



GEORGIA DEPARTMENT OF LABOR

148 ANDREW YOUNG INTERNATIONAL BLVD., N.E. ♦ ATLANTA, GEORGIA 30303-1751

MARK BUTLER
COMMISSIONER

NOTICE OF AMENDMENTS TO SAFETY ENGINEERING RULES (Notice 2014—003)

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4 and pursuant to the authority contained in O.C.G.A. § 34-8-70, the Georgia Department of Labor gives notice that it proposes to repeal Rules:

- 300-3-1-.01 through 300-3-1-.04
- 300-3-2-.01 through 300-3-2-.04
- 300-3-3-.01 through 300-3-3-.07
- 300-3-5-.01 through 300-3-5-.05
- 300-3-6-.01 through 300-3-6-.22
- 300-3-7-.01 through 300-3-7-.03
- 300-3-8-.01 through 300-3-8-.05
- 300-3-9-.01 through 300-3-9-.07
- 300-3-10-.01 through 300-3-10-.02
- 300-3-11-.01 through 300-3-11-.08
- 300-3-12-.01 through 300-3-12-.12
- 300-3-13-.01 through 300-3-13-.10
- 300-3-14-.01 through 300-3-14-.04
- 300-3-15-.01 through 300-3-15-.05
- 300-3-16-.01 through 300-3-16-.04
- 300-3-17-.01
- 300-3-18-.01 through 300-3-18-.12.
- 300-3-19-.07 Monitoring.

As well as repeal and replace Rules:

- 300-3-19-.02 Administration. Amended
- 300-3-19-.03 Training. Amended
- 300-3-19-.06 Exemptions. Amended.

Attached with this notice are synopses and exact copies of the proposed amendments to the Rules.

The proposed Rules 300-3-19-.02 Administration; 300-3-19-.03 Training; and 300-3-19-.06 Exemptions-are being repealed and replaced under the authority of O.C.G.A. § 45-22-2, -3, -5, -7, -8, and -9.

To provide the public an opportunity to comment upon and provide input into the formulations of the amendments, a public hearing will be held at 10:00a.m. on Tuesday, November 18, 2014, in Rooms 101 A and 101 B of the Department headquarters at the address below. An exact copy of the synopses and Rules are available on the Department's website at dol.state.ga.us.

The Department must receive all comments regarding the amendments of the above referenced Rules from interested persons and parties no later than the closing of the hearing on Tuesday, November 18, 2014. Oral statements presented at the hearing must be concise to permit all interested persons an opportunity to be heard. Written comments must be sent to the Georgia Department of Labor, Suite 600, 148 Andrew Young International Blvd., NE, Atlanta, Georgia 30303. Electronic comments must be sent to reg-comment@gdol.ga.gov. Facsimile comments must be sent to (404) 232-7398. Please reference AMENDMENTS TO SAFETY ENGINEERING RULES on all comments.

Date: October 8, 2014



TIM EVANS
DEPUTY COMMISSIONER
GEORGIA DEPARTMENT OF LABOR

SYNOPSIS

**RULES
OF
GEORGIA DEPARTMENT OF LABOR**

**CHAPTER 300-3
SAFETY ENGINEERING**

Repeal the following Rules, because as of 2012 the Department no longer retains this statutory responsibility and those duties and responsibilities transferred to the Office of Insurance and Fire Safety, pursuant to SB 446 (2012):

- **300-3-1-.01 through 300-3-1-.04**
- **300-3-2-.01 through 300-3-2-.04**
- **300-3-3-.01 through 300-3-3-.07**
- **300-3-5-.01 through 300-3-5-.05**
- **300-3-6-.01 through 300-3-6-.22**
- **300-3-7-.01 through 300-3-7-.03**
- **300-3-8-.01 through 300-3-8-.05**
- **300-3-9-.01 through 300-3-9-.07**
- **300-3-10-.01 through 300-3-10-.02**
- **300-3-11-.01 through 300-3-11-.08**
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- **300-3-14-.01 through 300-3-14-.04**
- **300-3-15-.01 through 300-3-15-.05**
- **300-3-16-.01 through 300-3-16-.04**
- **300-3-17-.01**
- **300-3-18-.01 through 300-3-18-.12.**
- **300-3-19-.07 Monitoring.**

Repeal and replace the following rules:

- Repeal **300-3-19-.02 Administration. Amended.** and replace with **300-3-19-.02 Administration.**

The replacement outlines and describes the responsibilities of the Department with regard to Public Employee Hazardous Chemical Protection and the Right to Know Act, and incorporates the Act's provisions.

The replacement also reflects the changes made to the Department's responsibilities and duties pursuant to SB 446 (2012): the Department will continue to establish information

and training standards for compliance under the act, but is not required to ensure compliance, nor is the Department's written approval required.

The provisions of the original Rule relating to Public Employer Responsibilities remain unaffected.

- Repeal **300-3-19-.03 Training. Amended** and replace with **300-3-19-.03 Training.**

The replacement is needed to properly order and number the rules for clarity, thus the content of the replacement is the same as the original rule except for one slight modification.

The replacement's modification to (2)(k)(5)(b) of the original Rule reflects the current address of the Department: Georgia Department of Labor, Suite 600, 148 Andrew Young International Blvd., NE, Atlanta, Georgia 30303-1751;

- Repeal **300-3-19-.06 Exemptions. Amended** and replace with **300-3-19-.06 Exemptions.**

The replacement is needed to properly order and number the rules for clarity, thus the content of the replacement is the same as the original rule.

RULES
OF
GEORGIA DEPARTMENT OF LABOR
CHAPTER 300-3
SAFETY ENGINEERING

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New

300-3-19-.02 Administration.
 300-3-19-.03 Training.
 300-3-19-.06 Exemptions

SAFETY ENGINEERING – 3 : INVESTIGATING AND REPORTING WORK INJURIES
–AMENDED

300-3-1-.01 Repealed. Investigation of Accidental Injury or Occupational Disease. Amended.

~~Each employer shall investigate or cause to be investigated every accidental injury or occupational disease that his employees suffer in connection with their employment, to determine the measures which should be taken to prevent recurrences.~~

300-3-1-.02 Repealed. Reports of Accidental Injury or Occupational Disease. Amended.

~~Each employer shall report on forms furnished by the Department of Labor, Inspection Division, and in the manner prescribed by such forms, each accidental injury or occupational disease resulting in lost time that his employees suffer in connection with their employment. Lost time injury or disease shall be defined according to the USA Standard Z16.1-1967 and shall include all permanent injuries and all cases where the employee is incapable of resuming work in an established job at the beginning of his next scheduled work period following that in which the injury occurred.~~

300-3-1-.03 Repealed. Reports of Fatalities. Amended.

~~An occupational accident or disease which results in a fatality, shall be reported immediately to the Department of Labor, Inspection Division.~~

300-3-1-.04 Repealed. Reports of Lost Time Accidents.

~~Each employer shall calculate the frequency rate of lost time accidents for his operations for each calendar year in accordance with USA Standard Z16.1-1967. He shall report the rate on forms provided by the Department of Labor, Inspection Division, no later than March 1 following the end of the calendar year.~~

SAFETY ENGINEERING 3: – MACHINERY

300-3-2-.01 Repealed. Enclosures and Fastening. Amended.

~~Belts and pulleys, chains and sprockets, gears, shafting and shaft accessories shall be enclosed within seven feet (7') of the floor or any working platform. Such enclosures shall be constructed in conformity with the USA Standard Safety Code for Mechanical Power Transmission Apparatus, B16.1-1953 (R1958), and shall be fastened securely in position.~~

300-3-2-.02 Repealed. Suitable Personnel Safeguards. Amended.

~~Machines which require personnel in close proximity to points of operation for set-up, operation, maintenance or other purposes shall be provided with suitable safeguards.~~

300-3-2-.03 Repealed. ~~Removal or Ineffectiveness of Safeguards. Amended.~~

~~No person shall remove or make ineffective any safeguard for any machinery or part thereof, except for the purpose of making repairs or adjustments thereon, and all safeguards so removed shall be replaced promptly.~~

300-3-2-.04 Repealed. ~~"Locking-Out" Power Supply. Amended.~~

~~Suitable provision shall be made for "locking-out" the power supply of a machine where unexpected starting of the machine would expose personnel to possibilities of serious injury.~~

SAFETY ENGINEERING - 3 : ELECTRICAL EQUIPMENT - AMENDED**300-3-3-.01 Repealed. ~~Repair and Maintenance Of. Amended.~~**

~~Repair or maintenance work on electrical equipment or circuits shall be performed by authorized, qualified persons only.~~

300-3-3-.02 Repealed. ~~Overload Current Interrupters Prohibited. Amended.~~

~~Bridging of fuses or other overload types of current interrupters is prohibited.~~

300-3-3-.03 Repealed. ~~Portable Electric Tools. Amended.~~

~~Portable electric tools shall be equipped with low resistance ground wires to maintain at all times an effective ground on non-current carrying parts of the tool, with the exception of tools equipped with double insulation, which are approved by Underwriters Laboratories.~~

300-3-3-.04 Repealed. ~~Extension Cords. Amended.~~

~~All extension cords for lights or powered portable tools, shall be of the type specified for such uses by the USA Standard C2 National Electrical Safety Code (NBS Handbook 70-1965).~~

300-3-3-.05 Repealed. ~~Plugs and Connections on Extension Cords. Amended.~~

~~All plugs used on extension cords shall be of the non-breakable type with pins so arranged as to be dead when exposed. Screw-type connections on extension cords are prohibited.~~

300-3-3-.06 Repealed. ~~Extension Lights.~~

~~Extension lights shall have the keyless non-breakable type of sockets with no exposed metal parts. The lamp shall be protected against breakage by a guard made of non-conducting material or effectively insulated from current carrying parts.~~

300-3-3-.07 Repealed. ~~Insulating Mats.~~

~~Insulating mats shall be provided at all electrical power control boards except control boards of the "dead front" type or otherwise arranged so that contact with live current carrying parts is impossible. Such mats shall be of such size and possess such insulating qualities that under all conditions reasonable to be expected, they will afford adequate protection to persons operating or servicing the apparatus at such control boards.~~

SAFETY ENGINEERING - 3 : PLANT VEHICLES - AMENDED**300-3-5-.01 Repealed. Speeds. Amended.**

~~Plant vehicles shall not exceed speeds which are safe for the conditions present. Particular caution shall be used in moving through congested areas, blind turns or intersections, and among personnel.~~

300-3-5-.02 Repealed. Warning Signs and Mirrors. Amended.

~~Appropriate warning signs or mirrors shall be used where congestion or limited fields of vision present hazards to personnel in the vicinity of plant vehicle operations.~~

300-3-5-.03 Repealed. Unattended Vehicles.

~~Operators shall not leave a plant vehicle unattended unless the brakes have been set, the controls neutralized, and the power shut off. Vehicles equipped with forks or clamps shall have such forks or clamps tilted downward in the lowest position.~~

300-3-5-.04 Repealed. Refueling Plant Vehicles.

~~Refueling of plant vehicles shall be done outside of plant buildings unless a special area with suitable fire resistance characteristics, is provided for such work. Engines must be stopped during a refueling operation.~~

300-3-5-.05 Repealed. Operators.

~~Only persons who are adequately trained and are authorized to operate plant vehicles shall be permitted to do so.~~

SAFETY ENGINEERING - 3 : ESCALATOR AND ELEVATOR RULES**300-3-6-.01 Repealed. Adoption by Resolution.**

~~(1) ASME A17.1, 2007 Edition, American National Standard Safety Code for elevators, escalators, dumbwaiters, moving walks, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Council of the Standard. Copies may be obtained from the American Society of Mechanical Engineers, 22 Law Drive, Box 2300, Fairfield, NJ 07007. The State amendments to this Code are as follows:~~

~~Note - Except for Testing and Inspection Requirements, Existing Hydraulic Jack Requirements and QEI Requirements. See Section 300-3-6-.14.~~

~~Exception taken to all references to ASME A17.7 within ASME A17.1, 2007 Edition.~~

~~(Section 1.2.1 Purpose (b) & (c).)~~

~~(2) ASME A17. 2, 2007 Edition of the Inspector's Manual for Elevators, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See no. (1) to order copies)~~

~~(3) ASME A17.3, 2005 Edition of the Safety Code for Existing Elevators and Escalators, with such revisions, amendments, and interpretations thereof as are made, approved and adopted by the Standards Committee. (See No. 1 to order copies.)~~

~~(4) ICC/ANSI A117.1 2003 Edition, American National Standard for Building and~~

~~Facilities, Providing Accessibility and Usability for Physically Handicapped People and Rules 120-3-20 as approved by the State Fire Marshal's office. Copies may be obtained from the State Fire Marshal's office. (See note)~~

~~Note—ICC/ANSI A117.1, Section 409 is a recommended Standard only. Exception taken to Section 407.4.6.2.2.~~

~~(5) ASME B20.1, 2006 Edition of the Safety Standards For Conveyors and related equipment with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee.~~

~~(6) ANSI A90.1, 2003 Edition of the Safety Standards for Manlift, with such revisions, amendments and interpretations thereof as are made, approved, and adopted by the Standards Committee. (See No. 1 to order copies.)~~

~~(7) ANSI A10.4, 2004 Edition and ANSI A10.5, 2006 Edition for the Safety Requirements for Personnel Hoists and Employee Elevators used for construction and demolition and Safety Standard for Construction Hoist, with such revisions, amendments, and interpretations thereof as are made, approved, and adopted by the Council of the Standard. (See no. (1) to order copies)~~

~~(8) National Electrical Code, State-adopted Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the National Fire Protection Association, 1 Battery March Park, Post Office Box 9101, Quincy, MA 02269.~~

~~(9) The International Building Code, State approved Edition, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. Copies may be obtained from the Southern Building Code Congress International Inc., 900 Montclair Road, Birmingham, AL 35213-1206.~~

~~(10) NFPA Section 101, Life Safety Code, State adopted Edition of the National Fire Protection Association, with such revisions, amendments and interpretation thereof as are made, approved and adopted by the Standards Committee. (See No. 9 to order copies.)~~

~~(11) ASME A18.1, 2005 Edition of the Safety Standard for Platform Lifts and Stairway Lifts, with such revisions, amendments and interpretations thereof as are made, approved and adopted by the Standards Committee. (See No. 1 to order.)~~

300-3-6-.02 Repealed. Definitions.

~~(1) Accident means an unplanned or unscheduled event that results in property damage and/or personal injury.~~

~~(2) Act is the Georgia Laws Regulating Escalators and Elevators.~~

~~(3) Approved means that which is acceptable to the Department.~~

~~(4) Board is the Advisory Committee as described in Section 8-2-109 of the Act.~~

~~(5) Certified Inspector is an inspector, by reason of experience and knowledge, considered qualified by the Department. The minimum experience shall be established by these rules. Knowledge shall be evidenced by approved written and oral examinations, acceptable to and administered by the Department.~~

~~(6) Department is the Georgia Department of Labor.~~

~~(7) Dormant Elevator means an elevator that is intact and on the premises and the equipment is entirely disconnected in an approved manner.~~

~~(8) Elevators as used in these Rules means, Elevators, Escalators, Dumbwaiters, Manlifts,~~

~~Movingwalks, or Wheelchair Lifts, where the Rule is applicable in accordance with the adopted Codes and Standards.~~

~~(9) Hand powered one-man elevator is an elevator having a car platform area of not more than five square feet and a rated load of not more than three hundred pounds and which is operated from the car only by pulling on a stationary rope located in the hoistway and passing through or adjacent to the car platform. It is for the exclusive use of certain designated operating and maintenance employees and installed in a grain or feed mill or similar structure not accessible to the general public.~~

~~(10) Inspection means the official determination by a certified inspector of the condition of all parts of the equipment on which the safe operation of an elevator depends.~~

~~(11) Personnel Hoist is those elevators used during construction to carry workers. Such elevators are temporary and shall not become a permanent part of the structure.~~

~~(12) Personal Injury, as used in O.C.G.A. 8-2-106(a), means bodily injury, sickness, or disease sustained by any person by reason of the operation or malfunction of an elevator, escalator, manlift moving walk or power dumbwaiter, including death at any time resulting therefrom. Personal Injury does not include false arrest, detention, imprisonment, confinement, slander, libel, violation of privacy or any mental disease, disability or disorder not accompanied by physical injury at the time of the incident.~~

~~(13) Property Damage, as used in O.C.G.A. 8-2-106(b), means physical injury to, or destruction of tangible property to the structure or operational parts (including safety equipment and devices) of an elevator, escalator, manlift, moving walk or power dumbwaiter, sustained by reason of accident or malfunction, other than routine wear and tear.~~

~~(14) Special Purpose Personnel Elevator is an elevator permanently installed to provide vertical transportation of authorized personnel. Such elevators are typically installed in Grain Elevators, Radio Antennas and Bridge Towers.~~

~~(15) Standard means American Society of Mechanical Engineers' Safety Code for Elevators, Manlifts, Dumbwaiters and Moving Walks A17.1 1993, with such revisions, amendments, and interpretations issued and adopted by the American Society of Mechanical Engineers.~~

~~(16) Temporary Inspection is the inspection by a certified inspector of an elevator to be used on a temporary basis.~~

~~(17) Elevator Contractor—Any person, firm, or corporation who possesses an "Elevator Contractor's Certification" in accordance with the provisions of Section 300-3-6-.21 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance equipment covered by this chapter.~~

~~(18) Elevator Mechanic—Any person who possesses an elevator mechanic certification in accordance with the provisions of Section 300-3-6-.21.~~

~~(19) Certification, Elevator Contractor (Class I)—A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Department to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.~~

(20) ~~Certification, Elevator Contractor (Class II)~~—A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by this Department to possess this type of Certification. It shall entitle the holder thereof to engage in the business of servicing, testing, repairing or maintaining elevators or related conveyance equipment covered by this Chapter.

(21) ~~Certification, Elevator Contractor, Limited (Class III)~~—A certification issued to an elevator contractor who has proven qualifications and ability, and who has been authorized by the Department to possess this type of Certification. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing or maintaining residential elevators, platform lifts and stairway lifts.

(22) ~~Certification, Elevator Mechanic (Class I)~~—A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Department to work on conveyance equipment. It shall entitle the holder to install, service, repair, test, maintain and perform electrical work on elevators or related conveyance equipment covered by this Chapter. To be effective January 1, 2005.

(23) ~~Certification, Elevator Mechanic (Class II)~~—A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Department to work on conveyance equipment. It shall entitle the holder to service, repair, test and maintain elevators or other conveyance equipment covered in this Chapter. The Class II Mechanic shall be employed by a Class II Elevator Contractor or owner user. To be effective January 1, 2005.

(24) ~~Certification, Elevator Mechanic (Class III)~~—A certification issued to a person who has proven qualifications and ability, and who has been authorized by the Department to work on residential elevators, platform lifts and stair lifts. It shall entitle the holder to install, alter, service, repair, test, maintain and perform electrical work on residential elevators, platform lifts and stair lifts. To be effective January 1, 2005.

(25) ~~Private Residence~~—A single unit of a multiple unit facility or a detached dwelling designed for, inhabited by, accessible to only one person or that person's family.

(26) ~~LULA Elevator~~—A passenger elevator limited in size, capacity, travel and speed. These elevators shall comply with ASME A17.1, Section 5.2 (Capacity, Speed, Travel, Etc.) and CABO/ANSE A117.1, Section 407.4 (Car Size, Power Operation, Signal Location, Etc.).

300-3-6-.03 ~~Repealed. Jurisdiction Numbered Tags.~~

(1) ~~A jurisdiction numbered tag shall be furnished and shall be permanently attached on or near the elevator or dumbwaiters crosshead by the State Deputy Inspector. (2) On elevators or dumbwaiters without a crosshead, jurisdiction tags shall be attached to the equipment on the car top. Elevators or dumbwaiters without car tops, escalators, manlifts, movingwalks or wheelchair lifts, the jurisdiction tag shall be attached on or near the control panel.~~

300-3-6-.04 ~~Repealed. Qualification of Inspectors.~~

(1) ~~All persons inspecting elevator equipment shall be tested for compliance with the Georgia Laws Regulating Escalators and Elevators and shall be certified inspectors.~~

(2) ~~All persons eligible for certification by the Department must have a minimum of two~~

years experience in the installation, repair, maintenance or inspection of elevators and pass the written and oral examination given by the Department.

(3) All private inspection firms inspecting elevators in the State of Georgia shall have a minimum of \$500,000 general liability insurance issued by a company acceptable to the Department.

(4) All private inspection firms certified by the Department to inspect elevators, shall provide the Georgia Department of Labor a copy of a signed contract for each inspection location. Existing locations shall be exempted from the contract requirements. The contract shall give the initial inspection date and expiration date.

300-3-6-.05 Repealed. Responsibility of Elevator Operations and Maintenance.

(1) The person, firm or corporation installing, repairing, relocating or altering an elevator shall be responsible for its safe operation, test and maintenance until the elevator is inspected and approved by a certified deputy inspector.

(2) The owner of the equipment shall be responsible for the safe operation and proper maintenance of the elevator. Maintenance records required by the Maintenance Control Program shall be maintained at the location for a period of three (3) years, with the exception of the five (5) year testing, which will be kept for five (5) years. The records shall contain, but not be limited to, all tests, inspections and other maintenance duties referred to in the latest adopted version of ASME A17.1. The records that are kept in electronic format shall have a printed copy as part of this program.

(3) The holder of the operating permit shall be responsible for all "Periodic Tests", and Code compliance.

(4) The company holding a temporary operating permit shall be responsible for the safe operation and maintenance of the elevator during the period that the temporary operating permit is in force.

(5) All operating permits shall be posted in the elevator car or a sign shall be posted in the car or in the elevator lobby, in a conspicuous location, stating where the permit is located on premises. Operating permits for other equipment shall be posted on or near the control panel or a sign stating where the permit is located.

(6) A Certificate of Inspection shall be placed inside each elevator in a conspicuous location, in a permanently mounted frame with a clear glass or plastic removable cover. The frame shall be sized to provide full visibility of a 2 1/2" x 3" certificate. The cover shall be secured by one or more tamper resistant "star" screws. The Inspection Certificate shall be signed and dated for each inspection, by the authorized inspector and replaced at each succeeding inspection. The Inspection Certificate is required in addition to the operating permit. On all other equipment (dumbwaiters, escalators, etc.) the Inspection Certificate shall be placed in a location where it will be visible to the users of the equipment.

(7) All companies performing escalator and moving walk maintenance repair shall have trained personnel and equipment for measuring the "Performance Step Index" on or before January 1, 2003.

300-3-6-.06 Repealed. Reporting of Accidents. Amended.

(1) All incidents involving Personal Injury or Property Damage sustained by reason of the operation or malfunction of an elevator, escalator, manlift, moving walk or power dumbwaiter,

including death shall be reported by the owner, operator, lessee, or Maintenance Company as follows:

(a) For incidents in which actual Personal Injury or Property Damage is observed or reported by the owner, operator, lessee, or maintenance company at the scene at the time of the incident, immediately by telephone to the Department on the same day or by noon the next business day. The elevator, escalator, manlift, moving walk, or power dumbwaiter involved shall be taken immediately out of service unless otherwise advised (see subparagraph (2) below).

(b) For all other incidents becoming known as the owner, operator, lessee, or maintenance company not at the scene at the time of the incident (including belated reports of Personal Injury after the person alleging injury has departed the scene without notifying the owner, operator, lessee, or maintenance company) by telephone not later than noon the next business day after the incident becomes known to the owner, operator, lessee, or maintenance company. The elevator, escalator, manlift, moving walk, or power dumbwaiter involved shall be taken immediately out of service unless otherwise advised (see subparagraph (2) below).

(c) For all incidents, the owner, operator, lessee shall file a written report, including witness statements, within seven days of the date of the incident or of the date the incident became known to the owner, operator, lessee, or maintenance company, whichever is later.

(2) Upon receiving a telephonic report, the Department may at its discretion determine whether or not to investigate an incident. At the time of the report, the Department shall inform the owner, operator, lessee, maintenance company, or agent reporting the incident whether the Department will be investigating and when the elevator, escalator, manlift, moving walk or power dumbwaiter involved may be repaired or put back in service. In its discretion, the Department may require a telephonic conference with the repair technician or Maintenance Company prior to making a decision to investigate an incident.

(3) All telephonic and written reports for accidents involving personal injury shall include the name(s), address and injuries of the person(s) injured.

300-3-6-.07 Repealed. New, Altered or Relocated Elevators.

The installation of a new, altered, or relocated elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift or chair lift shall not begin until a construction permit has been issued by the authority having jurisdiction for the elevators in the installation area. The equipment shall not be placed into service until it has been inspected, all acceptance tests have been successfully completed in the presence of a certified deputy inspector and all violations have been resolved to the satisfaction of the deputy inspector.

300-3-6-.08 Repealed. Temporary Use of Permanent Elevators During Construction.

(1) An elevator contractor may request a temporary operating permit to allow the use of a passenger or freight elevator before its completion for carrying workmen, authorized personnel or materials. Such elevator shall not be used until it has been inspected and approved by a certified deputy inspector and the required fee has been paid. The operating permit shall be issued for a period not to exceed ninety days. Renewals may be granted at the discretion of the Department, and upon inspection by a certified deputy inspector.

(2) Personnel Hoist Used During Construction.

- (a) Personnel hoist shall be installed and maintained in accordance with the latest accepted edition of the American National Standard A10.4 or the latest edition of the Rules adopted by the Commissioner.
- (b) An operating permit shall be required. Double cage units on a common tower shall require an operating permit for each cage.
- (c) Personnel hoist used during construction shall be inspected every ninety days and after each jump, by a certified deputy inspector.

300-3-6-.09 Repealed. Existing Freight Elevators.

- (1) Existing freight elevators shall comply with the following descriptions:
- (a) Freight elevators with operating stations in the car, which allows personnel to ride shall comply with A17.3.
- (b) Material Lifts that do not allow personnel to ride and does not have an operating station in the car, shall comply with B20.1.

300-3-6-.10 Repealed. Notice of Hearing and Penalties.

- (1) Issuance of Citation or Notice of Administrative Proceeding:
- (a) If upon inspection by an inspector or deputy inspector;
1. An elevator, escalator, dumbwaiter, manlift, or moving walk is deemed to be in an unsafe condition;
 2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or Rules, or
 3. When a written warning has been issued and the violation continues, then the deputy inspector shall issue the violator a citation stating the date, time and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.
- (b) If upon receiving information from any source, the Chief Inspector determines that there is a reasonable belief that:
1. An elevator, escalator, manlift, dumbwaiter, or moving walk may be in an unsafe condition;
 2. The owner, operator, user, contractor, or installer has not complied with the Elevator Law or these Rules, or
 3. When a warning has been issued, the violation is a continuing violation, the Chief Inspector or the Director, Safety Engineering, on behalf of the Department, may issue Notice of Administrative Proceeding stating the date, time, and place of the violation, the specific violation, the recommended penalty, and shall offer the respondent the opportunity for a hearing as set forth in this section.
- (c) The Director, Safety Engineering, upon review of a citation issued under subsection (a) above, may, in his sole discretion, dismiss the citation and substitute therefore a Notice of Administrative Proceeding pursuant to subsection (b) above on the same, similar, or different violation, as required by the evidence.
- (d) The Commissioner of Labor, upon review of a Citation or Notice of Administrative Proceeding, in his sole discretion, may refer the matter to the appropriate prosecuting official for criminal or injunctive relief as permitted under law. In such event, the

Commissioner may, in his sole discretion, elect to dismiss, suspend, or continue with the civil penalty proceeding.

(2) Hearing Procedure:

(a) If request for a hearing is not received from the respondent within the allotted time, the Director, Safety Engineering, on behalf of the Commissioner, may without further process impose a civil penalty not greater than the total of civil penalties set forth on the citation or in the Notice of Administrative Proceeding. An administrative order under the authority of the Commissioner may be issued to collect the civil penalty assessed. If the civil penalty is not paid, the Commissioner may authorize the Director to file appropriate legal action in the name of the Commissioner through the Attorney General to collect the civil penalty.

(b) Upon receipt of a request for a hearing pursuant to any Citation or Notice of Administrative Proceeding, the Director, Safety Engineering, shall determine, in his sole discretion, whether the hearing shall be held before the Commissioner of Labor or referred to the Office of State Administrative Hearings. If the hearing is to be before the Commissioner, the Director shall set a date and time for the hearing and shall cause the case file to be referred to the Attorney General for legal representation of the Department. If the Director determines that a hearing before the Commissioner is not warranted, the matter shall be referred to the Office of State Administrative Hearings pursuant to O.C.G.A. § 50-13-41(a)(1). The case file for an OSAH proceeding may be referred to staff counsel within the Department or to the Attorney General for representation of the Department. The Office of State Administrative Hearings will set the date, time and place of the hearing as prescribed by OSAH Rules.

(c) All hearings, whether before the Commissioner or before the Office of State Administrative Hearing, shall be subject to the powers and procedures set forth in the Administrative Procedure Act, including but not limited to O.C.G.A. § 50-13-13 and § 50-13-15.

(d) The decision of an Administrative Law Judge made after a hearing before the Office of State Administrative Hearings shall be initial agency decision as set forth in O.C.G.A. § 50-13-41(d) and shall be subject to review by the Commissioner, Department of Labor, as set forth in O.C.G.A. § 50-13-41(e). A hearing before the Commissioner shall be the final agency decision in the matter and shall be subject to judicial review as set forth in O.C.G.A. § 50-13-19.

(3) Guidelines for Imposition of Civil Penalties:

(a) Any person, firm, partnership, corporation or other business entity, which violates this part, shall be subject to the imposition of civil penalties. Each day on which a violation occurs shall constitute a separate offense. Repeat offenders, whom a violation occurs, shall constitute a separate offense. Repeat offenders, including those who refuse to adhere to orders of the inspectors, exceed the limitations of operating permits, or refuse to adhere to the requirements of these rules and regulations, may be referred appropriate prosecuting official for criminal (misdemeanor) or injunction relief as permitted under law. Serious violations, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may also be referred appropriate prosecuting official for criminal (misdemeanor) or injunctive relief as permitted under law.

~~(b) Notwithstanding the recommended minimum penalties set forth below, a serious violation, including those causing serious bodily injury or death, or which exhibit gross negligence or serious disregard for public safety, may receive the maximum penalty of \$5,000.00 for each violation including a first offense. The imposition of a penalty for a violation of this part shall not excuse the violation or permit it to continue.~~

~~(c) The deputy inspector issuing a Citation shall, at the time of issuance, specify a recommended civil penalty amount for each specific violation in accordance with these Rules and Regulations. The Director is charged with the responsibility to insure that recommended penalties for violations are graduated with the more serious violations receiving the heavier penalty and with assuring uniformity of recommended penalties such that offenders in similar circumstances with similar violations receive similar penalty recommendation. In this regard, the Director may dismiss a Citation and issue a Notice of Administrative Proceeding solely for the purpose of making an appropriate penalty recommendation.~~

~~(d) The recommended civil penalty set forth in the Citation or Notice of Administrative Proceeding shall be given great deference by the Hearing Officer. The *minimum* recommended penalties set forth below is normally for the first offense with only one violation being cited. The Hearing Officer shall, after hearing the case, consider factors in mitigation of the violation as well as those in aggravation. The Hearing Officer shall impose a penalty less than the recommended *minimum* penalty only upon finding unusually signification mitigating factors, and shall set forth those factors in the order. The Hearing Officer may impose a penalty substantially greater than the Department's recommended penalty upon finding signification aggravating factors associated with violations, and shall set forth those factors in the order. The Hearing Officer shall consider the provision of these Rules and Regulations guiding the assessment of penalties. In particular, the Hearing Officer shall, in cases involving structural damage, bodily injury, or death; or continued operation after an unsafe condition is detected or after the equipment is taken out of service by an inspector or deputy inspector, consider the imposition of separate penalties for each day of violation. The Hearing Officer shall not assess a penalty exceeding \$5,000.00 for each violation and each day of violation.~~

~~(e) The Hearing Officer may, in addition to a civil penalty, recommend in the order that the Commissioner suspend for a period of time or indefinitely, operating certificate, permits to install, or certificates for contractors.~~

~~(4) Minimum recommended penalties:~~

~~(a) Specific violations:~~

~~1. Operating equipment without an operating certificate. (O.C.G.A. § 8-2-103)~~

~~First offense \$250.00~~

~~Second offense \$500.00~~

~~2. Operating equipment in an unsafe condition. (O.C.G.A. § 8-2-101)~~

~~First offense \$500.00~~

~~Second offense \$1000.00~~

~~3. Failure to permit access for the purpose of inspecting or investigating equipment.~~

~~(O.C.G.A. § 8-2-102)~~

~~First offense \$500.00~~

~~Second offense \$1000.00~~

- 4. Failing to notify the Chief Engineer of any accidents involving structural damage or injury as defined in the definition section. (O.C.G.A. § 8-2-106)
 First offense \$500.00
 Second offense \$1000.00
- 5. Failing to notify the Chief Engineer of an accident, which involves death. (O.C.G.A. § 8-2-106)
 \$5000.00
- 6. Placing unit back in service, which has been Red Tagged and placed out of service by a deputy inspector, without first having the unit inspected. (O.C.G.A. § 8-2-102)
 First offense \$1000.00
 Second offense \$2500.00
- 7. Placing unit back in service, which has been involved in an accident prior to first has the unit inspected or otherwise cleared. (O.C.G.A. § 8-2-106, Rule 300-3-6-.06)
 First offense \$1000.00
 Second offense \$2500.00]
- 8. Turning equipment over for use without a final acceptance inspection. (O.C.G.A. § 8-2-101)
 First offense \$500.00
 Second offense \$1000.00
- 9. Installing equipment without a permit. (Rules 300-3-6-.07 & .21)
 First offense Double Permit Fee
 Second offense..... Triple Permit Fee
- 10. Inspecting without qualifications. (300-3-6-.21)
 First offense \$500.00
 Second offense \$1000.00
- 11. Using construction elevators or personnel hoist without first obtaining a permit or receiving an inspection. (Rule 300-3-6-.21)
 First offense Double permit fee
 Second offense Triple permit fee
- (b) General Violations:
 - 1. Violating adopted Codes, Standards, Rules, Regulations or Order. (Rule 300-3-6-.01)
 First offense \$250.00
 Second offense \$500.00
 - 2. Certified company performing an activity, which violates the law or regulations.
 Any Offense \$2500.00 and
 Suspension of Certificate
 - 3. Any third repeated offense might subject the violator to the maximum civil penalty permitted under the Act (\$5000.00).

300-3-6-.11 Repealed. Discontinuance of Operation.

- (1) A certified inspector may seal an elevator out of service and void the operating permit if any of the following conditions exist: (a) The holder of the operating permit fails to pay the required fee.
- (b) The holder of the operating permit fails to report an accident as required by these Rules.
- (c) Continued use of the elevator presents immediate danger to the user or people

exposed to the hazards of the elevator.

(d) The holder of the operating permit fails to comply with Safety Act, Rules, or Codes and Standards within the specified time on the inspection report

300-3-6-.12 Repealed. Dormant Elevators and Escalators and Escalators Temporarily Placed Out of Service.

- (1) An elevator which is inactive for one year, or as removed from service by the owner/user shall be classified as a dormant elevator and placed out of service in accordance with A17. 1 Definition Section for "Installation place out of service".
- (2) Before a dormant elevator can be placed in service it shall be inspected by a certified deputy inspector and shall conform to requirements of the applicable standard.
- (3) Owner who places elevators in dormant status shall notify the Department within 10 days of the change in status.
- (4) Escalators shall not be used as stairs in any location. They will be barricaded with a secure barricade at both the top and bottom landing when temporarily shut down for any reason.

300-3-6-.13 Repealed. Fees. Amended.

(1) Fees and civil penalties required under the law or these rules and regulations shall be paid by money order, cashier's check, certified check, or banking institution official check made payable to:

Georgia Department of Labor
Safety Engineering Section
1700 Century Circle
Suite 100
Atlanta, Georgia 30345

(2) Fees shall be paid in accordance with the following schedule:

(a) Certification — Examination:

- 1. Inspector \$60.00
- 2. Elevator Mechanic \$60.00

(b) Certification — Annual:

- 1. Inspector \$25.00
- 2. Class I Elevator Contractor \$300.00
- 3. Class II Elevator Contractor \$200.00
- 4. Class III Elevator Contractor \$100.00

(c) Certification — Bi Annual Renewal:

- 1. Elevator Mechanic \$25.00

(d) Installation Permits:

- 1. Passenger or Freight base price, per unit \$400.00
- Plus, each opening \$15.00
- 2. Dumbwaiters and material lifts, per unit \$250.00
- 3. Escalator, per unit \$250.00
- 4. Workmen's hoist, initial inspection, per unit \$250.00
- 5. Workmen's hoist, tower rise, per jump \$150.00

- 6. Private residence inclined lifts and elevators \$250.00
- 7. Belt Manlift \$250.00
- 8. Special purpose personnel elevators and wheelchair lifts, per unit \$250.00

(e) One acceptance inspection and the operating permit fees are included in the installation permit fee. All additional inspections shall be at two hundred fifty (\$250.00) dollars per inspection. Elevator Construction Permits shall expire two (2) years from the date of issue, if the permit has shown no action. Elevator Construction Permit Certificates shall expire no more than six (6) months from the date of completion of the permit. If the permit is open more than two (2) years with no action, it will therefore be cancelled.

(f) Major Alteration Permits:

- 1. Each Alteration — One item as outlined in the Standard, per unit \$120.00
- 2. Each additional alteration as outlined in the Standard, per unit \$30.00
- 3. Maximum alteration fee, per unit \$300.00

(g) The acceptance inspection fee is included in the major alteration permit fee. The alterations acceptance inspection will not change the normal inspection or the operating permit due date. Additional inspections shall be at the rate of two hundred fifty dollars (\$250.00) per inspection.

(h) Operating Permit:

- 1. Operating permit — one year, price per unit \$65.00
- 2. Temporary operating permit, per unit \$65.00

(i) Inspection by a certified inspector of the Department:

- 1. Initial inspection of a temporary elevator, per unit \$200.00
- 2. Periodic inspection of a temporary elevator used during construction, per unit \$50.00
- 3. Periodic inspection, per unit \$40.00

(j) Appeal hearings before the Board, per Appeal \$500.00

(k) All routine inspections of elevators and escalators and the operating certificate shall be invoiced annually with or at the time of the permit to operate is mailed.

(3) The department may provide services or perform inspections not otherwise specified in the fee structure. The charge for this service shall be at the rate of \$250.00 per visit, per elevator.

300-3-6-.14 Repealed. Existing Installation (General).

- (1) The minimum requirements for regular maintenance and safety practices for existing elevators as provided for in the Safety Act and Rules. All existing features or components of the elevator shall comply with the Rules as adopted by the Commissioner.
- (2) All existing elevators having a travel of more than 25' 0" shall have "Fire Emergency Service" complying with ASME A17.1 1987 Edition as a minimum.
- (3) Elevator cab alterations or modifications shall comply with paragraph 300-3-6-.15(5)
- (4) A permanent decal or metal tag shall be affixed to the lift equipment, required to be tested by Section 1000 of the Standard. This decal or tag shall be affixed to the affected

equipment when new installations, alterations, or periodic tests are conducted, as required by the Standard. This decal or tag must indicate the date of the test, and the name of the person or firm which performed the test and type of test performed. A decal will not be acceptable when the Standard requires a metal tag. At the time of new installation, alteration, or periodic tests, additional data shall be provided to the building owner or his representative. This document shall include the date of the test, the name of the person or firm conducting the tests and all pertinent data relating to the test.

(5) Elevator inspection and test shall be in accordance with Appendix N, Table N1.

(Except for residence elevators.)

(6) Existing Hydraulic Elevators are exempted from the requirements of 8.6.5.8 unless the cylinder is replaced.

(7) Existing escalators shall meet the Performance Step Indexing requirements of ASME A17.3, Rule 5.1.11 within two (2) years of the effective date of this Rule revision.

(8) State Elevator Inspectors are not required to meet 8.11, QEI-1 requirements.

(9) Existing passenger elevators shall meet the Restricted Opening of Hoistway Doors or Car Doors as required by ASME A17.3, Rule 2.7.5 within two (2) years of the effective date of this Rule revision.

300-3-6-.15 Repealed. Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts).

Existing special purpose personnel elevators, and wheelchair lifts shall meet A17.1 Elevator Code.

300-3-6-.16 Repealed. Existing Installations—Belt Manlifts.

All existing belt manlifts shall meet A17.1 Elevator Code.

300-3-6-.17 Repealed. Existing Installations—Side Walk Elevators.

All existing side walk elevators shall meet B20.1 for material lifts.

300-3-6-.18 Repealed. Existing Installations—Dumbwaiters.

All existing dumbwaiters shall meet A17.1 for dumbwaiters.

300-3-6-.19 Repealed. New Installation (General).

(1) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(2) Certified Inspectors shall use the latest adopted edition of the ASME A17.2 inspectors manual with such revision, amendments, and interpretation.

(3) All new elevators machine rooms shall not have sprinklers in these rooms if they are separated from the building with a minimum of a two hour fire separation and have smoke detectors in accordance with NFPA. If these rooms do not have the two hour minimum fire separation they shall have sprinkler protection conforming to the requirements NFPA and shall be provided with means to automatically disconnect the

main power supply to the affected elevator prior to the application of water as required by ASME A17.1. The machine room door shall swing outward from the machine room. Elevator machine rooms must have conditioned air (heated and cooled) to maintain a temperature range between 55 and 90 degrees Fahrenheit, with a maximum relative humidity of 85%.

(4) All new elevators shall have a Fireman Emergency Keybox. The keybox is to be a minimum 4 1/2" wide by 10 1/2" high by 3" deep. Front cover shall be hinged on the right side. Lock and key shall be uniform in all boxes using Gulf and Western Industries, Inc., Eagle, Signal Division Lock and Key, Catalogue #25460 or equivalent. Box may either be flush or recessed mounted. Front cover shall be engraved with 1/4" high letters and shall read in capitals "FIRE DEPARTMENT KEYS". Engraving shall be filled with color which will be readily conspicuous. Location of key box shall be at each bank of elevators in the lobby normally used as a place of entrance to the building. As a minimum, the keybox shall contain the key to the elevator machine room, the elevator hoistway access key, and necessary keys to operate Fireman's Emergency Return System. The key shall be given ONLY to the fire department.

(5) Material for car enclosures, enclosure linings, and floor coverings. All materials exposed to the car interior and hoistway shall be metal or shall conform to the following:

(a) Materials in their end use configuration, other than covered by the rules 204.2a(2), (3), and (4), shall conform to the following requirements:

(5) Material for car enclosures, enclosure linings, and floor coverings. All materials exposed to the car interior and hoistway shall be metal or shall conform to the following:

(a) Materials in their end use configuration, other than covered by the rules 204.2a(2), (3), and (4), shall conform to the following requirements:

(5) Material for car enclosures, enclosure linings, and floor coverings. All materials exposed to the car interior and hoistway shall be metal or shall conform to the following:

(a) Materials in their end use configuration, other than covered by the rules 204.2a(2), (3), and (4), shall conform to the following requirements:

1. Napped, Tufted, Woven Looped and similar metals shall meet vertical burn test or as specified in A17.1 Section 1104.

2. Flame spread rating of 0 to 75.

3. Smoke development of 0 to 450.

4. NFPA Chapter 101, paragraphs 6-5.1, 6-5.2.4, 6-5.3, 6-5.5, & 6-5.6.

5. Floor coverings, underlaying and adhesives shall have a critical radiant flux or not less than 0.45 W/CM as measured by ASTM E648.

(6) All new elevators shall be prohibited from providing side emergency exits as detailed in ASME A17.1 Rule 204.1j provided the elevators are in full compliance with paragraphs (8) and (9) below.

(7) All new elevators shall have the means in the elevator controller for a qualified elevator mechanic to electrically move a stalled elevator to the nearest landing. Key pads or control boxes used for this function shall be permanently installed.

(8) All elevators shall have emergency key access at all landings.

(9) Other Devices—Gravity elevators, hand elevators, incline elevators, multideck elevators, observation elevators, moving walks, material lifts and dumbwaiters with automatic transfer devices and screw column elevators shall meet the requirements of the

Codes, as references by these rules.

(10) All Hydraulic elevators shall be designed to operate at no more than 85% of the nameplate motor horsepower.

(11) All new escalators installed after January 1, 2002, shall comply with ASME A17.1-1996, 2000 Addenda.

(12) All variance requests from the law, rules or standards on new, altered or modernized elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift, or chairlift shall be reviewed by the Elevator Advisory Board Members and recommendations given to the Safety Engineering Section. These variance requests shall be submitted to Board Members by Safety Engineering staff for letter ballot by the quickest means possible, within one (1) week from the date received. Board Members shall return their votes to approve or disapprove within ten (10) days. The majority of the returned votes are to be considered the recommendation of the Board.

300-3-6-.20 Repealed. New Installation – Wheelchair Lift.

(1) All existing wheelchair lifts and stair lifts installed before January 1, 2002, including temporary installed and portable lifts shall comply with A117.1 and A17.1.

(2) All new wheelchair lifts and stair lifts installed after January 1, 2002, including temporary installed and portable lifts shall comply with A18.1 and A117. These lifts shall have sides no more than 60" tall and shall not have a top. If these lifts penetrate a floor, they shall be in a fire rated hoistway and shall comply with 300-3-6-.19(5).

300-3-6-.21 Repealed. Certificate to Perform Elevator Installations, Alterations, Repairs, Maintenance or Inspections.

(1) Elevator Contractor (Class I): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stair chairs shall apply for Certification by the Department on a form provided by the Department. They shall receive Certification prior to permitting any work or engaging in any business activity.

(2) Elevator Contractor (Class II): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of alteration, service, replacement or maintenance of elevators, dumbwaiters, escalators, moving walks, residential elevators, platform lifts, and/or stair chairs shall apply for Certification by the Department on a form provided by the Department. They shall receive Certification prior to permitting any work or engaging in any business activity.

(3) Elevator Contractor (Class III): Any persons, firms, partnerships, corporations or companies wishing to engage in the business of installation, alteration, service, replacement or maintenance of dumbwaiters, residential elevators, platform lifts, and/or stair chairs shall apply for Certification by the Department on a form provided by the Department. They shall receive Certification prior to permitting any work or engaging in any business activity.

(4) Elevator Contractor's Certification shall expire on April 1 of the year following the

year of issue.

~~(5) Qualifications of Elevator Contractor.~~

~~(a) No Certification shall be granted to any person or firm who has not proven their qualifications and abilities. Applicants for Elevator Contractor's Certification must demonstrate the following qualifications:~~

~~(b) Elevator Contractor Class I and II shall submit proof of Elevator Mechanic Certification. All Class II Elevator Contractors shall employ Class I or Class II Elevator Mechanics.~~

~~(c) Elevator Contractor Class III shall submit proof of Elevator Mechanics Certification.~~

~~(d) Elevator Contractors shall have insurance as required by Rule 300-3-6-.22.~~

~~(6) The application for Elevator Contractor Certification shall contain the following information:~~

~~(a) The Class of the Certification requested.~~

~~(b) Name and address of business.~~

~~(c) Such other information as the Department may require.~~

~~(7) The application for Elevator Mechanic shall contain the following information:~~

~~(a) Name and address of the applicant and company where employed.~~

~~(b) The Certification class requested by the applicant.~~

~~(c) The number of years the applicant has engaged in the business of installing, maintaining and/or servicing elevators, escalators and/or platform lifts.~~

~~(d) Documentation of all training or classes applicant has attended in the last year.~~

~~(e) Such other information as the Department may require.~~

~~(8) All elevator mechanics installing, altering, repairing, maintaining, or servicing elevators, escalators, moving walks, dumbwaiters, material lifts, residential elevators, wheelchair lifts and chair lifts after January 1, 2006 shall have a "Certificate of Authorization" issued by the Department.~~

~~(9) Approval of training programs for Certification and Recertification of elevator mechanics.~~

~~(a) The Elevator Advisory Board shall review and approve all certification and recertification programs. The Georgia Department of Labor shall prepare a testing program. If the certifications and the Georgia Department of Labor testing program have not been reviewed and approved by the Elevator Advisory Board before January 1, 2006, all requirements covered in Rule 300-3-6-.21(8) through 300-3-6-.21(14) shall be null and void.~~

~~(10) Renewal applications. Applicants renewing their Certification shall provide the following information:~~

~~(a) Certification number.~~

~~(b) Documentation of training, certification and classes successfully completed in the previous year [eight (8) hours minimum], including Code updates using a pre-approved or recognized training program.~~

~~(11) Qualification of Class I Elevator Mechanic.~~

~~(a) Certification shall be granted to any person with a minimum of three (3) years experience and who is employed by a company holding a State Certification and has proven their qualifications and abilities. Applicants must demonstrate the following qualifications:~~

(b) Certificate(s) of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, Certified Elevator Technician Program or the equivalent of an apprenticeship program for the elevator mechanics registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a State Apprenticeship Program.

(c) Any person who furnishes the Department with acceptable proof they have worked as an elevator constructor, maintenance person, or repair person may, upon making application for Certification and paying the fee, be entitled to receive a Certification without an examination at the discretion of the Department. They shall have worked under direct and immediate supervision of an elevator contractor certified to do business in this state. The person must make application within one (1) year of the effective date of these Rules and Regulations.

(d) A Certification may be issued to an individual holding a valid Certification or License from a state having a standard substantially equal to those of this Chapter.

(12) Qualification for Class II Elevator Mechanic.

(a) Same as (11)(a).

(b) The mechanic shall provide documentation proving they have been trained in the service, repair and maintenance of the equipment they will be working on.

(c) Same as (11)(c).

(d) Same as (11)(d).

(13) Qualification for Class III Elevator Mechanic.

(a) Same as (11)(a).

(b) Same as (11)(b).

(c) Same as (11)(c).

(d) Same as (11)(d).

(14) Issuance and Renewal of Certification.

(a) Upon approval of a mechanics's application, the Department may issue Certification(s), all of which shall be renewed bi-annually. The Certification(s) will expire on July 1, not more than two (2) years from the date of issue.

(b) Whenever an emergency exists, and upon request, the Department may waive all requirements.

(c) A Certified Elevator Contractor shall notify the Department when there are no Certified personnel available to perform elevator work. The Certified Elevator Contractor may request the Department issue Temporary Elevator Mechanic Certifications to personnel employed by the Certified Elevator Contractor who have an acceptable combination of documented experience and education to perform elevator work. The temporary certification will expire after six (6) months. Only one (1) temporary certification will be issued per person, per company.

(d) The renewal of all Certifications granted under the provisions of this Section shall be conditional upon the submission of a certificate of completion of a course designed to ensure the continuing education of Certified Personnel. Such course shall consist of not less than eight (8) hours of instruction that shall be attended and completed within one (1) year prior to any Certification renewal.

(e) The courses shall be taught by instructors who are qualified and approved by the

Department.

~~(f) A mechanic who is unable to complete the education course required under this Section prior to the expiration of their Certification due to a temporary disability may apply for a waiver from the Department.~~

~~(15) Suspension and Revocation of Certification.~~

~~(a) A Certification issued pursuant to this Chapter may be suspended or revoked by the Department upon verification that one or more of the following exists:~~

- ~~1. Any false statement as to material matter in the application.~~
- ~~2. Violation of any provision of this Chapter.~~
- ~~3. Fraud or misrepresentation in securing a Certification.~~

~~(b) No Certification for a company or person shall be suspended, or revoked, until after a hearing before the Department upon notice to the person and/or company of a least ten (10) days at the last known address appearing on the Certification, served personally or by registered mail.~~

~~(c) Any company or person whose Certification is revoked or suspended may appeal such determination to the Department within thirty (30) days.~~

~~(d) Any company or person certified to perform an activity, who violates this part, after notice and hearing, may cause such company or person's Certification to be suspended and such company or person may receive a penalty not to exceed \$5,000.00 per violation.~~

300-3-6-.22 Repealed. Insurance Requirements.

~~(1) Class I and Class II Elevator Contractors shall submit to the Department an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.~~

~~(2) Class III Elevator Contractors shall submit to the Department an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide general liability coverage of at least five hundred thousand dollars (\$500,000.00) for injury or death of one (1) person and at least five hundred thousand dollars (\$500,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least two hundred fifty thousand dollars (\$250,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.~~

~~(3) Private Elevator Inspectors shall submit to the Department an original or certified copy of an insurance policy issued by an insurance company authorized to do business in this State to provide Professional Errors and Omissions Insurance coverage of at least one million dollars (\$1,000,000.00) for injury or death of one person and one million dollars (\$1,000,000.00) for injury or death of any number of persons in any one (1) occurrence, with the coverage of at least five hundred thousand dollars (\$500,000.00) for property damage in any one (1) occurrence and the statutory workers compensation insurance coverage.~~

~~(4) Such policies must be issued by an insurance company authorized to do business in~~

the State of Georgia by the Insurance Commissioner with a Best Policyholders rating of "A" or better and with a financial size rating of Class V or larger.

SAFETY ENGINEERING - 3 : HIGH VOLTAGE ACT

300-3-7-.01 Repealed. Applicability of the Act and These Rules and Regulations.

- (1) Work as defined in Section 32(g) of this Act is also construed to apply the construction, repair or renovation of any home, bridge, tower, signage or any lighting system.
- (2) This act also applies to any electrical contractor when they are not working for "Authorized Persons" as defined in Section 37 of the Act.
- (3) No electrical contractor with a Class 1 or Low Voltage License, as defined by Georgia's Secretary of State Licensing Board, shall perform any work closer than five (5) feet to these lines without having the high voltage lines guarded as required by the Law.

300-3-7-.02 Repealed. Authorized Persons.

- (1) An authorized and qualified person shall be understood to mean:
 - (2) Employees of the owner or operator of high voltage lines, telephone companies, and other entity covered in Section 37 of the Act with respect to the electrical circuits of their systems.
 - (3) Employees of an electrical contractor with respect to work under his supervision, only under the following conditions:
 - (a) Employees of an electrical contractor while working as a contractor or sub-contractor for the owner or operator of high voltage lines with respect to the electrical circuits of their system.
 - (b) Employees of an electrical contractor with a "Class One License", as defined by Georgia's Secretary of State, Construction Industry Licensing Board, or "Low Voltage License", as defined by Georgia's Secretary of State, Construction Industry Licensing Board, while working as a sub-contractor for telephone companies or other entities covered in Section 37(e) of the Act with respect to the electrical circuits of their system.

300-3-7-.03 Repealed. Reporting of Accidents.

All accidents involving death or personal injury requiring a doctor's care shall be reported to the owner or operator of the High Voltage Lines immediately by the person responsible for the work. The person responsible for the work shall report the accident by telephone to the Safety Engineering Section on the same day or by noon on the next work day, and shall provide a written report to the Safety Engineering Section within seven days.

SAFETY ENGINEERING - 3 : HAND TOOLS

300-3-8-.01 Repealed. Employer Responsible For Safe Condition.

Each employer shall be finally responsible for the safe condition of tools provided by employer or employees for the use of employees.

300-3-8-.02 Repealed. Employer Responsible For Selection and Use.

~~Each employer shall be finally responsible for the selection and use of hand tools which are suited by design and construction to the work to be done.~~

300-3-8-.03 Repealed. Racks and Holders Shall be Provided.

~~Racks or holders for hand tools used at benches or machinery shall be provided and used where practicable.~~

300-3-8-.04 Repealed. "Dead Man" Controls on Powered Tools.

~~All powered tools which might cause injury through continued operation should the operator lose his hold, shall be equipped with a "dead man" type of control whereby the power is automatically cut off when the operator loses his hold.~~

300-3-8-.05 Repealed. Non-Sparking Tools in Explosive-Flammable Atmospheres.

~~Non-sparking types of tools shall be used where any sparking could ignite explosive or highly flammable atmospheres.~~

SAFETY ENGINEERING - 3 : EXITS, PASSAGEWAYS

300-3-9-.01 Repealed. Passageways Shall Be Kept Clear.

~~All passageways to emergency exits shall be kept clear at all times.~~

300-3-9-.02 Repealed. Emergency Exit Doors and Windows Unlocked.

~~Emergency exit doors and windows shall be unlocked at all times while employees are working, and shall be kept in good working condition.~~

300-3-9-.03 Repealed. Number of Exits Specified — Exception.

~~Not less than two exits shall be provided for every floor or work area, including basements used for industrial purposes or uses incidental thereto, except for rooms or areas with a total capacity of less than 25 persons having direct exit to an open area outside the building at grade level, with total travel distance from any point not to exceed 50 feet.~~

300-3-9-.04 Repealed. Traffic Aisles.

~~In rooms housing operating machinery or benches at which persons work, traffic aisles shall be clearly defined, preferably with marked lines.~~

300-3-9-.05 Repealed. Floor Surfaces.

~~All floor surfaces shall be kept clean and maintained in a smooth, non-slippery condition without holes or projections such as to cause falls.~~

300-3-9-.06 Repealed. Obstruction of Passageways.

~~There shall be no obstructions across or in passageways such as to cause falls.~~

300-3-9-.07 Repealed. Safe Means of Access.

~~A safe means of access and a safe place from or on which to work, shall be provided for every overhead point to which employees are called upon to go in connection with their employment.~~

SAFETY ENGINEERING – 3 : FLOOR LOADS

300-3-10-.01 Repealed. Capacity.

~~No floor or platform shall be loaded so as to exceed its safe capacity.~~

300-3-10-.02 Repealed. Floor Load Signs Posted.

~~Floors, other than those resting directly on solid ground, shall be clearly posted to show the maximum safe floor load, when used for persons, equipment or materials under conditions that might lead to overloading.~~

SAFETY ENGINEERING – 3 : STAIRWAYS

300-3-11-.01 Repealed. Treads – Risers.

~~There shall be no variation exceeding 3/16 inch in the width of treads or in heights of risers in any flight.~~

300-3-11-.02 Repealed. Nosing on Treads.

~~Every tread less than 10 inches wide shall have a nosing or effective projection of approximately 1 inch over the level immediately below.~~

300-3-11-.03 Repealed. Nonslip Materials on Treads and Landings.

~~Where material of stair treads and landings is such as to involve danger of slipping, nonslip materials shall be provided on the tread or landing surface.~~

300-3-11-.04 Repealed. Treads Firmly Secured.

~~Treads shall be firmly secured and sufficiently strong and rigid as to be firm for all reasonable conditions of use.~~

300-3-11-.05 Repealed. Replacement of Improper Treads.

~~Broken or split treads, or treads worn so as to be uneven, shall be promptly replaced or repaired.~~

300-3-11-.06 Repealed. Proper Lighting.

~~Stairs, stairway landings and approaches shall be properly lighted during all times when use of the stairs may be expected. Lighting shall be so arranged as to be free from shadows on walking areas. An illumination level of at least 20 footcandles is recommended.~~

300-3-11-.07 Repealed. Handrails.

~~Each stairway shall be equipped with handrails in conformity to the Life Safety Code—1967 (NFPA No. 101).~~

300-3-11-.08 Repealed. Variations of Rules 300-3-10-.01 and 300-3-10-.02.

~~Minor variations from dimension requirements of Rules 300-3-10 .01 and 300-3-10 .02 are permitted on existing stairways used infrequently and not included in the emergency exit requirements for the floor or area, where such variations do not present undue hazard.~~

SAFETY ENGINEERING - 3 : LADDERS

300-3-12-.01 Repealed. Rung Spacing.

~~Rung spacing on each fixed ladder shall be uniform. This includes the space between the top rung and the landing measured vertically from the top rung.~~

300-3-12-.02 Repealed. Rungs Firmly Secured.

~~Rungs of all ladders shall be firmly secured and maintained in a sufficiently tight condition to prevent turning or other motion.~~

300-3-12-.03 Repealed. Bent Rungs Replaced.

~~Bent rungs of metal fixed ladders shall be promptly replaced or repaired.~~

300-3-12-.04 Repealed. Fixed Ladders—Clearance Back of Rungs.

~~Clearance at back of rungs of fixed ladders should be not less than six and one-half (6½") measured horizontally from any object.~~

300-3-12-.05 Repealed. Fixed Ladders Firmly Secured.

~~Fixed ladders shall be secured with sufficient firmness and in such manner that they will be free from visible motion under normal conditions of use.~~

300-3-12-.06 Repealed. Hand Holds.

~~Hand holds shall be provided at the top of each fixed ladder, so arranged that a person using same can conveniently retain a secure hold with either hand when stepping from the top rung of the ladder to the landing point or the reverse.~~

300-3-12-.07 Repealed. Cage and Ladder Climbing Safety Devices.

~~Any fixed ladder more than 20 feet in height or any fixed ladder where the fall distance can be more than 20 feet shall be provided with a cage or ladder climbing safety device.~~

300-3-12-.08 Repealed. No Fixed Ladder Shall Have a Slope Outward.

~~No fixed ladder shall have a slope outward, that is from the vertical toward the climber, unless such sloping ladder or sloping part thereof be properly caged.~~

300-3-12-.09 Repealed. Ladders in Disrepair.

~~Ladders in disrepair shall be promptly repaired or removed from use.~~

300-3-12-.10 Repealed. Rungs and Spacing Uniform.

~~Rungs and rung spacing in each portable ladder shall be uniform.~~

300-3-12-.11 Repealed. Precautions for Portable Straight Ladders.

~~In the use of portable straight ladders, practicable precautions shall be used to prevent slipping of the feet of the ladder.~~

~~300-3-12-.12 Repealed. Stepladders Shall be Equipped With Spreaders.~~

~~Every stepladder shall be equipped with a spreader of a type that locks when the ladder is opened, to hold it securely in the open position.~~

SAFETY ENGINEERING - 3 : HANDLING OF MATERIALS

~~300-3-13-.01 Repealed. Manual Loads Limited.~~

~~Weights of loads which are lifted or carried manually, shall be limited so as to avoid strains or undue fatigue.~~

~~300-3-13-.02 Repealed. Overloaded Hooks Shall be Replaced.~~

~~Load hooks on hoists, which have been overloaded so as to excessively open the throat dimension of the hook, shall be replaced promptly.~~

~~300-3-13-.03 Repealed. Monorail Hoists.~~

~~Monorail hoists shall not be used to move an object by side pull except for equipment which has been specifically designed to handle such loadings.~~

~~300-3-13-.04 Repealed. Monorail Hoist Stops.~~

~~Monorail hoists shall be equipped with rail stops of sufficient height and strength to stop the trolley at the ends of monorail.~~

~~300-3-13-.05 Repealed. Hoist and Crane Brakes.~~

~~Hoists and cranes shall be equipped with brakes or other equipment capable of sustaining one and one-half (1½) times the rated load.~~

~~300-3-13-.06 Repealed. Hoist and Crane Limit Switch.~~

~~Hoists and cranes shall be equipped with limit switches to restrict the vertical movement of the load hook to proper limits.~~

~~300-3-13-.07 Repealed. Unattended Cranes Must Have Controls Off.~~

~~When a crane which is operated from an elevated operator's cage, is to be unattended, the operator shall place all controls in the off position and open the main switch.~~

~~300-3-13-.08 Repealed. Loads Shall Not Be Carried Over Personnel.~~

~~Loads supported by cranes or hoists shall not be carried over personnel.~~

~~300-3-13-.09 Repealed. Operators Shall Be Qualified and Authorized.~~

~~Cranes or hoists shall only be operated by qualified, authorized personnel.~~

~~300-3-13-.10 Repealed. Safety Belts and Lines — Personnel Working In Bins, Silos, Etc.~~

~~Personnel working in bins, silos, etc., containing bulk materials, shall be equipped with life belts and lines. A watcher shall be stationed with the sole duty of tending the lines and observing persons within the bin.~~

SAFETY ENGINEERING – 3 : STORAGE OF MATERIALS

300-3-14-.01 Repealed. Stacking of Materials.

~~Materials shall be so stacked that the stack will not fall and so that materials will not fall from stacks.~~

300-3-14-.02 Repealed. Storing in Overhead Locations.

~~Materials that are stored in overhead locations shall be secured so they will not fall on persons below.~~

300-3-14-.03 Repealed. Storage Space Shall be Marked.

~~Space in workrooms, reserved for inactive storage, shall be clearly marked. No inactive storage shall be allowed elsewhere in workrooms.~~

300-3-14-.04 Repealed. Hazardous Material Storage and Labeling.

~~Hazardous materials, such as acids, caustics, solvents, shall be stored in approved containers clearly labelled to identify the contents. Quantities within workrooms shall not exceed those permitted under regulations of the State Fire Marshal.~~

SAFETY ENGINEERING – 3 : PERSONAL PROTECTIVE EQUIPMENT

300-3-15-.01 Repealed. Protection of Eyes.

~~Goggles, protective spectacles, of equivalent protection suited to conditions shall be provided and used by all employees doing work of a nature such that the eyes may be endangered.~~

300-3-15-.02 Repealed. Protection From Welding, Cutting or Burning Operations.

~~Protective equipment suited to conditions shall be provided for and used by workers exposed to harmful rays from welding, cutting or burning operations.~~

300-3-15-.03 Repealed. Protection From Burns and Hot Molten Substances.

~~Suitable protective equipment shall be worn by employees exposed to the hazards of burns in handling hot or molten metals or substances.~~

300-3-15-.04 Repealed. Protection From Acids, Chemicals.

~~Suitable protective clothing or equipment shall be worn by employees exposed to contact with corrosive or otherwise hazardous acids or other chemicals.~~

300-3-15-.05 Repealed. Inspection of Personal Protective Equipment.

~~Each employer shall provide for frequent inspection and correct maintenance of all personal protective equipment necessary for the protection of employees.~~

SAFETY ENGINEERING – 3 : HOUSEKEEPING**300-3-16-.01 Repealed. Removal of Materials.**

~~Do not allow materials or objects to remain unnecessarily on the floor surface in such places that will subject employees to the hazard of falls.~~

300-3-16-.02 Repealed. Removal of Nails.

~~Remove, or bend over in such manner as to make them harmless, all projecting nails in kegs, barrels, boards, or boxes allowed to remain about the workplace.~~

300-3-16-.03 Repealed. Providing Waste Containers.

~~Waste containers shall be provided in sufficient quantity, and located suitable for convenient use by employees. Such waste containers shall be emptied regularly.~~

300-3-16-.04 Repealed. Disposition of Highly Flammable Waste.

~~Highly flammable waste, such as oil soaked rags, shall be deposited in metal, self-closing containers of a type approved by Underwriters' Laboratories. Such containers shall be emptied at the close of each work day.~~

SAFETY ENGINEERING – 3 : OCCUPATIONAL DISEASES**300-3-17-.01 Repealed. Harmful Vapors, Fumes, Etc.**

~~No person shall be required or permitted to work in, or otherwise occupy an area where harmful concentrations of dusts, fumes, vapors or other contaminants exceed the maximum concentrations recommended by the Georgia Health Department unless adequate protective equipment is used.~~

SAFETY ENGINEERING – 3 : SANITATION**300-3-18-.01 Repealed. Availability of Drinking Water.**

~~Water intended for human consumption or for use in washing facilities shall be provided at reasonably accessible locations from an approved source.~~

300-3-18-.02 Repealed. Water Unfit For Drinking.

~~Water systems containing water unfit for human consumption shall have no physical connection with a system furnishing water for drinking or washing. Exceptions are permitted where automatic check valves are installed so as to prevent such contamination of drinking or washing water.~~

300-3-18-.03 Repealed. Posting Signs on Unfit Water Systems.

~~Water systems containing water unfit for human consumption shall be so designated by posted notices at faucets or outlets.~~

300-3-18-.04 Repealed. Method of Dispensing Drinking Water.

~~Drinking water shall be dispensed either by an approved drinking fountain or by means of sanitary individual cups.~~

300-3-18-.05 Repealed. Storage of Food by Employees.

~~No employee shall be permitted to store or consume food in plant areas where the food may become contaminated with poisonous or infectious material.~~

300-3-18-.06 Repealed. Waste Food Container Requirements.

~~Covered receptacles shall be provided in which employees may place the residue of lunches or other foods.~~

300-3-18-.07 Repealed. Toilet Facilities.

~~An adequate number of toilet facilities shall be provided for each sex. Such facilities shall be properly marked and shall be conveniently accessible to employees.~~

300-3-18-.08 Repealed. Washing Facilities.

~~Washing facilities shall be provided in or adjacent to toilet rooms.~~

300-3-18-.09 Repealed. Shower Bath Facilities.

~~Shower bath facilities shall be provided where the nature of the operations require showers for the protection of the health of the employees.~~

300-3-18-.10 Repealed. Dressing Room Specifications.

~~Separate dressing rooms equipped with individual clothes facilities shall be provided for each sex wherever it is the practice to change from street clothes or whenever it is necessary to change because the work performed involves exposure to excessive dirt, heat, fumes, vapor or moisture.~~

300-3-18-.11 Repealed. Storage Facilities For Employees' Street and Work Clothes.

~~Where employees' work clothes are exposed to contamination with poisonous, infectious or irritating material, facilities should be provided in dressing rooms so that street and work clothes will not be stored in contact with each other.~~

300-3-18-.12 Repealed. Maintenance of Sanitary Facilities.

~~All facilities required in this Sanitation section of these rules, shall be cleaned frequently and maintained properly.~~

SAFETY ENGINEERING 3: PUBLIC EMPLOYEE HAZARDOUS CHEMICAL PROTECTION AND RIGHT TO KNOW ACT

300-3-19-.02 Repealed. Administration. Amended.

~~(1) Department of Labor Responsibilities.~~

~~(a) The Department shall as required under the Act ensure compliance with all training programs establish information and training standards for compliance under the Act.~~

~~(b) The Department must provide written approval of all written training programs required under the Act.~~

~~(c) (b) The purpose of these rules is to ensure that all employees who are exposed to hazardous chemicals listed in the State of Georgia Hazardous Chemical List are informed of the hazards of these chemicals and of measures to protect themselves.~~

~~(2) Public Employer Responsibilities.~~

~~(a) Each public employer covered by the Act and these regulations shall ensure that all employees within the agency are aware of the Act, these regulations, and their responsibilities by means of a written hazardous chemical communication program.~~

~~(b) Each public employer shall designate a hazardous chemicals protection communication coordinator. The hazardous chemicals protection communication coordinator will be provided with authority sufficient to carry out the duties of the position.~~

~~1. An individual in an existing position within an agency may be assigned hazardous chemicals protection communication coordinator responsibilities as an additional duty.~~

~~2. The hazardous chemicals protection communication coordinator will assume the following responsibilities:~~

~~(i) Act as a liaison between the agency and the Safety Engineering Section of the Georgia Department of Labor on hazardous chemicals issues which may arise within his or her agency.~~

~~(ii) Determine applicability of these rules to individual workplaces and work areas within his agency using on-site inspections, review of written records including Material Safety Data Sheets, and industrial hygiene studies.~~

~~(iii) Make arrangements for and/or provide appropriate and adequate training to all employees.~~

~~(c) The hazardous chemicals protection communication coordinator will ensure that:~~

~~1. A written workplace specific hazard communication program is developed for each workplace in the agency. This workplace-specific program will include a list of hazardous chemicals used, stored, or manufactured in that particular workplace, and will be available to all employees in the workplace.~~

~~2. Upon their request, employees at each workplace within their agency shall have access to the most current MSDS's for those chemicals used in that workplace which are included on the Georgia Right to Know Hazardous Chemicals List.~~

~~3. Employees at each workplace are made aware of and are properly trained in the uses and hazards associated with chemicals to which they are exposed in their workplaces.~~

~~4. Employee training on and notification of the use of hazardous chemicals in the workplace are adequately documented in each employee's personnel file.~~

~~5. Employees at each workplace within the agency are provided with personal protective equipment as required in each work environment, and receive adequate training on the use and maintenance of this equipment.~~

300-3-19-.03 Repealed. Training. Amended

~~(1) Frequency of Training.~~

~~(a) Each employee shall be provided with information and training as required by the Act and these regulations at the time of initial assignment to a workplace.~~

~~(b) Each employee shall be provided with periodic re-training regarding the hazards associated with the hazardous chemicals to which the employee is exposed. Such re-training must occur at least annually.~~

~~(c) An employee shall not be exposed to a hazardous chemical until the employee has been trained in its hazards.~~

~~(2) Content of Training. Training programs shall be tailored to the specific nature of each individual workplace and the educational levels of the employees. At a minimum, the information imparted to employees must include the following:~~

~~(a) The requirements of the Act.~~

~~(b) Identification of specific work areas in the workplace where hazardous chemicals are handled and/or produced.~~

~~(c) The location and content of the public employer's written hazardous chemical protection communication program.~~

~~(d) The purpose of a Material Safety Data Sheet, including the information contained therein.~~

~~(e) The labeling system used at the workplace and how to respond to an unlabeled container delivered to or discovered in the workplace.~~

~~(f) The various control measures to be used to minimize the employees' exposure to hazardous chemicals. Where applicable, this shall include information on:~~

~~1. The proper use, care, storage, selection, and fitting of respirators, and the elements of a respirator program;~~

~~2. The use of face shields, goggles, and safety glasses;~~

~~3. The use of appropriate gloves, aprons, protective clothing, and foot coverings;~~

~~4. The use of exhaust ventilation equipment; and~~

~~5. Work practices which reduce exposure to hazardous chemicals.~~

~~(g) The right of the employee's physician to receive hazardous chemical information.~~

~~(h) Methods of detecting an employee's exposure, such as air sampling, biological monitoring, visual detection, odor identification, warning properties of the hazardous chemicals used, and other standard industrial hygiene techniques.~~

~~(i) Emergency procedures, such as spill response and first aid.~~

~~(j) Proper storage of chemicals and separation of incompatible substances.~~

~~(k) Training in hazards associated with improper mixing of chemicals located in the employee's work area and potential hazards associated with exposure to chemical reaction products.~~

~~(1) Where additional information and training can be obtained.~~

~~(3) Training Format.~~

~~(a) All training sessions must include an opportunity for employees to ask questions.~~

~~(4) Training Activities.~~

~~(a) A written log of all training activities shall be maintained at the workplace. This log shall be retained for three (3) years after training has been completed.~~

~~(5) Employee Information Poster.~~

~~(a) Location.~~

~~1. A poster describing employee rights under the Act shall be posted in all workplaces covered by the Act in a prominent manner so that it is visible to all employees on a routine basis. For those workplaces with geographically dispersed work areas, a poster shall be placed in each work area.~~

~~(b) Content.~~

~~1. The Poster shall be worded as follows: Employees of the State of Georgia
YOU HAVE THE RIGHT TO KNOW
ABOUT THE HAZARDOUS CHEMICALS
IN YOUR WORKPLACE~~

~~Under the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988" you must be informed of the following:~~

- ~~* The Requirements of the law;~~
 - ~~* Your right to receive information regarding hazardous chemicals faced on your job;~~
 - ~~* Your right to receive formal training and education on hazardous chemicals;~~
 - ~~* What a Material Safety Data Sheet is, and how to use it;~~
 - ~~* Where hazardous chemicals are used in your work area;~~
 - ~~* Your physician's right to receive information on the chemicals to which you may be exposed.~~
- ~~YOU CANNOT BE FIRED, DISCRIMINATED AGAINST, OR DISCIPLINED FOR EXERCISING YOUR RIGHT TO KNOW~~

~~No pay, position, seniority, or other benefits may be lost for exercising your right to know.~~

~~You may present a written request to receive a Material Safety Data Sheet for any chemical used on your job.~~

~~You have the right to refuse to work with a hazardous chemical if a Material Safety Data Sheet in your employer's possession has not been provided to you within 5 working days after your written request, unless you are required to perform essential services.~~

~~GRIEVANCE PROCEDURE~~

- ~~1. File a grievance through the established procedure for your agency.~~
- ~~2. If unresolved, or if no established grievance procedure exists, then file a grievance with:~~

~~Commissioner of Labor
e/o Safety Engineering Section
Georgia Department of Labor
223 Courtland St. NE, Suite 301600
Atlanta, Georgia 30303
(404) 656-2966 232-7300
RE: Right to Know Act~~

~~300-3-19-.06 Repealed. Exemptions. Amended~~

~~(1) Educational Institutions. Students are not required to receive the hazard communication program training as defined in 300-3-20-19.03 of this chapter, unless employed by institutions, either full or part time. The law does not cover local (city or county) school systems, or private colleges, nor does the law cover employees of these employers. (Attorney General's Opinion Letter, 9-6-89)~~

~~(2) Municipalities and county government employees are not covered.~~

~~(3) Laboratories.~~

~~(a) Laboratories are not required to develop their own labels with an appropriate hazard warning for permanent chemical containers. The label from the chemical manufacturer or supplier may be used instead. Laboratory glassware such as beakers, flasks and tubes serving as temporary containers for hazardous chemicals shall be labeled with the name of the chemical and date of filling as a minimum.~~

~~(b) Laboratories shall not be required to prepare Material Safety Data Sheets for compounds created as a result of an experiment, unless large quantities of the compound are to be used in subsequent experiments, or if the compound is to enter public commerce.~~

~~(4) Publicly available cleaning and household products and supplies and latex paints used in the same manner in which a consumer would use them and on an irregular basis are not covered by these regulations. Personnel engaged in routine cleaning and painting operations are covered if the products they use contain chemicals listed on the Georgia Hazardous Chemicals List.~~

~~(5) State inmates assigned for incarceration in county facilities are not covered.~~

300-3-19-.07 Repealed. Monitoring.

~~The Safety Engineering Office will monitor public employer compliance with the Act and will report annually to the Commissioner of Labor on compliance with such rules.~~

**RULES
OF
GEORGIA DEPARTMENT OF LABOR**

**CHAPTER 300-3
SAFETY ENGINEERING**

300-3-1-.01 Administration. Amended.

(1) Department of Labor Responsibilities.

(a) The Department shall as required under the Act establish information and training standards for compliance under the Act.

(b) The purpose of these rules is to ensure that all employees who are exposed to hazardous chemicals listed in the State of Georgia Hazardous Chemical List are informed of the hazards of these chemicals and of measures to protect themselves.

(2) Public Employer Responsibilities.

(a) Each public employer covered by the Act and these regulations shall ensure that all employees within the agency are aware of the Act, these regulations, and their responsibilities by means of a written hazardous chemical communication program.

(b) Each public employer shall designate a hazardous chemicals protection communication coordinator. The hazardous chemicals protection communication coordinator will be provided with authority sufficient to carry out the duties of the position.

1. An individual in an existing position within an agency may be assigned hazardous chemicals protection communication coordinator responsibilities as an additional duty.

2. The hazardous chemicals protection communication coordinator will assume the following responsibilities:

(i) Act as a liaison between the agency and the Georgia Department of Labor on hazardous chemicals issues which may arise within his or her agency.

(ii) Determine applicability of these rules to individual workplaces and work areas within his agency using on-site inspections, review of written records including Material Safety Data Sheets, and industrial hygiene studies.

(iii) Make arrangements for and/or provide appropriate and adequate training to all employees.

(c) The hazardous chemicals protection communication coordinator will ensure that:

1. A written workplace -specific hazard communication program is developed for each workplace in the agency. This workplace-specific program will include a list of hazardous chemicals used, stored, or manufactured in that particular workplace, and will be available to all employees in the workplace.

2. Upon their request, employees at each workplace within their agency shall have access to the most current MSDS's for those chemicals used in that workplace which are included on the Georgia Right to Know Hazardous Chemicals List.

3. Employees at each workplace are made aware of and are properly trained in the uses and hazards associated with chemicals to which they are exposed in their workplaces.

4. Employee training on and notification of the use of hazardous chemicals in the workplace are adequately documented in each employee's personnel file.

5. Employees at each workplace within the agency are provided with personal protective equipment as required in each work environment, and receive adequate training on the use and maintenance of this equipment.

Authority: O.C.G.A. § 45-22-8. History. Original Rule entitled "Administration" adopted. F. Apr. 11, 1990; eff. May 1, 1990.

**RULES
OF
GEORGIA DEPARTMENT OF LABOR**

**CHAPTER 300-3
SAFETY ENGINEERING**

300-3-1-.02 Training, Amended

(1) Frequency of Training.

(a) Each employee shall be provided with information and training as required by the Act and these regulations at the time of initial assignment to a workplace.

(b) Each employee shall be provided with periodic re-training regarding the hazards associated with the hazardous chemicals to which the employee is exposed. Such re-training must occur at least annually.

(c) An employee shall not be exposed to a hazardous chemical until the employee has been trained in its hazards.

(2) Content of Training. Training programs shall be tailored to the specific nature of each individual workplace and the educational levels of the employees. At a minimum, the information imparted to employees must include the following:

(a) The requirements of the Act.

(b) Identification of specific work areas in the workplace where hazardous chemicals are handled and/or produced.

(c) The location and content of the public employer's written hazardous chemical protection communication program.

(d) The purpose of a Material Safety Data Sheet, including the information contained therein.

(e) The labeling system used at the workplace and how to respond to an unlabeled container delivered to or discovered in the workplace.

(f) The various control measures to be used to minimize the employees' exposure to hazardous chemicals. Where applicable, this shall include information on:

1. The proper use, care, storage, selection, and fitting of respirators, and the elements of a respirator program;

2. The use of face shields, goggles, and safety glasses;

3. The use of appropriate gloves, aprons, protective clothing, and foot coverings;

4. The use of exhaust ventilation equipment; and

5. Work practices which reduce exposure to hazardous chemicals.

(g) The right of the employee's physician to receive hazardous chemical information.

(h) Methods of detecting an employee's exposure, such as air sampling, biological monitoring, visual detection, odor identification, warning properties of the hazardous chemicals used, and other standard industrial hygiene techniques.

(i) Emergency procedures, such as spill response and first aid.

(j) Proper storage of chemicals and separation of incompatible substances.

(k) Training in hazards associated with improper mixing of chemicals located in the employee's work area and potential hazards associated with exposure to chemical reaction products.

(1) Where additional information and training can be obtained.

(3) Training Format.

(a) All training sessions must include an opportunity for employees to ask questions.

(4) Training Activities.

(a) A written log of all training activities shall be maintained at the workplace. This log shall be retained for three (3) years after training has been completed.

(5) Employee Information Poster.

(a) Location.

1. A poster describing employee rights under the Act shall be posted in all workplaces covered by the Act in a prominent manner so that it is visible to all employees on a routine basis. For those workplaces with geographically dispersed work areas, a poster shall be placed in each work area.

(b) Content.

1. The Poster shall be worded as follows: Employees of the State of Georgia

YOU HAVE THE RIGHT TO KNOW
ABOUT THE HAZARDOUS CHEMICALS
IN YOUR WORKPLACE

Under the "Public Employee Hazardous Chemical Protection and Right to Know Act of 1988" you must be informed of the following:

* The Requirements of the law;

* Your right to receive information regarding hazardous chemicals faced on your job;

* Your right to receive formal training and education on hazardous chemicals;

* What a Material Safety Data Sheet is, and how to use it;

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2. If unresolved, or if no established grievance procedure exists, then file a grievance with:

Commissioner of Labor
Georgia Department of Labor
223 Courtland St. NE, Suite 600
Atlanta, Georgia 30303

(404) 232-7300

RE: Right to Know Act

Authority O.C.G.A. § 45-22-7, 45-22-8. History. Original Rule entitled "Training" adopted. F. Apr. 11, 1990; eff. May 1, 1990.

Proposed

**RULES
OF
GEORGIA DEPARTMENT OF LABOR**

**CHAPTER 300-3
SAFETY ENGINEERING**

300-3-1-.03 Exemptions. Amended

(1) Educational Institutions. Students are not required to receive the hazard communication program training as defined in 300-3-1-.03 of this chapter, unless employed by institutions either full-or part-time. The law does not cover local (city or county) school systems, or private colleges, nor does the law cover employees of these employers. (Attorney General's Opinion Letter, 9-6-89)

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(5) State inmates assigned for incarceration in county facilities are not covered.

Authority O.C.G.A. §§ 45-22-2, 45-22-3, 45-22-5, 45-22-7. History. Original Rule entitled "Exemptions" adopted. F. Apr. 11, 1990; eff. May 1, 1990.