  
Amends rules relating to volatile organic compounds from adhesives and sealants. Exempts single-ply roof membrane installation and repair adhesives, roof membrane sealants, and adhesive primers from the standards of VOC content during

non-ozone season for the years 2009, 2010, and 2011.

**AGENCY CONTACT:**

Deborah Rabin, Regulations Coordinator, Department of the Environment, 1800 Washington Blvd, Ste 730, Baltimore, MD 21230-1720, 410-537-3240, drabin@mde.state.md.us

**CITATION:**

COMAR 26.11.35.01

**STATUS:**

02/27/2009                      Emergency Rule Adoption  
EFFECTIVE: 01/01/2009  
EXPIRATION: 06/29/2009  
Vol. 36, Issue 5, Maryland Register 02/27/2009

ME 9076 2009

**AGENCY:**                      Department of Environmental Protection

**TITLE:**                              Dry Cleaner

**PROPOSED:**                      01/28/2009

**SUMMARY:**

Amends rules relating to perchloroethylene dry cleaners. Requires all dry cleaners to inspect equipment weekly with a halogenated hydrocarbon detector. Prohibits the installation of new dry cleaners in a building with a residence, day care center, health care facility, prison, elementary school, middle or high school, children's pre-school, senior center, youth center or other facility inhabited by children or the elderly.

**AGENCY CONTACT:**

Andrea Lani, Dept of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017, 207-287-2437, Andrea.Lani@Maine.gov

**CITATION:**

06-096-125

**STATUS:**

02/25/2009                      Extension of Public Comment Period  
COMMENT DL: 03/30/2009  
Weekly Newspaper Notices 02/25/2009

MN 2747 2008

**STATE ID:**                      33 SR 909

**AGENCY:**                      Department of Health/Division of Environmental Health

**TITLE:**                              Indoor Environments and Radiation Section

**PROPOSED:**                      11/24/2008

**ADOPTED:**                      02/23/2009

**SUMMARY:**

Amends rules relating to indoor environments and radiation sections, specifically, the governing of radioactive materials. Seeks to meet the compatibility requirements with US Nuclear Regulatory Commission (NRC) regulations.

**AGENCY CONTACT:**

George Johns, Radiation Control, Freeman Bldg, 625 Robert St N, PO Box 64975, St Paul, MN 55164-0975, 651-201-4530, fax 651-201-4606

**CITATION:**

MCAR 4731

**STATUS:**

02/23/2009                      Rule Adoption  
EFFECTIVE: 03/02/2009  
Vol. 33, No. 34, Minnesota State Register 02/23/2009 p.1440

NC 5570 2008

**STATE ID:**                      22:23 NCR 2073

**AGENCY:**                      Department of Environment and Natural Resources/Environmental Management Commission

**TITLE:**                              Emission Control; Monitoring; VOCs; Vapor Recovery

**PROPOSED:**                      06/02/2008

**ADOPTED:**                      02/02/2009

**SUMMARY:**

Clarifies rules regarding the following: emission control standards; monitoring compliance; volatile organic compounds (VOCs); vapor recovery; incinerators; permit procedures; and construction and operation permits.

**AGENCY CONTACT:**

Michael Abraczynskas, Division of Air Quality, 1641 Mail Service Center, Raleigh, NC 27699-1641, 919-715-3743, fax 919-715-7476, Michael.abraczynskas@ncmail.net

**CITATION:**

15A NCAC 02D .0521, .0614, .0901-.0902, .0909, .0952-.0954, .1110, .1205, .1212; 02Q .0102, .0304, .0902

**STATUS:**

02/19/2009                      Partial RCC Objection 15A NCAC 02D .1205, .1212  
Cumulative Index 03/02/2009

NC 5689 2009      **STATE ID:**                    23:18 NCR 1887  
**AGENCY:**                            Department of Environment and Natural Resources/Environmental Management Commission  
**TITLE:**                                Air Quality Standards  
**PROPOSED:**                        03/16/2009  
**SUMMARY:**  
Clarifies rules regarding air quality standards, including compliance with federal 8-hour ozone standards and particulate matter standards. Replaces newspaper publishing requirements for public notices regarding permits and final actions with posting these notices on the Department website. Reduces nitrogen oxide and particulate emissions from heavy-duty trucks through the reduction of unnecessary idling.  
**AGENCY CONTACT:**  
Michael Abraczinskas, Division of Air Quality, Environmental Management Commission, 1641 Mail Service Center, Raleigh, NC 27699-1641, 919-715-3473, fax 919-715-7476, michael.abraczinskas@ncmail.net  
**CITATION:**  
15A NCAC 02D .0405, .0409, .0410, .1010; 02Q .0518, .0521  
**STATUS:**  
03/16/2009                            Proposed Rule  
COMMENT DL: 05/15/2009  
Vol. 23, Issue 18, North Carolina Register 03/16/2009 pp.1887-1890

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NE 1560 2008      **AGENCY:**                            Department of Health and Human Services  
**TITLE:**                                Indoor Air Quality  
**PROPOSED:**                        08/22/2008  
**SUMMARY:**  
Amends rules concerning indoor air quality standards.  
**AGENCY CONTACT:**  
Health and Human Services, PO Box 95026, Lincoln, NE, 402-471-9022  
**CITATION:**  
Title 178 NAC Chapter 7  
**STATUS:**  
02/09/2009                            Attorney General Office Review Completed - Not Approved - Returned to Agency  
Secretary of State, Regulations Online 02/10/2009  
02/09/2009                            Secretary of State Filing - Process Terminated - Not Approved  
Secretary of State, Regulations Online 03/05/2009

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NE 1618 2009      **AGENCY:**                            Department of Environmental Quality  
**TITLE:**                                Hazardous Air Pollutants  
**PROPOSED:**                        02/25/2009  
**SUMMARY:**  
Amends Nebraska Air Quality- National Emission Standards for Hazardous Air Pollutants and adds operational limits in maximum control technology standards for certain area sources.  
**AGENCY CONTACT:**  
Department of Environmental Quality, Legal Division, PO Box 98922, 1200 N St, Ste 400, Lincoln, NE 68509-8922, tom.lamberson@nebraska.gov  
**CITATION:**  
Title 129 NAC Chapter 28  
**STATUS:**  
02/25/2009                            Proposed Rule  
COMMENT DL: 03/31/2009  
Secretary of State, Regulations Online 03/03/2009

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NE 1619 2009      **AGENCY:**                            Department of Health and Human Services  
**TITLE:**                                Clean Indoor Air  
**PROPOSED:**                        08/22/2008  
**SUMMARY:**  
Amends rules concerning smoking in public places.  
**AGENCY CONTACT:**  
Department of Health and Human Services, Regulatory Analysis and Integration, PO Box 95026, Lincoln, NE 68509-5026, Rules.Reg@dhhs.ne.gov  
**CITATION:**  
Title 178 NAC Chapter 7  
**STATUS:**  
03/10/2009                            Filed with Governor's Policy Research Office for Governor Review  
Secretary of State, Regulations Online 03/12/2009

NJ 18537 2008

**STATE ID:** 40 NJR 4888  
**AGENCY:** Department of Health and Senior Services/Division of Epidemiology, Environmental and Occupational Health  
**TITLE:** Youth Camp Safety Standards  
**PROPOSED:** 09/02/2008  
**ADOPTED:** 01/26/2009  
**SUMMARY:**  
Amends rules regarding youth camp safety standards.  
**AGENCY CONTACT:**  
Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, Department of Health and Senior Services, PO Box 360, Trenton, NJ 08625-0360  
**CITATION:**  
NJAC 8:25-1.1 thru -1.3, -2.3, -3.2, -4 thru -10, -13.4, -15, Appendices A thru E  
**STATUS:**  
01/26/2009 Readopted Rule with Amendments  
EFFECTIVE: 03/02/2009  
Vol. 41, No. 5, New Jersey Register 03/02/2009 pp.1026-1051

NJ 18549 2008

**STATE ID:** 40 NJR 5109  
**AGENCY:** Department of Environmental Protection/Division of Environmental Regulation  
**TITLE:** Toxic Catastrophe Prevention Act Program  
**PROPOSED:** 09/15/2008  
**ADOPTED:** 02/09/2009  
**SUMMARY:**  
Amends rules regarding the Toxic Catastrophe Prevention Act program. Relates to hazard assessments; minimum requirements for a risk management program; emergency response; extraordinarily hazardous substances; work plans; confidentiality and trade secrets; and civil administrative penalties.  
**AGENCY CONTACT:**  
Leslie W Ledogar, Esq, DEP Docket No 14-08-08/660, Office of Legal Affairs, Department of Environmental Protection, PO Box 402, Trenton, NJ 08625-0402  
**CITATION:**  
NJAC 7:31-3  
**STATUS:**  
02/09/2009 Readopted Rule with Amendments  
EFFECTIVE: 03/16/2009  
Vol. 41, No. 6, New Jersey Register 03/16/2009 pp.1206-1243

NJ 18768 2009

**STATE ID:** 41 NJR 935  
**AGENCY:** Department of Health and Senior Services/Division of Epidemiology, Environmental and Occupational Health/Consumer and Environmental Health Services  
**TITLE:** Youth Camp Safety Standards  
**PROPOSED:** 03/02/2009  
**SUMMARY:**  
Amends rules regarding youth camp safety standards. Clarifies staff screening and recordkeeping requirements.  
**AGENCY CONTACT:**  
Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, Department of Health and Senior Services, PO Box 360, Trenton, NJ 08625-0360  
**CITATION:**  
NJAC 8:25-3.2  
**STATUS:**  
03/02/2009 Proposed Rule  
COMMENT DL: 05/01/2009  
Vol. 41, No. 5, New Jersey Register 03/02/2009 pp.935-937

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NM 5177 2009

**AGENCY:** Environmental Improvement Board  
**TITLE:** Employers  
**PROPOSED:** 02/27/2009  
**SUMMARY:**  
Amends rules concerning general industry employers, construction industry employers, and agriculture employers.  
**AGENCY CONTACT:**  
Joyce Medina, Board Administrator, Office of the Environmental Improvement Board, Harold Runnels Bldg, 1190 St Francis Dr, Rm N-2150/2153, Sante Fe, NM 87502, 505-827-2425, fax 505-827-2836  
**CITATION:**  
11.5.2, 11.5.3, 11.5.4 NMAC

**STATUS:**  
 02/27/2009 Proposed Rule Notice  
 COMMENT DL: 05/04/2009  
 Vol. XX, No. 4, New Mexico Register 02/27/2009 p.67

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NY 19414 2007

**STATE ID:** ENV-39-07-00006  
**AGENCY:** Department of Environmental Conservation  
**TITLE:** New Facilities and Modifications to Existing Facilities  
**PROPOSED:** 09/26/2007  
**ADOPTED:** 03/05/2009  
**SUMMARY:**  
 Amends rules to set requirements for new major facilities and major modifications to existing facilities located in attainment and non-attainment areas of the state.  
**AGENCY CONTACT:**  
 Rick Leone, PE, NYSDEC, Division of Air Resources, 625 Broadway, Albany NY 12233-3254, 518-402-8403, 231nsr@gw.dec.state.ny.us  
**CITATION:**  
 Title 6 NYCRR 200, 201, and 231  
**STATUS:**  
 03/05/2009 Rule Adoption  
 EFFECTIVE: 03/05/2009  
 Department of Environmental Conservation 03/05/2009

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NY 20492 2009

**STATE ID:** PSC-10-09-00011  
**AGENCY:** Public Service Commission  
**TITLE:** Gas Leak Repair  
**PROPOSED:** 03/11/2009  
**SUMMARY:**  
 Amends rule to request authorization to defer the incremental gas leak repair expenses related to gas operations.  
**AGENCY CONTACT:**  
 Jaclyn A Brillling, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, NY 12223-1350, 518-474-6530, jaclyn\_brillling@dps.state.ny.us  
**CITATION:**  
 Uncodified  
**STATUS:**  
 03/11/2009 Proposed Rule Notice  
 COMMENT DL: 04/25/2009  
 Vol. XXXI, Issue 10, New York State Register 03/11/2009 p.12

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OH 14674 2009

**AGENCY:** Environmental Protection Agency  
**TITLE:** Volatile Organic Compound Emissions  
**PROPOSED:** 01/05/2009  
**SUMMARY:**  
 Amends rules regarding the control of volatile organic compound emissions from stationary sources. Relates to control technology guidelines to achieve and maintain the ozone national ambient air quality standard.  
**AGENCY CONTACT:**  
 Alan Harness, Environmental Protection Agency, Division of Air Pollution Control, Lazarus Government Center, PO Box 1049, Columbus, OH 43216-1049, 614-644-4838, alan.harness@epa.state.oh.us  
**CITATION:**  
 OAC 3745-21-01, -04, -09, -11, -14, -16, -18, -21 thru -24  
**STATUS:**  
 02/20/2009 Refiled Filing - Changes Proposed  
 Agency Rule Review 02/23/2009

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OH 14808 2009

**AGENCY:** Bureau of Workers' Compensation/Division of Safety and Hygiene  
**TITLE:** Woodworking Machines and Helicopters  
**PROPOSED:** 03/06/2009  
**SUMMARY:**  
 Relates to woodworking machines, power saws, and other related tools and equipment. Relates to the use of helicopters.  
**AGENCY CONTACT:**  
 Tom Sico, Bureau of Workers Compensation, Division of Safety and Hygiene, 614-466-6600  
**CITATION:**  
 OAC 4123: 1-3-22, -23  
**STATUS:**

03/06/2009 Five Year Review  
Agency Rule Review 03/09/2009

OK 15761 2009  
**AGENCY:** Department of Environmental Quality  
**TITLE:** Air Pollution Control  
**PROPOSED:** 02/20/2009  
**SUMMARY:**  
Revokes rules regarding motor vehicle pollution control devices. Removes obsolete language regarding incinerators. Updates the ambient air quality standards for lead to make them consistent with current federal standards.  
**AGENCY CONTACT:**  
Cheryl E Bradley, Department of Environmental Quality, Air Quality Division, PO Box 1677, Oklahoma City, OK 73101-1677, 405-702-4100, fax 405-702-4101, cheryl.bradley@deq.ok.gov  
**CITATION:**  
OAC 252:100-15-1 thru -6, -17-1, -1.1, -1.2, -2, -2.1, -2.2, -4, -5, -5.1, -7, Appendix E, F  
**STATUS:**  
03/18/2009 Notice of Rulemaking Intent  
Department of Environmental Quality 03/18/2009

OR 30055 2008  
**AGENCY:** Department of Consumer and Business Services/Occupational Safety and Health Division  
**TITLE:** Division 1, General Administrative Rule Changes  
**PROPOSED:** 10/01/2008  
**ADOPTED:** 01/27/2009  
**SUMMARY:**  
Adds language to clarify when corporate officers are covered. Specifies that when Oregon OSHA issues citations for repeat violations is changing to indicate that such citations will be for repeats of substantially similar hazardous conditions instead of identical rule numbers, and makes Oregon OSHA consistent with statutes, case law, and federal OSHA practices.  
**AGENCY CONTACT:**  
Sue C. Joye, Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St, NE, Salem, OR 97301-3882, (503) 947-7449  
**CITATION:**  
OAR 437-001-0015, -0160, -0205, -0760, -1015, -1020  
**STATUS:**  
01/27/2009 Rule Adoption  
EFFECTIVE: 02/03/2009  
Vol. 47, No. 3, Oregon Bulletin 03/01/2009

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OR 30391 2009  
**AGENCY:** Department of Consumer and Business Services/Occupational Safety and Health Division  
**TITLE:** Powered Platforms  
**PROPOSED:** 03/01/2009  
**SUMMARY:**  
Amends rules relating to powered platforms, manlifts, and vehicle mounted work platforms. Relates to Division 2F.  
**AGENCY CONTACT:**  
Sue C Joye, Department of Consumer and Business Services, Occupational and Health Dvsn, 350 Winter St NE, Salem, OR 97301-3882, 503-947-7449  
**CITATION:**  
OAR 437-002-0067 to -0076 non seq.  
**STATUS:**  
03/05/2009 Proposed Rule  
Department of Consumer and Business Services/Occupational Safety and Health Division  
03/05/2009

TN 9909 2006  
**AGENCY:** Department of Environment and Conservation/Division of Air Pollution Control  
**TITLE:** Construction Operating Permits  
**PROPOSED:** 01/31/2006  
**ADOPTED:** 02/24/2009  
**SUMMARY:**  
Amends sections concerning emissions and New Source Review (NSR) pollutants.  
**AGENCY CONTACT:**  
Technical Secretary, Tennessee Air Pollution Control Board, 9th Fl, L & C Annex, 401 Church St, Nashville, TN 37243-1531  
**CITATION:**  
TAC 1200-3-9-.01  
**STATUS:**

02/24/2009 Rule Adoption  
EFFECTIVE: 05/10/2009  
Vol. 35, No. 3, Tennessee Administrative Register 03/13/2009

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TN 10060 2006

**AGENCY:** Department of Environment and Conservation/Division of Air Pollution Control  
**TITLE:** Construction and Operating Permits  
**PROPOSED:** 09/28/2006  
**ADOPTED:** 02/24/2009  
**SUMMARY:**  
Removes the Clean Unit and Pollution Control Project provisions from the permitting requirements.  
**AGENCY CONTACT:**  
Ms. Lacey Hardin, 9th Fl, L & C Annex, 401 Church St, Nashville TN 37243-1531, 615-532-0554  
**CITATION:**  
TAC 1200-3-9-.01, .02  
**STATUS:**  
02/24/2009 Rule Adoption  
EFFECTIVE: 05/10/2009  
Vol. 35, No. 3, Tennessee Administrative Register 03/13/2009

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TN 10212 2007

**AGENCY:** Department of Environment and Conservation/Division of Air Pollution Control  
**TITLE:** Process Emission Standards  
**PROPOSED:** 04/30/2007  
**ADOPTED:** 02/03/2009  
**SUMMARY:**  
Amends rules concerning process gaseous emission standards.  
**AGENCY CONTACT:**  
Jeryl W Stewart, Department of Environment and Conservation, Air Pollution Control, 9th Fl L&C Annex, 401 Church St, Nashville TN 37243-1531, 615-532-0605, jeryl.stewart@state.tn.us  
**CITATION:**  
TAC 1200-3-7-.07  
**STATUS:**  
02/03/2009 Rule Adoption  
EFFECTIVE: 04/19/2009  
Vol. 35, No. 3, Tennessee Administrative Register 03/13/2009

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TN 10214 2007

**AGENCY:** Department of Environment and Conservation/Division of Air Pollution Control  
**TITLE:** Construction and Operating Permits  
**PROPOSED:** 04/30/2007  
**ADOPTED:** 02/24/2009  
**SUMMARY:**  
Revises the requirements for major new source review in accordance with federal changes.  
**AGENCY CONTACT:**  
Lacey Hardin, Department of Environment and Conservation, Air Pollution Control, 9th Fl L&C Annex, 401 Church St, Nashville TN 37243-1531, 615-532-0554, lacey.hardin@state.tn.us  
**CITATION:**  
TAC 1200-3-9-.1, -.3  
**STATUS:**  
02/24/2009 Rule Adoption  
EFFECTIVE: 05/10/2009  
Vol. 35, No. 3, Tennessee Administrative Register 03/13/2009

TX 15034 2008

**STATE ID:** 33 TEXREG 9433  
**AGENCY:** Commission on Environmental Quality  
**TITLE:** Leaking Petroleum Storage Tanks  
**PROPOSED:** 11/07/2008  
**ADOPTED:** 02/27/2009  
**SUMMARY:**  
Amends rules pertaining to the release, reporting, and corrective actions needed from the leaking of regulated substances from underground or aboveground storage tanks.  
**AGENCY CONTACT:**  
Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808  
**CITATION:**

30 TAC 1.334.D.334.71

**STATUS:**

02/27/2009

Rule Adoption  
 EFFECTIVE: 03/19/2009  
 Vol. 34, Issue 11, Texas Register 03/13/2009 pp. 1860-1866

TX 15035 2008

**STATE ID:** 33 TEXREG 9436**AGENCY:** Commission on Environmental Quality**TITLE:** Leaking Petroleum Storage Tanks - Target Concentrations**PROPOSED:** 11/07/2008**ADOPTED:** 02/27/2009**SUMMARY:**

Amends the criteria by which target concentrations are established for the cleanup of leaking petroleum storage tank site releases.

**AGENCY CONTACT:**

Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808

**CITATION:**

30 TAC 1.334.G.334.201

**STATUS:**

02/27/2009

Rule Adoption  
 EFFECTIVE: 03/19/2009  
 Vol. 34, Issue 11, Texas Register 03/13/2009 p. 1866

TX 15036 2008

**STATE ID:** 33 TEXREG 9437**AGENCY:** Commission on Environmental Quality**TITLE:** Petroleum-Substance Contaminated Soil**PROPOSED:** 11/07/2008**ADOPTED:** 02/27/2009**SUMMARY:**

Amends rules pertaining to the storage, treatment, and reuse procedures for petroleum-substance contaminated soil.

**AGENCY CONTACT:**

Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808

**CITATION:**

30 TAC 1.334.K.334.503

**STATUS:**

02/27/2009

Rule Adoption  
 EFFECTIVE: 03/19/2009  
 Vol. 34, Issue 11, Texas Register 03/13/2009 p. 1866

TX 15037 2008

**STATE ID:** 33 TEXREG 9439**AGENCY:** Commission on Environmental Quality**TITLE:** Texas Risk Reduction Program**PROPOSED:** 11/07/2008**ADOPTED:** 02/27/2009**SUMMARY:**

Amends rules dealing with general information, definitions, and applicability of the Texas Risk Reduction Program.

**AGENCY CONTACT:**

Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808

**CITATION:**

30 TAC 1.350.A.350.2, .4

**STATUS:**

02/27/2009

Rule Adoption  
 EFFECTIVE: 03/19/2009  
 Vol. 34, Issue 11, Texas Register 03/13/2009 pp. 1866-1871

TX 15038 2008

**STATE ID:** 33 TEXREG 9443**AGENCY:** Commission on Environmental Quality**TITLE:** Protective Concentration Levels**PROPOSED:** 11/07/2008**ADOPTED:** 02/27/2009**SUMMARY:**

Amends definitions pertaining to the development of protective concentration levels in the Texas Risk Reduction Program.

**AGENCY CONTACT:**

Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808

**CITATION:**

30 TAC 1.350.D.350.77

**STATUS:**

02/27/2009 Rule Adoption  
EFFECTIVE: 03/19/2009  
Vol. 34, Issue 11, Texas Register 03/13/2009 pp. 1871-1872

TX 15039 2008

**STATE ID:** 33 TEXREG 9444  
**AGENCY:** Commission on Environmental Quality  
**TITLE:** Texas Risk Reduction Program - Reports  
**PROPOSED:** 11/07/2008  
**ADOPTED:** 02/27/2009

**SUMMARY:**

Amends rules to remove reference to Leaking Petroleum Storage Tank (LPST) identification numbers.

**AGENCY CONTACT:**

Michael Parrish, MC 205, Texas Register Team, Office of Legal Services, Texas Commission on Environmental Quality, PO Box 13087, Austin, TX 78711-3087, fax: 512-239-4808

**CITATION:**

30 TAC 1.350.E.350.91, .92

**STATUS:**

02/27/2009 Rule Adoption  
EFFECTIVE: 03/19/2009  
Vol. 34, Issue 11, Texas Register 03/13/2009 p. 1872

TX 15453 2009

**STATE ID:** 34 TEXREG 1511  
**AGENCY:** Residential Construction Commission  
**TITLE:** Residential Home Inspections  
**PROPOSED:** 02/23/2009

**SUMMARY:**

Requires that State-Sponsored Inspection and Dispute Resolution Process (SIRP) appeals be submitted on the commission's appeal form, identify the subject of the appeal, provide the ground or grounds for lodging the appeal, and state the performance standard or method or repair the homeowner, builder or remodeler asserts is correct when appealing on those grounds.

**AGENCY CONTACT:**

Susan K Durso, General Counsel, Texas Residential Construction Commission, 311 E 14th St, Austin, TX 78701, fax 512-463-9507, comments@trcc.state.tx.us

**CITATION:**

10 TAC 7.313.313.20

**STATUS:**

02/23/2009 Proposed Rule  
COMMENT DL: 04/05/2009  
Vol. 34, Issue 10, Texas Register 03/06/2009 pp. 1511-1512

UT 32350 2009

**STATE ID:** 32350  
**AGENCY:** Department of Environmental Quality/Division of Air Quality  
**TITLE:** Lead-Based Paint  
**PROPOSED:** 02/03/2009

**SUMMARY:**

Addresses lead-based paint accreditation, certification, and work practice.

**AGENCY CONTACT:**

Kimberly Kreykes, Environmental Quality, Air Quality, 150 N 1950 W, Salt Lake City, UT 84116-3085, 801-536-4042, fax 801-536-4099, kkreykes@utah.gov

**CITATION:**

R307-840

**STATUS:**

02/03/2009 Proposed Rule  
COMMENT DL: 03/31/2009  
Vol. 2009, No. 5, Utah State Bulletin 03/01/2009 p.9

UT 32351 2009

**STATE ID:** 32351

**AGENCY:** Department of Environmental Quality/Division of Air Quality  
**TITLE:** Code of Federal Regulations Incorporated by Reference  
**PROPOSED:** 02/03/2009

**SUMMARY:**

Approves two optional mercury (Hg) emissions test methods for potential use in conjunction with an existing requirement for Hg emissions monitoring. Allows the use of these two optional methods entirely at the discretion of the owner or operator of an affected emission source in place of the two currently specified methods.

**AGENCY CONTACT:**

Kimberly Kreykes, Environmental Quality, Air Quality, 150 N 1950 W, Salt Lake City, UT 84116-3085, 801-536-4042, fax 801-536-4099, kkreykes@utah.gov

**CITATION:**

R307-101-3

**STATUS:**

02/03/2009 Proposed Rule  
 COMMENT DL: 03/31/2009  
 Vol. 2009, No. 5, Utah State Bulletin 03/01/2009 p.8

UT 32370 2009

**STATE ID:** 32370

**AGENCY:** Department of Health/Division of Epidemiology and Laboratory Services/Bureau of Environmental Services

**TITLE:** Food Safety Manager Certification

**PROPOSED:** 02/12/2009

**ADOPTED:** 02/12/2009

**SUMMARY:**

Prevents food-borne illness.

**AGENCY CONTACT:**

Ronald Marsden, Health, Epidemiology and Laboratory Services, Environmental Services, Cannon Health Bldg, 288 N 1460 W, Salt Lake City, UT 84116-3231, 801-538-6191, fax 801-538-6564, rmarsden@utah.gov

**CITATION:**

R392-101

**STATUS:**

02/12/2009 No published proposal  
 Vol. 2009, No. 5, Utah State Bulletin 03/01/2009 p.30  
 02/12/2009 5 Year Notice of Review and Statement of Continuation  
 EFFECTIVE: 02/12/2009  
 Vol. 2009, No. 5, Utah State Bulletin 03/01/2009 p.30

VA 81044 2008

**STATE ID:** R08-1044

**AGENCY:** Secretary of Commerce and Trade/Department of Labor and Industry/Safety and Health Codes Board

**TITLE:** Tree Trimming Operations

**PROPOSED:** 01/07/2008

**SUMMARY:**

Proposes rule to reduce or eliminate employee injuries and fatalities by considering for adoption a comprehensive regulation to address non-logging, arborist/tree trimming and cutting operations on residential and commercial work sites.

**AGENCY CONTACT:**

Regina P Cobb, Agency Management Analyst Senior, Dept of Labor and Industry, Powers-Taylor Building, 13 South 13th St, Richmond, VA 23219, 804-786-0610, fax: 804-786-8418, TTY 804-786-2376, regina.cobb@doli.virginia.gov

**CITATION:**

16 VAC 25-73, -10, -20, -30, -40, -50, -60, -70, -80, -90, -100, -110, -120, -130, -140, -150

**STATUS:**

02/17/2009 Proposed Rule  
 COMMENT DL: 05/15/2009  
 Vol. 25, Issue 14, Virginia Register 03/16/2009 p.2642

VA 81046 2008

**STATE ID:** R08-1046

**AGENCY:** Secretary of Commerce and Trade/Department of Labor and Industry/Safety and Health Codes Board

**TITLE:** Occupational Safety and Health Program

**PROPOSED:** 01/07/2008

**SUMMARY:**

Proposes rule to provide Virginia Occupational Safety and Health (VOSH) personnel with procedures on how to exercise the commissioner's statutory authority to take and preserve testimony, examine witnesses and administer oaths, in instances where witnesses/employees/supervisors refuse requests for interviews or refuse to answer specific questions posed by a VOSH inspector.

**AGENCY CONTACT:**

John J Crisanti, Policy and Planning Manager, Dept of Labor and Industry, Powers-Taylor Building, 13 South 13th St, Richmond, VA 23219, 804-786-4300, fax: 804-786-8418, TTY 804-786-2376, john.crisanti@doli.virginia.gov

**CITATION:**

16 VAC 25-60, -240, -245

**STATUS:**

02/17/2009 Proposed Rule  
COMMENT DL: 05/15/2009  
Vol. 25, Issue 14, Virginia Register 03/16/2009 p.2638

WA 28615 2008

**STATE ID:** 09-05-071  
**AGENCY:** Department of Labor and Industries  
**TITLE:** Protective Equipment and Safety Standards  
**PROPOSED:** 11/18/2008  
**ADOPTED:** 02/17/2009

**SUMMARY:**

Amends rules concerning the following: personal protective equipment; safety standards for telecommunications, electrical workers, logging operations, longshore, stevedore and related waterfront operations, ski area facilities and operations, sawmills and woodworking operations, construction work; safety and health core rules; confined spaces; abrasive blasting; emergency response; anhydrous ammonia; hazardous waste operations; and arsenic. Amends rules to remain as effective as the Occupational Safety and Health Administration.

**AGENCY CONTACT:**

Joshua Swanson, Department of Labor and Industries, PO Box 44001, Olympia, WA 98504-4001

**CITATION:**

WAC 296-32, -45, -54, -56, -59, -78, -155, -800, -809, -818, -824, -826, -843, -848

**STATUS:**

02/17/2009 Rule Adoption  
EFFECTIVE: 04/01/2009  
Vol. 09, Issue 05, Washington State Register 03/04/2009

WA 28635 2008

**STATE ID:** 09-05-072  
**AGENCY:** Department of Labor and Industries  
**TITLE:** Safety Standards for Electrical Workers  
**PROPOSED:** 11/18/2008

**SUMMARY:**

Adopts language to help the industry ensure the safety of nonqualified workers while in energized electric utility substations.

**AGENCY CONTACT:**

Kimberly Johnson, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, PO Box 44620, Olympia, WA 98504-4620, 360-902-5008, fax 360-902-5619, rhok235@ini.wa.gov

**CITATION:**

WAC 296-45-475

**STATUS:**

02/17/2009 Proposed Rule  
COMMENT DL: 04/10/2009  
Vol. 09, Issue 05, Washington State Register 03/04/2009

WA 28815 2009

**STATE ID:** 09-05-081  
**AGENCY:** Puget Sound Clean Air Agency  
**TITLE:** Asbestos Definitions and Notification Requirements  
**PROPOSED:** 02/17/2009

**SUMMARY:**

Amends rules pertaining to asbestos definitions and notification requirements. Excludes asphalt shingles from the definition of "suspect asbestos-containing material" and adds a separate definition for asphalt shingles. Deletes the provision for submitting multiple asbestos projects on one notification if the structures are located in a contiguous area.

**AGENCY CONTACT:**

Lynn Sykes, Puget Sound Clean Air Agency, 1904 3rd Ave, Ste 105, Seattle WA 98101, lynns@pscleanair.org, fax 206-343-7522

**CITATION:**

Regulation III, Sections 4.01, 4.03

**STATUS:**

02/17/2009 Proposed Rule  
COMMENT DL: 03/25/2009  
Vol. 09, Issue 05, Washington State Register 03/04/2009

WI 21125 2008

**STATE ID:** 08-085 / EMR0826

**AGENCY:** Department of Commerce

**TITLE:** Carbon Monoxide Alarms

**PROPOSED:** 09/30/2008

**ADOPTED:** 09/30/2008

**SUMMARY:**

Amends rules concerning carbon monoxide alarms in dwellings and businesses.

**AGENCY CONTACT:**

James Quast, Program Mgr, Dept of Commerce, 608-266-9292, jim.quast@wisconsin.gov

**CITATION:**

Comm 20.24 (1) and (2), Table 20.24-14, 21.095, 62.1200, 62.3500(3)(e), 66.0911

**STATUS:**

02/28/2009

Submitted to Legislature

No. 638, Wisconsin Administrative Register 02/28/2009 p.18