

Chapter 33
ONEIDA SAFETY LAW
YuthinikuláΛ KayanlÁhsla
laws relating to watching out for us

33.1-1	Purpose and Policy	33.11-1	Trenching and Evacuation
33.2-1	Adoption, Amendment, Repeal	33.12-1	Stairways and Ladders
33.3-1	Definitions	33.13-1	Compressed Gas Cylinders
33.4-1	General	33.14-1	Hand Tools
33.5-1	Hazard Communication/ Right to Know	33.15-1	Housekeeping
33.6-1	Fire Prevention	33.16-1	First Aid
33.7-1	Electrical	33.17-1	Confined Space
33.8-1	Lockout	33.18-1	Machine Guarding
33.9-1	General Evacuation	33.19-1	Woodworking Machinery
33.10-1	Personal Protection Equipment		

33.1-1. Purpose and Policy. These guidelines are the standards which the Oneida Tribe shall adopt to ensure the safety of its employees. All guidelines comply with the minimum standards set by OSHA. When direct language does not show reference the minimum OSHA standards will be exercised.

33.2-1. Adoption, Amendment, Repeal. This law is adopted by the Oneida Business Committee by resolution # BC-10-2-96-A and amended by resolution # 9-22-99-A .

33.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or Oneida General Tribal Council.

33.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

33.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this policy.

33.3-1. Definitions. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

33.3-2. “Oneida Tribe” means the Oneida Tribe of Indians of Wisconsin.

33.3-3. “PPE” means personal protective equipment.

33.3-4. “Hazardous chemicals and substances” means any chemical or substance which is a physical or health hazard to people.

33.3-5. “GFCI” means Ground Fault Circuit Interrupters.

33.3-6. “Training” includes competent personnel training for those who are supervising projects and, general safety training for all employees who are exposed to the project’s hazardous working conditions. Further, departmental training through the Safety Department, or outside consultant where available.

33.3-7. “File Record” means current and continuing training records.

33.3-8. “Compressed gas” means the handling, storage, and utilization of all compressed gases in cylinders.

33.3-9. “Confined Space” means a space which by design or construction has limited openings for entry and egress. Unfavorable natural ventilation and could reasonably be believed to have dangerous air contaminants or contain materials which may produce dangerous air contaminants, and is not intended for human occupancy. Examples include: Tanks, silos, vessels, pits, sewers, pipelines, tanks cars, boilers, septic tanks, manholes and open top spaces more than four feet in depth.

33.3-10. “Hazardous atmospheres” means an atmosphere that may be or can cause injury to occupants by reason of: oxygen deficiency or enrichment; flammability or explosivity; or toxicity.

33.3-11. “Atmospheric monitoring” means monitoring of acceptable levels of Oxygen, Carbon Dioxide, Hydrogen sulfide and LEL of flammable gases or vapors. Testing equipment shall be listed or approved for use in such areas.

33.3-12. “Attendant” means a person to provide standby assistance to occupants entering and exiting a confined space and have proper training in case of an emergency.

33.3-13. “Confined space permit” means a permit required when entering a confined space deemed potentially hazardous by a competent person trained in confined Space entry.

33.3-14. “Ventilation” means the moving of contaminated atmosphere from the confined space so as to render the space atmosphere within acceptable ranges for entry.

33.3-15. “Lock Out/Tag Out” means the procedure to provide protection of employee against hazardous energy.

33.3-16. “Entry” means the action which any part employee's body breaks the plane of an opening considered to be a confined space.

33.3-18. “Safety Department” means the Environmental Health and Safety Department, or the safety offices located within Gaming, Department of Public Works, or the Oneida Health Center.

33.4-1. General Duty. The Oneida Tribe will provide a work environment free from recognized hazards within the work place. A hazard can be established from industry recognition, employer recognition or common sense. The intent of this law is to assure all hazards can be identified which can cause harm to the employee.

33.4-2. *Cease and Desist.* The Safety Department shall be delegated the authority to order a work place to cease and desist work when eminent dangers exist to the employee. Corrective action will be immediate and before continuation of work. Authorization to begin work in the identified area or to continue a prohibited activity will be obtained from the Safety Department.

33.4-3. *Right to Enter.* The Safety Department shall be delegated the authority to enter work places with or without prior notice, in the company of an employee where required by regulations to protect security, to inspect the work place for safety hazards. This authority shall be determined to include the right to enter, without delay and at reasonable times, any work places owned or operated by the Oneida Tribe. This includes any plant, establishment, construction site or work place where work is performed by or for the Oneida Tribe. Any such inspection shall be conducted so as to minimize disruption to normal operations.

33.4-4. *Identification of Safety Department.* Generally identified as the Health and Safety Department located within the Environmental Department of the Oneida Tribe.

33.4-5. *Mandatory Safety Training.* The Safety Department shall offer or make arrangements for training in emergency evacuation, and “Employee Right to Know.” In addition, where job specific requirements are identified, the Safety Department shall identify required training and may make arrangements to present or offer such training.

33.5-1. Hazard Communication/Right to Know. Purpose. In order to conduct business, the Oneida Tribe must use certain chemicals that require specific precautions to be taken to protect our employee's health. It is the policy of the Oneida Tribe to communicate any relevant information regarding hazardous chemicals to potentially exposed employees, as well as to implement appropriate measures to safeguard employee safety and health. The goal of the program shall be to minimize the possibility of employee illness or injury arising from exposure to hazardous chemicals.

33.5-2. The hazard communication program shall be in writing and cover those designated actions employers and employees must take to ensure a safe environment. It will be the responsibility of management and supervisors to ensure that adequate information is obtained and distributed to the appropriate employees. It will be the employee's responsibility to follow instructions and practices outlined in the product labels, MSDS's, tribal operating procedures, and/or tribal safety training.

33.5-3. *Hazard Determination.* Management and supervisors will rely upon the product manufacturers and suppliers to make the determination if their product is classified as hazardous. Manufacturers and suppliers must provide a current, correctly and lawfully completed MSDS for each product manufactured and/or sold. Manufacturers and suppliers must also label all containers of products according to the law.

33.5-4. *Chemical Inventory List.* Each department of the Oneida Tribe shall develop a list of all materials containing a chemical or substance used by the department. A copy of this list shall be available, and may be reviewed by requesting a copy from a supervisor.

33.5-5. *Material Safety Data Sheet (MSDS).* An MSDS shall be on file for each of the items on the Chemical Inventory list. In the case of a new material or one of a different chemical composition, an MSDS must accompany the delivery. The typical MSDS is broken down into 8 sections but some versions may have more or less than 8 sections. MSDS forms must contain the following minimum information:

- (a) **Section I:** This lists the chemical name and any trade name. It also lists the manufacturer's name, address, and emergency phone number.
- (b) **Section II:** This tells you what's in a chemical that can harm you. It gives the permissible exposure limit (PEL) or the threshold limit value (TLV).
- (c) **Section III:** This describes what the material looks like, smells like, how fast it evaporates, boiling point and melting point temperatures at which the chemical can change from a liquid to a gas, and whether the vapors rise or fall in the air.
- (d) **Section IV:** This tells what temperature the material will catch fire or explode. It describes the type of extinguisher and protective equipment to wear if a fire starts.
- (e) **Section V:** This tells if the material reacts with other materials or conditions. It lists materials that, when mixed together, will burn or explode. It also tells about certain conditions like heat or sunlight that may make a chemical unstable, and cause a dangerous reaction, such as fire or explosion.

(f) **Section VI:** This tells how it might feel if you come into contact with a hazardous material; such as a skin rash, headache, or dizziness. It also tells what to do in case of emergency, and what kind of first aid to use.

(g) **Section VII:** This tells any other special instructions to follow when handling the material, it also explains what to do if there's a spill, leak or accidental release of the chemical. It lists the proper disposal methods and other precautions to be taken in safely handling the chemical.

(h) **Section VIII:** This tells the personal protective equipment needed to handle the material safely, such as goggles, a specific type of respirator, rubber gloves, or full coveralls to protect your entire body from exposure to a material.

33.5-6. *Product Labels.* Products that are received from a distributor or manufacture must contain a proper label. A similar label must be used if the material is placed in another container. Product labels must have the following minimum information:

- (a) Identity of the chemical or substance.
- (b) Appropriate hazard warnings - precautions for safe use and handling.
- (c) Name, address and phone number of the manufacturer or responsible party.
- (d) Emergency first-aid procedures.

All chemicals and hazardous substances must have a label on it, regardless of size and *shall* not be used if the label is missing or illegible.

33.5-7. *Employee Training.* Educating all employees on the Hazard Communication Program is important because this training shall protect employees from unnecessary illness and injury due to working with workplace chemicals. Hazard communication training is required for those employees whose work exposes them to chemical hazards under normal working conditions or in a foreseeable emergency. Employees who encounter hazardous chemicals only in non-routine, isolated instances are not mandated for this training. Training shall include the following:

- (a) Reading and understanding the Hazard Communication Program (HazCom).
- (b) Reading and understanding the MSDS.
- (c) Reading and understanding the substance container label.
- (d) Methods employees can use to identify chemicals, the physical and health hazards of these chemicals in the workplace.
- (e) Methods employees can use to protect themselves from exposure to chemicals by using the right personal protective equipment.
- (f) How the employee can obtain more information on the products they use.

33.5-8. *Employee Responsibilities.* For a Hazard Communication Program to be successful all levels of employees must cooperate and fully participate in the program. All levels of employees will have to work together to assure a safe and healthy workplace through the minimum following actions:

- (a) Hazard communication program knowledge, attend all training sessions and/or safety meetings concerning new products.
- (b) Know how to read and understand the material safety data sheet and product labels.

- (c) Follow the proper safety procedures for using and handling any chemicals in the workplace.
- (d) Wearing the necessary personal protective equipment when required.
- (e) Do not work with unknown chemicals.
- (f) Never dispose of any chemical by placing or pouring into the ground or down the drain.

33. 6-1. Fire Prevention. Purpose. This plan is designed to provide for the fire safety of the employees, customers and other visitors to the Oneida Tribe of Indians of Wisconsin. The plan establishes policies and procedures which will contribute to fire safety and prevent losses from fires.

33.6-2. Scope. This plan, the policies and procedures specified in the plan apply to all personnel, employees, customers, contractors, and other visitors, within the facilities of the Oneida Tribe of Indians of Wisconsin and to all employees or agents of the Oneida Tribe while acting in the scope of their employment at any location.

33.6-3. Elements of Fire. Three basic elements must be present for a fire to occur: fuel, heat and oxygen. These three components make up the fire triangle. The proper combination of these three items invariably results in a fire. The chemical chain reaction between the fuel, heat and oxygen represents the fourth component of the fire equation. Anytime something burns these four components are present. Preventing the combination of these elements will prevent a fire. If one of the elements is removed from the fire situation, the fire will be extinguished.

33.6-4. Classes of Fire. Fire is divided into four classes based primarily on the fuel that is burning. This classification system helps in assessing hazards and determine the most effective type of extinguishing agent.

- (a) Class A fires involve ordinary combustible materials, wood, paper and cloth. Class A fires are usually slow in their initial development and growth, and because these materials are solids, they are somewhat easier to contain.
- (b) Class B fires involve flammable and combustible liquids and gases such as gasoline, fuel oil and propane. These fires usually develop and grow rapidly. Class B materials are fluid in nature which allows them to flow and move. This makes dealing with them somewhat more difficult than class A materials. These materials are common in many settings.
- (c) Class C fires involve energized electrical equipment such as motors, appliances and machinery. This is the only classification of the four that is not directly related to the type of fuel. The fact that a live electrical circuit is involved is the determining factor. The burning materials may actually fall in one or more of the three other classes. If the electric power is disconnected the fire is no longer considered class C.
- (d) Class D fires involve combustible metals, these materials are usually difficult to ignite but create intense fires once started, but fortunately they are relatively uncommon in most industries.

Subpart A.

General Regulations

33.6-5. Fires and open flame devices shall not be left unattended. Candles and other similar devices are prohibited in work areas of the Oneida Tribe. Provided that, ceremonial smudging and burning

in work areas may take place if the ceremonial smudging or burning is monitored at all times by the individual performing the activity and does not take place in otherwise prohibited areas.

33.6-6. All sources of ignition shall be prohibited within 50 feet of operations which constitute a fire hazard. The area shall be posted: NO SMOKING or OPEN FLAME.

33.6-7. All sources of ignition shall be prohibited in areas where flammable liquids are stored, handled and processed. Suitable NO SMOKING or OPEN FLAME signs shall be posted in all such areas.

33.6-8. Electrical lighting designed for classified hazardous areas shall be the only means used for artificial illumination in areas where flammable liquids, vapors, flames, dust or gases are present. Globes or lamps shall not be removed or replaced nor shall repairs be made on the electrical circuit until it has been de-energized.

33.6-9. Ventilation adequate to prevent the accumulation of flammable vapors to hazardous levels shall be provided in all areas where painting is done or paints are mixed.

33.6-10. No smoking, open flames, exposed heating elements or other sources of ignition shall be permitted in areas or rooms where spray painting is done.

33.6-11. When unusual fire hazards exist or emergencies develop, additional fire protection shall be provided as required by the designated authority.

33.6-12. Emergency telephone number and reporting instructions shall be posted.

Subpart B

Storage

33.6-13. Smoking shall be prohibited in all areas where flammable, combustible or similar hazardous materials are stored, except in those locations specifically provided for such purpose and approved by designated authority. NO SMOKING or OPEN FLAME signs will be posted in all prohibited areas.

33.6-14. All storage, handling or use of flammable and combustible liquids shall be under the supervision of qualified persons.

33.6-15. Flammable or combustible liquids shall not be stored in areas used for exits, stairways or used for safe passages of people.

33.6-16. In buildings or rooms where flammable liquids are handled or stored, a UL listed self-closing metal refuse can shall be provided and maintained in good condition.

33.6-17. Hazardous material shall be stored in separate detached weatherproof buildings or shelters.

33.6-18. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide.

Subpart C

Handling

33.6-19. Smoking or open flames within 50 feet of where flammables are being used or transferred or where equipment is being fueled is prohibited.

33.6-20. Workers shall be required to guard carefully against any part of their clothing becoming contaminated with flammable or combustible fluids. They shall not be allowed to continue to work when their clothing becomes so contaminated and must remove or wet down the clothing as soon as possible.

33.6-21. No flammable liquid with a flash point below 100 degrees shall be used for cleaning purposes or to start or rekindle fires.

33.6-22. Handling of all flammable liquids by hand shall be in safety containers with flame arresters. For quantities of 1 gallon or less, only the original container or approved metal safety cans shall be used.

33.6-23. Packages containing paints, varnishes, lacquers, thinners or other volatile painting materials shall be kept tightly closed when not in use.

33.6-24. Unopened containers of paints, varnishes, lacquers, thinners and other flammable paint materials shall be kept in a well-ventilated location, free of excessive heat, smoke, sparks, flame or in direct rays of the sun.

33.6-25. Paint scrapings and paint-saturated debris shall be removed daily from the premises.

Subpart D

Fire Extinguishers

33.6-26. Portable fire extinguishers shall be provided where needed and inspected and maintained.

33.6-27. Fire extinguishers shall be suitably placed, distinctly marked, readily accessible and maintained in a fully charged and operable condition.

33.6-28. Fire extinguisher equipment shall be provided in storage areas according to the hazard present.

33.6-29. Fire extinguishers listed or approved by a nationally recognized testing laboratory shall be used.

33.6-30. A fire extinguisher rated not less than 2-A shall be provided where torches or open flames are in use.

Subpart E

Clearance

33.6-31. Fire lanes to provide access to all areas shall be established and maintained free of obstruction.

33.6-32. Clearance of at least 18 inches shall be maintained between the top of stored material and sprinkler deflectors. Exception: Construction standards for warehouse storage shall be at least 36 inches maintained between the top of stored materials and sprinkler deflectors.

33.6-33. Clearance shall be maintained around lights and heating units to prevent ignition of combustible materials.

33.6-34. Outdoor portable tanks shall be at least 20 feet from buildings. Individual tanks shall be at least 5 feet apart.

Subpart F

Portable Heaters

33.6-35. Portable heaters may be utilized in work areas only if the equipment is a UL listed heater, tribal equipment, and maintained in a safe and workmanlike manner.

33.6-36. Portable heaters may not be used in the following instances:

- (a) Use of a portable heater other than a low watt density heater. Provided that other equipment may be authorized to be used if approved for safe use in those work areas.

- (b) Use of a portable heater that has damaged parts or damaged or frayed cords.
- (c) Use of an unattended portable heater
- (d) Use of an extension cord with a portable heater.
- (e) Use of a portable heater within three feet of flammable materials.

33.6-37. Portable heaters shall have tip over safety switches and are recommended to be placed on flame resistant mats.

33.6-38. It is recommended that portable heaters be given maintenance inspections after every 100 hours of operation.

33.7-1. Electrical. *Purpose.* To inform the employee of the electrical practices which shall be in place to ensure safety in the workplace. The areas which are addressed are installation safety requirements and safety-related work practices.

Subpart A

General Requirements

33.7-2. *Electrical Installations.* Employers must provide either GFCI's or an assured equipment grounding conductor program to protect employees from ground-fault hazards at the work site.

33.7-3. All 120-volt single-phase, 15 and 200 ampere receptacles that are not part of the permanent wiring must be protected by GFCI's. Receptacles on smaller generators are exempt under certain conditions, or an assured equipment grounding program covering extension cords, receptacles, and cord and plug-connected equipment must be implemented.

Subpart B

Electrical Work Practices

33.7-4. Extension cords must be of the three-wire type. Extension cords and flexible cords used with temporary and portable lights must be designed for hard or extra-hard usage (for example, types S, ST, and SO.)

33.7-5. Lamps for general illumination must be protected from breakage, and metal shell socket must be grounded.

33.7-6. Employers must not allow employees to work near live parts of electrical circuits, unless the employees are protected by one of the following means:

- (a) De-energizing and grounding the parts.
- (b) Guarding the part by insulation.
- (c) Any other effective means

33.7-7. Electrical tools that are not double insulated as well as extension cords shall be the 3-wire type. Removal of the grounding pin is prohibited.

33.7-8. Work spaces, walkways and similar locations are to be kept clear of cords since they create a tripping hazard.

33.7-9. Portable ladders shall have nonconductive side rails if they are used where the employee or the ladder could contact exposed energized parts.

33.7-10. Extension cords are not to be fastened with staples, hung from nails or suspended by bare wire. Twine, string and insulated wire are acceptable.

33.7-11. In work areas where the exact location of underground electrical power lines is unknown, employees using jack hammers, bars or other hand tools that may contact the line must be protected by insulating gloves, apron, or other protective clothing which will provided equivalent electrical protection.

33.7-12. Worn or frayed electrical cords or cables must not be used. Extension cords must not be fastened with staples, hung from nails or suspended by wire.

33.7-13. Equipment or circuits that are de-energized must be rendered inoperative and must have tags attached at all points where the equipment or circuits could be energized. The accidental or unexpected sudden starting of electrical equipment can cause severe injury. Before any inspections or repairs are made, the current shall be turned off at the switch box and the switch padlocked in the OFF position. At the same time, the switch or controls of the machine or other equipment being locked out of service shall be securely tagged to show which equipment or circuits are being worked on. (See also Lock Out\Tag Out Procedure)

33.7-14. Keep equipment clear of overhead power lines. Unqualified employees and mechanical equipment must stay at least 10 feet away from overhead power lines. If the voltage is over 50,000 volts the clearance shall be increased by 4 inches for each additional 10,000 volts. Operators must maintain at least 10 feet between any piece of equipment and any electrical line or energized equipment.

33.8-1. Lockout\Tag Out Procedures. *Purpose.* The purpose of the energy control program is to prevent unexpected machine or equipment start-ups or releases of stored energy which may cause harm to employees. Also to inform new employees of hazards which they need to be aware of during the performance of their job.

33.8-2. *Definitions.* The following words shall have the definition as set out herein:

(a) Tagout. Tag-out is placing a tag on the power source to warn co-workers and others not to turn the power on, information on the tag will include the name of the worker who put it there, the date and time the work began and the type of work being performed. Tags are to be treated like locks; tags are not to be removed without authorization; tags are never to be bypassed or ignored.

(b) Lockout. Blocking the flow of energy from the power source to the equipment, with a lockout device, which is usually a key or combination lock to secure a valve or lever in the "off" position and which cannot be removed except by the person who locked the energy source out or by any authorized person.

33.8-3. A written procedure is required for all equipment utilizing lock out or tag out devices on their equipment for maintenance or servicing. This includes documentation of new employee training.

Subpart A

Energy Control Procedure

33.8-4. *Sequence.* The following procedures will be followed for a proper energy control procedure:

(a) Inform affected employees.

- (b) Shut down the machine or equipment.
- (c) Isolate or block equipment.
- (d) Apply the lockout or tagout device.
- (e) Release stored energy.
- (f) Verify isolation.
- (h) Complete work.
- (i) Inspect work area.
- (j) Remove locks and tags.
- (k) Notify affected employees.
- (l) Restore energy sources and start-up.

33.8-5. *Additional Safety Requirements.* Special circumstances exist when:

- (a) Machines need to be tested or repositioned during servicing.
 - (1) Temporary removal of locks or tags and the re-energization of the machine or equipment only when power is needed for the testing or repositioning of equipment.
 - (2) Clear the machines or equipment of tools and materials.
 - (3) Remove employees from the machines or equipment area.
 - (4) Remove the lockout or tagout devices.
 - (5) Energize and proceed with testing or positioning.
 - (6) De-energize the systems, isolate the machine or equipment from the energy source, and reapply lockout devices as specified.
- (b) *Outside (Contractor) Personnel Are at the Worksite.* The onsite employer and the outside employer must inform each other of their respective lockout or tagout procedures. Each employer must ensure that his or her personnel must understand and comply with all restrictions and/or prohibitions of the other employer's energy control program.
- (c) *Group Lockout or Tagout.* During all group lockout/tagout operations where the release of hazardous energy is possible, each authorized employee performing servicing or maintenance shall be protected by his/her personal lockout or tagout device or comparable mechanism that affords equivalent protection.
- (d) *Shifts or Personnel Changes.* Specific procedures must ensure the continuity of lockout or tagout protection during shift or personnel changes.

33.8-6. *Labeling.* Locks and tags must clearly identify the employee who applies them. Tags must also warn against hazardous conditions if the machine or equipment is energized and must include a legend such as the following:

“DO NOT START, DO NOT OPEN, DO NOT CLOSE, DO NOT ENERGIZE, DO NOT OPERATE.”

33.8-7. *Lockout Devices.* Locks are to be either key or combination type. Only the person doing the work will have control of his or her own lock to prevent start up by any other means. Only supervisor will be authorized to remove a lock under emergency conditions.

33.9-1. General Evacuation. *Purpose.* The purpose of the general evacuation plan is to protect all employees, visitors, patrons from an injury during an emergency, i.e. fire, tornado, bomb threat.

Through written plans and training employees can be informed of safe evacuation procedures and any new changes in procedures.

33.9-2. *General Requirements.* The emergency action plan shall be in writing and shall cover the designated actions employers and employees must take to ensure employee, visitors, and patrons safety from fire and other emergencies. The following at a minimum, shall be included in the procedures in each department's written emergency plan for all tribal buildings.

33.9-3. *Evacuation Requirements.* It is the responsibility of management and supervisors to ensure that adequate training and information is provided to the appropriate employees.

(a) A written plan on how an evacuation will proceed.

(b) Escape procedures and emergency escape route to the nearest exit posted. (Color coding will aid in determining the nearest exit.)

(c) Procedures for employees who remain behind to operate critical operations before they evacuate.

(d) Procedures to account for all employees after an emergency evacuation. (The designation of safe areas for evacuation shall be determined and identified in the plan.)

(e) All employees are to be told what actions they are to take in these emergency situations that may occur in the workplace.

(f) Where buildings with several departments are located, departments are encouraged to coordinate their plans with other departments within the building to assure that conflicts and confusion are avoided during times of emergencies.

(g) The written plan will be kept in the workplace and made available for employee review.

33.9-4. *Employer Responsibility.* The following are minimum responsibilities for all employers:

(a) Attend any meetings or information meetings on any updates on evacuation procedures.

(b) Select and provide the necessary training to the key employees who will perform certain tasks.

(c) Managers and supervisors shall make sure that an adequate number of trained employees are available at all times during working hours to act as evacuation wardens so that employees can move safely from the danger area to a safe location.

(d) Rescue and medical duties for trained employees who are to perform them.

(e) The manager or supervisor will review with each employee upon initial assignment those parts of the emergency plan which the employee must know to protect themselves in the event of an emergency.

(f) Conduct simulated practice drills monthly with key trained employees, keep records on each practice drill, how much time, how many employees involved. (Tribal safety or site safety coordinator may call a practice drill at any given time.)

33.9-5. *Equipment.* The following equipment must be installed or accessible and in working order:

(a) An alarm system, to be tested on a monthly basis.

(b) Fire extinguishers will be provided where needed, and inspected and maintained on a regular basis.

(c) Keep a maintenance schedule on all tested equipment updated.

(d) All exits are kept clear and unobstructed of any obstacles.

33.9-6. *Employee Responsibility.* It will be the employee's responsibility to follow the procedures and drills to ensure a safe and orderly evacuation in case of any emergency that may arise.

- (a) The employee shall attend all training at the scheduled times provided by the employer.
- (b) Employees shall be trained such that they know their responsibilities in case of any emergency possibilities in order to provide assurance of their safety.
- (c) At the time of an emergency, employees shall know what type of evacuation is necessary and what their role is in carrying out the plan.
- (d) In some cases, only those employees in certain areas maybe allowed to stay when a partial evacuation may occur.
- (f) In some cases where the emergency is very grave, total and immediate evacuation of all employees is necessary.
- (g) Employees shall be instructed to move away from the exit door of the building, and to avoid congregating close to the building where they may hamper emergency personal.
- (h) The employees who are selected or who volunteer to serve as wardens shall be trained in the complete workplace layout and all various alternate escape routes.
- (i) All employees and wardens shall be made aware of any handicapped employees who made need extra assistance during an evacuation.
- (j) Before leaving, wardens shall check rooms and other enclosed spaces in the workplace for employees who may be trapped or otherwise unable to evacuate the area.
- (k) Employees shall check and review the emergency evacuation plan on a regular basis.

33.10-1. Personal Protection Equipment. The employer is responsible for requiring the wearing of the appropriate PPE in all operations where there is an exposure to hazardous conditions or where this section indicates the need for using the equipment to reduce the hazards to the employee.

33.10-2. Protective equipment, including PPE for eyes, face, head, foot and other extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(a) Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(b) All PPE shall be of safe design and construction for the work performed.

33.10-3. The following items are minimum safety equipment requirements:

(a) Hard hats are to be worn by all personnel and visitors in exposed areas. Hard hats shall meet the specifications contained in ANSI safety requirements for industrial head protection. Metal and bump hard hats are not permissible. This part includes new construction, renovation, and any trenching.

(b) Proper eye protection shall be worn when sledging, hammering, sawing on metal, wood, concrete, when chipping, welding, grinding, drilling, working in dusty places, handling of hazardous materials, cleaning walls or other operations where eye injuries may result.

- (c) Approved hearing protection shall be worn where high noise levels exist. (Ear protectors or muffs.) Cotton shall not be used as ear plugs. If you raise your voice to be heard, you need hearing protection.
- (d) Safety belts, harnesses and lifelines must be worn when a fall hazard is present and shall be used for no other purpose. Only approved safety belts, harnesses and lifelines shall be used, and shall be inspected before each use.
- (e) Approved respirators are to be worn when conditions warrant. All personnel must eliminate all facial hair, that may interfere with proper fit, prior to performing work requiring the use of respirators.
- (f) Foot protection, steel toe and shoes that are workwise and in serviceable condition for the operation to which the employee is assigned are required. Check with the supervisor or foreman for the proper foot protection requirement for the assigned work.
- (g) Gloves with leather palms shall be worn when handling rough edge or abrasive material when the work subjects hands to lacerations, puncturing or burns. Other hand protection may be designated by the safety department, job supervisor or foreman.
- (h) Orange work vests are to be worn when performing work adjacent to, or in traffic.
- (i) All PPE must be inspected before its use.

33.11-1. Trenching and Evacuation. *Purpose.* Trenching and excavation is one of the most dangerous of all construction operation. More workers are killed or seriously injured in or around trenching than in most of the phases of construction work safety. This procedure provides protection against hazards that may occur while trenching or excavating.

33.11-2. *Foreman/Supervisor Responsibilities.* Every foreman/supervisor shall have the responsibility to insure that the trenching and/or excavating operation is being conducted in a safe and productive manner. A daily log of excavation and trenching which requires benching, sloping, shielding or shoring is to be kept on file.

33.11-3. The following is considered personal protective equipment and must be worn at all times: hard hat, work boots, proper work attire.

33.11-4. *Written Program.* There will be available a written program with the following minimum information:

- (a) *Protection Requirements.* Before any trench or excavation operation begins the foreman/supervisor shall evaluate their work site for potential hazards.
- (b) Shoring, Shields, Benching or sloping are the methods that is required for protection against cave-ins.
- (c) Shields, Sloping, Benching or Shoring not required when the trench is five feet or less in depth and examination of the ground by a competent person provides no indication of a potential cave-in.

33.11-5. *Soil Classification.* Classification shall be made based on the results of a least one visual and at least one manual analysis. See also for reference Appendix A to Subpart P of 1926 CFR.

- (a) Type A - Unconfined compressive strength of 1.5 ton per square foot (Tsf) or greater.
- (b) Type B - Unconfined compressive strength of greater than 0.5 tons per square foot (Tsf) but less than 1.5 Tsf.

(c) Type C - Unconfined compressive strength of 0.5 tons per square foot or less.

33.11-6. *Sloping and Benching*. Maximum allowable slopes and benching for excavations less than 20 feet. See also for reference CFR. 1926 Appendix B To Subpart P.

(a) Stable Rock -----Vertical (90 degrees)

(b) Type A ----- 3\4 : 1 (53 degrees)

(c) Type B ----- 1 : 1 (45 degrees)

(d) Type C ----- 1 1\2 : 1 (43 degrees)

Sloping or benching for excavations greater than 20 feet shall be designed by registered professional engineer.

33.11-7. *Egress and Access*. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet or more in depth so as to require no more than 25 feet of lateral travel for employees.

33.11-8. *Removal and Installation of Shields and Movement of Shield*. Employees shall not be allowed in shields when shields are being installed, removed, or moved vertically.

33.11-9. *Surface Encumbrances*. All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary to safeguard employees. Spoil pile is to be placed no closer than two feet from edge of excavation.

33.11-10. *Underground Encumbrances*. The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be determined prior to opening an excavation. Utility companies or owners shall be contacted within established or customary local response times, advised of proposed work, and asked to establish the location for the utility underground installations prior to the start of actual excavation.

33.11-11. *Exposure to Falling Loads*. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being stuck by any spillage or falling materials. Operators may remain in the unloaded vehicles when the vehicles are equipped to provide adequate protection for the operator during loading and unloading operations.

33.11-12. *Warning System for Mobile Equipment*. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs.

33.11-13. *Exposure to Vehicular Traffic*. Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflective material.

33.11-14. *Protection from Hazards Associated with Water Accumulation*. Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulations. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

33.11-15. *Open Excavation*. Open excavation underground installation shall be protected, supported or removed as necessary to safeguard employees.

33.11-16. *Hazardous Atmospheres*. Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet in depth.

Adequate precaution shall be taken such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of 20 percent of the lower flammable limit of the gas.

When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.

33.11-17. *Stability of Adjacent Structures*. Where the stability of adjoining buildings, walls or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

33.11-18. *Excavation below the Level of the Base or Footing*. Foundations or retaining walls that could be reasonably expected to pose a hazard to employees shall not be permitted except when a support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or the excavation is in stable rock; or a registered professional engineer has approved the determination that the work will not pose a hazard to employees.

Sidewalks, pavements and appurtenant structure shall not be undermined unless a support system or another method of protection is provided.

33.11-19. *Inspections*. Protective systems shall be developed by a competent person for use in a situation that could result in possible cave-ins. An inspection shall be conducted at the start of the work day and as needed throughout the shift. Inspections will also occur after every rainstorm or other hazardous occurrence.

33.11-20. *Emergency Rescue Equipment*. Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.

33.12-1. Stairways and Ladders. General Requirements

(a) A stairway or ladder must be provided at all personnel points of access whenever there is a break in elevation of more than 19 inches if no ramp, runway, sloped embankment or personnel hoist is provided.

(b) Employees shall not use any spiral stairways that will not be a permanent part of the structure on which work is being performed.

(c) A double-cleated ladder or two or more separate ladders are to be provided when ladders are the only means of access or exit from a working area for 25 or more employees or whenever a ladder is to serve simultaneous two-way traffic.

(d) When a building has only one point of access between levels the point of access shall be kept clear to permit free passage of employees. A second point of access must be provided if the work being performed or equipment in use restricts free access.

(e) When a building has two or more points of access between levels, at least one point of access must be kept clear.

33.12-2. Stairways

(a) Temporary stairs (not part of the permanent structure) shall have landings of not less than 30 inches in direction of travel and extend at least 22 inches in width at every 12 feet of vertical rise.

(b) Riser height and tread depth shall be uniform. Variations shall not be over 1/4 inch.

(c) Where doors/gates open directly on a stairway a platform shall be provided and the swing of the door shall not reduce the width of the platform to less than 20 inches.

(d) Metal pan landings and metal pan treads shall be secured in place before filling with concrete or any other material.

(e) Stairways shall be free of hazardous projections.

(f) Slippery conditions on stairways shall be eliminated before they are used to reach other levels.

33.12-3. Temporary Stairs

(a) Except during stairway construction, traffic is prohibited on pan stairs (which will be filled in with concrete or other material at a later date) and skeleton metal stairs (when permanent treads and/or landings will be installed later) unless they are fitted with wood or other solid material at least to the top edge of the pan or fitted with secured temporary treads and landings to cover the entire area.

(1) Temporary treads/landing shall be replaced when worn below the level of the top edge of the pan.

(2) Treads for temporary service shall be made of wood or other solid materials and shall be installed the full width and depth of the stairs.

(b). Stair rails and handrails

(1) Stairways having four or more risers or rising more than 30 inches, whichever is less, shall be equipped with:

(A) at least one handrail and

(B) a stairwell system along each unprotected side of edge.

(2) Stair rails shall not be less than 36" from the upper surface of the stairwell system to the tread's surface, in line with the forward edge of the tread.

(3) Mid-rails shall be located at the height midway between the top edge of the stairwell system and the stairway steps.

(4) Handrails and the top rails shall be capable of withstanding without failure 200 pounds applied within 2 inches of the top edge in any downward or outward direction.

(5) Surface of stair rails and handrails shall be free of anything that can cause injury to employees or snag clothing.

(6) The ends of stairwell systems and handrails shall be constructed so as not to constitute a projection hazard.

(7) Temporary handrails shall have a minimum clearance of 3 inches between the handrail and walls.

(8) Unprotected sides and edges of stairway landings shall be provided with standard guardrail systems.

33.12-4. Ladders. General conditions:

(a) Ladders shall be capable of supporting four times the maximum intended load.

(b) Rungs, cleats and steps shall be spaced not less than 10 inches apart nor more than 14 inches apart.

(c) Minimum clear distance between side rails of portable ladders shall be 11 ½ inches.

(d) Ladders shall not be tied or fastened together to provide longer sections unless designed for that purpose.

(e) Portable ladders shall extend at least 3 feet above the landing.

(f) Ladders shall be maintained free of oil, grease or other slipping hazards.

(g) Ladders shall be used only for the purpose for which they were designed.

(h) Portable ladders shall be used at an angle such that the horizontal distance from the top support to the foot of the ladder is approximately 1/4 of the working length of the ladder.

(i) Ladders shall be used only on stable and level surfaces unless secured to prevent accidental displacement.

(j) Ladders placed in any location where they can be displaced shall be secured or barricades used to re-route activities/traffic away from ladder.

(k) Areas around the top and bottom of ladders shall be kept clear.

(l) Ladders shall not be moved, shifted or extended while occupied.

(m) Ladders shall have non-conductive side rails if used where the employee or ladder could contact exposed energized electrical equipment.

(n) The top of top step of a step-ladder shall not be used.

(o) Cross-bracing on the rear section of stepladders shall not be used for climbing.

(p) Portable ladders with structural defects shall not be used.

(1) immediately tag "DO NOT USE "

(2) remove from service

23.12-5. *Training.*

(a) Employer shall provide a training program for each employee.

(b) Training shall be conducted by a competent person.

(c) Following areas must be addressed:

(1) Nature of fall hazards in the work area

(2) Correct procedures for erecting, maintaining and disassembling the fall protection systems to be used.

(3) Proper construction, use, placement, care and handling of stairways and ladders.

(4) Maximum intended load-carrying capacities of ladders used.

(d) Retraining shall be provided for each employee as necessary.

33.13-1. Compressed Gas Cylinders. *Purpose.* To establish procedures for protecting employees during transporting, moving and storing of compressed gas cylinders.

33.13-2. *Objectives.* To prevent injuries caused by the potential energy stored in compressed gas cylinders.

33.13-3. *Requirements.* Transporting, moving, and storage.

(a) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary for shorts periods of time while cylinders being hoisted or carried.

(b) Valve protection caps shall be in place and secured when cylinders are hoisted, they shall be secured on a slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(c) Cylinders shall be moved by tilting and rolling them on their bottom edges.

(d) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(e) Valve protection caps shall not be used for lifting cylinders from one vertical position to another.

(f) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(g) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or one-half hour fire rated wall between them.

33.14-1. Hand Tools. *General Requirements.* All hand and power tools furnished by the employer or the employee, shall be maintained in a safe condition.

33.14-2. *Training.* General construction safety training on hand tools will be the supervisors responsibility and those who operate powder actuated tools are to posses a valid certification card of proper training.

33.14-3. *Personal Protective Equipment.* Employees exposed to the hazard of falling, flying, abrasive, and splashing objects or exposed to harmful dusts, fumes mists, vapors, harmful noise or gases shall be provided with the proper protective equipment, such as safety glasses, hearing protection, protective gloves, and hard hats.

(a) Employees required to use respiratory protective equipment follow appropriate respiratory protections policy.

(b) Electrical power operated tools shall either be approved double insulated, be properly grounded or used with ground fault interrupters.

33.14-4. *Guarding.* When power operated tools are designed to accommodate guards, they shall be equipped with such guards when in use.

(a) Rotating or moving parts of equipment shall be guarded if such parts are exposed to contact by employees or otherwise create a hazard.

(b) Hoisting or lowering tools by their cords shall not be permitted.

(c) Fuel powered tools shall be stopped while being refueled, serviced, or transported.

33.15-1. Housekeeping. *General Requirements.* Good housekeeping practices shall be maintained for the safety of all employees and visitors to the work place.

- (a) All, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition.
- (b) Permanent aisles and passageways shall be appropriately marked.
- (c) The floor of every workroom shall be maintained in a clean and as possible, a dry condition.
- (d) All stored materials are to be stacked and piled neatly.
- (e) Combustible scrap and debris shall be removed at regular intervals.
- (f) Containers shall be provided for collection of refuse.
- (g) Containers used for oily and used rags, and other flammable or hazardous wastes , such as caustics or acids shall be equipped with covers.
- (h) Spills must be cleared up immediately.
- (i) The worker shall be familiar all materials and solvents used in his or her area. MSDS policy required.
- (j) Ample time for clean up at end of shift shall be made available by the supervisor.

33.16-1. First Aid. Purpose. The purpose of the First Aid standard is to ensure that an adequate trained person and proper equipment is available on site to handle injuries and or illness. This can mean the difference between temporary and permanent disability or life and death. The first aid and CPR education required of this standard will prepare individuals to intervene calmly and effectively in an emergency.

33.16-2. *Requirements.* Each site is required to have at least two trained individuals in first aid and CPR. In addition, a written department statement must identify those individuals as responders. This shall be communicated to all other staff members.

33.16-3. *Training.*

- (a) Trained individuals shall also be trained in Bloodborne Pathogen.
- (b) Training shall include basic first aid responder.
- (c) Employees trained in first aid shall be identified by carrying or displaying a red cross or similar certification.

33.16-4. *Equipment.*

- (a) First aid kits shall be available at all sites and properly maintained (all kits shall have gloves and CPR masks and kits shall be approved by a doctor or nurse).
- (b) Personal Protective Equipment shall be used as required.
- (c) Eye wash stations and or showers are required where the eyes or body of any person may be exposed to hazardous materials. Facilities for quick drenching or flushing of the eyes and body shall be provided within the immediate work area for emergency use.

33.16-5. *Follow-up.* All accidents and injuries, no matter how minor shall be reported to the manager or supervisor for immediate treatment or first aid to prevent serious infection or complications.

33.17-1. Confined Space. Purpose. The purpose of this procedure is for the safety and health of employees who work in, and in connection with, confined spaces.

33.17-2. *General Requirements.*

- (a) Identification of current confined spaces with in the area of your departments jurisdiction.

- (b) Have access to monitoring devices for atmospheric hazards.
- (c) Entry permit program. Entry permit shall identify:
 - (1) Space
 - (2) Purpose
 - (3) Date and duration
 - (4) Name of entrants
 - (5) Name of attendants
 - (6) Name of entry supervisor
 - (7) Hazards of space
 - (8) Measures to isolate space and control hazards prior to entry
 - (9) Acceptable entry conditions
 - (10) Results of all tests including time, name & initial of tester

33.17-4. *Personal Protective Equipment.* A trained qualified person shall determine personal protective equipment needed by all personnel entering the confined space.

33.17-5. Emergency response plans shall be written with provisions to conduct a timely rescue for individuals in a confined space should an emergency arise.

33.18-1. Machine Guarding. *Purpose.* The purpose of the guarding standard is to ensure the safe operation and safety of the employees when operating any machine or hand held tools that are required to have guards for the protection of the operator.

33.18-2. *Types of Guarding.* One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing, nip points, rotating parts, flying chips and sparks.

33.18-3. *General Requirements.* Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

33.18-4. *Point of Operation.* Point of operation is the area on a machine where work is actually performed upon the material being processed.

- (a) The point of operation of a machine whose operation exposes an employee to injury, shall be guarded.

- (b) The guarding device shall be in conformity with any appropriate standards or in the absence of applicable specific standards, shall be designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

33.18-5. Special hand tools for placing and removing material shall be utilized as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

33.18-6. The following are some of the machines which usually require point of operation guarding:

- (a) Guillotine Cutters
- (b) Shears
- (c) Power Presses
- (d) Milling Machines

- (e) Power Saws
- (f) Jointers
- (g) Portable Power Tools

33.18-7. *Exposure of Blades.* When the blades of any fan is less then (10) feet above the floor or working level, the blades shall be guarded.

- (a) The guard shall have openings no larger than one - half (½) inch.
- (b) Machines designed from a fixed location shall be securely anchored to prevent walking or moving.

33.19-1. Woodworking Machinery. Machine Construction, General.

- (a) Each machine shall be constructed to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.
- (b) Arbors and mandrels shall be constructed to have a firm and secure bearing and be free from play.
- (c) Saw frames or tables shall be constructed with lugs cast on the frame or with the equivalent means to limit the size of the saw blade that can be mounted to avoid over speed caused by mounting a saw larger than intended.

33.19-2. Inspection and Maintenance of Machinery.

- (a) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.
- (b) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.
- (c) Bearings shall be kept free from lost motion and shall be well lubricated.
- (d) Arbors of all circular saws shall be free from play.
- (e) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.
- (f) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.
- (g) All cracked saws shall be removed from service.
- (h) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a “wobble saw” shall not be permitted.
- (i) Push sticks or push blocks shall be provided at the work place in several sizes and types suitable for the work to be done.
- (j) Twists or kinks in bandsaws and band resaws shall be promptly removed.
- (k) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.
- (l) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head.

33.19-3. *Supervisor/Manager Responsibility.*

- (a) It will be the responsibility of the supervisor/manager to initiate and maintain such programs as may be necessary to comply with this part.
- (b) Such programs shall provide frequent and regular inspections of the job sites and equipment to be made by competent persons designated by the employer.
- (c) The use of any tool or machinery or equipment which is not in compliance with any requirement of this part is prohibited.
- (d) Such machine, tool or equipment will either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

33.19-4. *Safety Training and Education*

- (a) The employer shall permit only those employees qualified by training or shown by experience to operate equipment and machinery.
- (b) The manager/supervisor shall use the Safety Department's training programs that are provided.
- (c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to injury.

End.

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