

§ 1952.161

with rules of practice for variances, limitations, variations, tolerances, and exemptions adopted July 25, 1972, and amended October 5, 1972.

These adopted rules and regulations which were not part of the plan as originally submitted will be evaluated in accordance with the review of completions of developmental steps in State plans.

[37 FR 19370, July 20, 1973, as amended at 50 FR 27243, July 2, 1985]

§ 1952.161 Developmental schedule.

The Iowa State plan is developmental. The following is the developmental schedule as amended and provided by the plan:

(a) Enabling legislation becomes effective (Chapter 88 of Iowa Code)—July 1972.

(b) Corrective amendments to Chapter 88 of Iowa Code become effective—July 1975.

(c) Adoption of Federal Standards as interim State standards—July 1972.

(d) Promulgation of Federal Standards as permanent State standards—July 1973.

(e) Development of training program for employers and employees—October 1974.

(f) Complete hiring of additional staff—April 1975.

(g) Basic training of staff—May 1975.

(h) Development of approved Manual MIS—July 1972.

(i) Commencement of compliance activities—July 1972.

(j) Development of compliance programs in Agriculture, Mercantile, and Services—August 1975.

(k) Development of on-site consultation program—September 1975.

(l) Development of State poster—August 1975.

[41 FR 18836, May 7, 1976. Redesignated at 50 FR 27243, July 2, 1985]

§ 1952.162 Completion of developmental steps and certification.

(a) In accordance with the requirements of §1952.10, the Iowa State poster was approved by the Assistant Secretary on August 26, 1975.

(b) In accordance with the requirements of §1952.163(b), the Iowa Occupational Safety and Health Act of 1972

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(Iowa S.F. 1218—Chapter 88) is amended by Iowa Act S.F. 92, with an effective date of July 1, 1975.

(c) In accordance with the commitment contained in §1952.163(a), the State of Iowa enacted occupational safety and health enabling legislation which became effective on July 1, 1972.

(d) In accordance with the commitment contained in §1952.163(f), the State of Iowa, as of April 24, 1974, hired a sufficient number of qualified safety and health personnel under the approved Iowa Merit Employment Department system.

(e) In accordance with the commitment contained in §1952.163(g), all basic training of Iowa compliance personnel was completed as of May 9, 1975.

(f) In accordance with the commitment contained in §1952.163(e), a program of education and training of employers and employees was developed with local community colleges as of October 1974.

(g) In accordance with the commitment contained in §1952.163(h), the Iowa Bureau of Labor developed an approved manual Management Information System as of July 1972.

(h) In accordance with the commitment contained in §1952.163(k), the Iowa Bureau of Labor initiated an approved program of on-site consultation as of September 1975.

(i) In accordance with the commitment contained in §1952.163(c), the State of Iowa adopted Federal standards as interim State standards under chapter 88 of the Iowa Code, effective on July 1, 1972.

(j) In accordance with the commitment contained in §1952.163(d), the State of Iowa promulgated Federal occupational safety and health standards (29 CFR parts 1910 and 1926) as permanent State Standards as of August 16, 1973.

(k) In accordance with the commitment contained in §1952.163(i), the Iowa Bureau of Labor began its compliance activities in July 1973.

(l) In accordance with the commitment contained in §1952.163(j), the Iowa Bureau of Labor implemented compliance programs in the agriculture, mercantile, and service issues by July 1975.

(m) In accordance with §1902.34 of this chapter, the Iowa safety and

health plan program was certified on September 14, 1976 as having completed all developmental steps in its plan with regard to those occupational safety and health issues specified in the plan on or before July 20, 1976.

(n) Amendment to Chapter 4, Recording and Reporting Occupational Injuries and Illnesses. Clarifications of the Iowa recordkeeping and reporting rules.

(o) Amendment to Chapter 6, IOSH Consultative Services and Training. Detailed procedures for safety consultants when they find a serious or imminent danger hazard.

(p) Modifications to the Iowa Plan. Minor revisions to the Iowa plan dealing with present staffing, position statements, legislative changes, and current responsibilities of divisions in the Iowa Bureau of Labor.

[40 FR 40157, Sept. 2, 1975, as amended at 41 FR 23671, June 11, 1976; 41 FR 39028, Sept. 14, 1976; 44 FR 11067, Feb. 27, 1979. Redesignated and amended at 50 FR 27243, July 2, 1985]

§ 1952.163 Compliance staffing benchmarks.

Under the terms of the 1978 Court Order in *AFL-CIO v. Marshall*, compliance staffing levels (benchmarks) necessary for a "fully effective" enforcement program were required to be established for each State operating an approved State plan. In September 1984, Iowa, in conjunction with OSHA, completed a reassessment of the levels initially established in 1980 and proposed revised compliance staffing benchmarks of 16 safety and 13 health compliance officers. After opportunity for public comment and service on the AFL-CIO, the Assistant Secretary approved these revised staffing requirements effective July 2, 1985.

[50 FR 27243, July 2, 1985]

§ 1952.164 Final approval determination.

(a) In accordance with section 18(e) of the Act and procedures in 29 CFR part 1902, and after determination that the State met the "fully effective" compliance staffing benchmarks as revised in 1984 in response to a Court Order in *AFL-CIO v. Marshall* (CA 74-406), and was satisfactorily providing reports to OSHA through participation in the

Federal-State Unified Management Information System, the Assistant Secretary evaluated actual operations under the Iowa State plan for a period of at least one year following certification of completion of developmental steps (41 FR 39027). Based on the 18(e) Evaluation Report for the period of October 1982 through March 1984, and after opportunity for public comment, the Assistant Secretary determined that in operation, the State of Iowa occupational safety and health program is at least as effective as the Federal program in providing safe and healthful employment and places of employment and meets the criteria for final State plan approval in section 18(e) of the Act and implementing regulations at 29 CFR part 1902. Accordingly, the Iowa plan was granted final approval and concurrent Federal enforcement authority was relinquished under section 18(e) of the Act effective July 2, 1985.

(b) Except as otherwise noted, the plan which has received final approval covers all activities of employers and all places of employment in Iowa. The plan does not cover private sector maritime employment; Federal government-owned, contractor-operated military/munitions facilities; Federal government employers and employees; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other States; the enforcement of the field sanitation standard, 29 CFR 1928.110, and the enforcement of the temporary labor camps standard, 29 CFR 1910.142, with respect to any agricultural establishment where employees are engaged in "agricultural employment" within the meaning of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802(3), regardless of the number of employees, including employees engaged in hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed, except that Iowa retains enforcement responsibility over agricultural temporary labor camps for employees engaged in