

TITLE 380. DEPARTMENT OF LABOR

CHAPTER 1. ADMINISTRATIVE OPERATIONS

[Authority: 75 O.S., §§ 301 et seq.]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

380:1-1-1. Purpose

The purpose of the rules of the Department of Labor found in Chapter 1 are to provide the scope of the powers and duties delegated to the Commissioner of Labor and to provide guidelines to the administrative procedures and remedies available to the public.

380:1-1-2. Origin and personnel

The Oklahoma Department of Labor is an administrative body and the Labor Commissioner is a constitutionally elected official.

380:1-1-3. Powers and duties

The Commissioner has the following powers and duties, which shall include, but not necessarily be limited to:

- (1) Conducting examinations required by law to determine the qualifications of persons seeking a license to remove asbestos from public facilities, to license private employment agencies, to license welding testing laboratories, and to license qualified welders;
- (2) Promulgating rules and regulations to control applications for examinations and the taking of examinations, and the preparation and grading of examination papers;
- (3) Issuing, or refusing to issue, a license for any cause specified by law;
- (4) Revoking or suspending for cause, any license issued, after an opportunity for a hearing has been granted;
- (5) Prescribing the forms of applications for licenses and the information to be shown thereon, and of all reports which is deemed necessary in administering the law;
- (6) Hiring personnel deemed necessary to advise and assist in the performance of duties;
- (7) Collecting and assessing all fees in the General Revenue Fund;
- (8) Maintaining personal data records on each applicant or licensee;
- (9) Maintaining proceedings to enjoin persons-unlicensed and/or such criminal sanctions for law violators;
- (10) Inspecting boilers and issuing licenses to installers and manufacturers;
- (11) Insuring a proper and safe workplace for the citizens of Oklahoma in the administration of the Oklahoma Occupational Health and Safety Standards Act;
- (12) Insuring a proper and safe workplace for the citizens of Oklahoma relative to wages, conditions of labor, and hours worked;
- (13) Assisting in the collection of wages and insuring that the minimum wages as set forth by the Legislature, is paid to all employees in the State of Oklahoma;

- (14) Insuring that all contacting authorities abide by the Prevailing Wages Act when building public facilities, and;
- (15) Performing any other duties or functions specified by law or deemed necessary for the proper administration and enforcement of the laws and rules and regulations governing the said requirements.

[Source: Amended at 15 Ok Reg 39, eff 8-22-97 through 5-13-98 (emergency)¹]

EDITOR'S NOTE: ¹This emergency amendatory action was terminated upon the Governor's disapproval of proposed permanent amendments that were intended to supersede the emergency action. Upon disapproval of a proposed permanent action intended to supersede an emergency action, the emergency action is considered terminated [see 75 O.S., § 303.2 (A)(2)]. Therefore, upon disapproval of the proposed permanent amendments on 5-14-98, the text of section 380:1-1-3 reverted back to the permanent text that was effective prior to the 8-22-97 emergency action, as was last published in the 1996 edition of the OAC.

380:1-1-4. Purpose of Department

The general purpose and method of the Department of Labor's operation is prescribed by the Legislature, and the Labor Commissioner exercises the police powers of the State of Oklahoma for the protection of the health, safety, and welfare of the people of the State, for the purpose of licensing and regulating the various licenses in the State by administrative and disciplinary procedures whereby licenses are issued, denied, suspended, or revoked, in accordance with the Oklahoma Administrative Procedures Act and these rules and regulations, and to maintain personal data records on each licensee in this State.

380:1-1-5. Access to Department of Labor records

(a) The Oklahoma Department of Labor complies with all applicable provisions of the Oklahoma Open Records Act, 51 O.S. §§ 24A.1. et seq., in providing the public access to department records.

(b) Any persons desiring any information concerning the Department of Labor, its policies or procedures, or any information concerning said organization, or licenses or certificate holders may make submissions or request to the Labor Commissioner, either in person or by mail, by directing such submissions or requests to the Labor Commissioner, 4001 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105 or 440 S. Houston, Suite 300, Tulsa, Oklahoma 74127.

(c) The Department's established written fee schedule for recovery of the reasonable, direct costs of document copying, mechanical reproduction, document search, and certified copies is posted at the Department's Oklahoma City and Tulsa offices and is filed with the county clerks of Oklahoma and Tulsa counties. Fees will be charged only as authorized by 51 O.S. § 24A.5 and shall not exceed the maximum amounts stated therein.

[Source: Amended at 17 Ok Reg 3142, eff 7-27-00]

380:1-1-6. Emergency actions

Pursuant to the Commissioner's statutory authority, and 75 O.S. § 314.1, if the Agency finds that the public health, safety, or welfare imperatively requires emergency action, such may be ordered by the Commissioner or the Commissioner's designee, pending the final outcome of individual proceedings instituted pursuant to the Administrative Procedures Act, 75 O.S. § 309 et seq., and Department of Labor Rules, OAC 380. Such Emergency Orders may require affirmative action on the part of either or both parties, or may require either or both parties to refrain from some particular act or acts, at the Commissioner's discretion.

[Source: Added at 15 Ok Reg 3245, eff 7-13-98]

SUBCHAPTER 3. RULE MAKING PROCEDURES

380:1-3-1. Opportunity for hearing

(a) Prior to the adoption, amendment, or repeal of any rule, the Department of Labor affords any interested person a reasonable opportunity to submit data, views, or arguments, orally or in writing to the Department of Labor concerning the proposed action on a rule. Should the proposed action on a rule affect one's substantive rights, the opportunity for a oral hearing will be granted if requested in writing by at least twenty-five (25) persons, by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members, if no substantive rights are involved, the opportunity for oral argument or views is within the discretion of the Labor Commissioner.

(b) Any interested person may petition the Labor Commissioner requesting promulgation, amendment, or repeal of a rule. The petition shall be filed with the Labor Commissioner and shall set forth in writing, clearly and concisely, all matters pertaining to the requested action and the reasons for the request. The request should, also, state whether there is someone, known to the petitioner, who is concerned with the subject and should be notified of the hearing.

(c) The Labor Commissioner, after the completion of the notice or at a special meeting specified in the notice, will hear the petition and notify the petitioner of the ruling within twenty (20) days after the decision. In either event, a hearing on said petition shall be held within sixty (60) days after received in proper form by the Labor Commissioner. For just cause, the Labor Commissioner may postpone the discussion and ruling on the petition until a subsequent meeting and all parties shall be notified of the postponement, if necessary.

380:1-3-2. Notice

(a) In any rule making action, whether initiated by the Labor Commissioner or by petition, at least twenty (20) days notice shall be given and the notice shall state the issues involved, the time and place, and the manner in which interested persons may present their views.

(b) The notice shall be mailed to all interested persons who have made a request of the Labor Commissioner for advance notice of its rule making proceedings, or who were specified in the petition for the rules, and shall be published in the Oklahoma Gazette or its successor publication. The twenty (20) days time shall be calculated from the date of mailing of notice or of the publication, whichever is later.

(c) The Labor Commissioner shall set, at his discretion, the place and time where all hearings are to be conducted.

380:1-3-3. Rule making hearing

(a) The hearing before the Labor Commissioner shall be informal, but in an orderly manner. The attendance of witnesses and production of records may be required in accordance with 380:1-7-18.

(b) Minutes shall be kept of the official meetings of the Labor Commissioner. Transcripts of all matters pertaining to rule making shall be open for public inspections at the Office of the Labor Commissioner.

380:1-3-4. Effective date

Each rule adopted shall be effective twenty (20) days after filing, unless a later date is required by statute or specified in the rule, or unless the rule is adopted

as an emergency rule.

380:1-3-5. Emergency rules

(a) Emergency rules may be adopted by the Labor Commissioner without the prescribed notice and hearing if the Labor Commissioner, stating in writing his reasons, finds that imminent peril to the public health, safety, or welfare requires this shortened procedure. However, the sufficiency of the reasons is subject to judicial review.

(b) Emergency rules become effective immediately upon filing with the State officials, as required by law, or at any stated date thereafter.

(c) The Labor Commissioner shall distribute a copy of the emergency rules to those persons who have requested to be notified of the rule making activities, and shall take other appropriate measures, where reasonable and practical, to notify other persons who may be affected by the rule.

SUBCHAPTER 5. PROCEDURE FOR DECLARATORY RULING

380:1-5-1. Request for ruling

Any person affected by any rule or order promulgated or issued by the Labor Commissioner or one of his authorized agents, may request in writing to the Labor Commissioner an interpretation or ruling regarding the application of such a rule or order to the facts furnished with the request.

380:1-5-2. Filing and contents of petition

The petition shall be styled similarly to an ex parte petition filed in a court of law in this State, and shall be filed with the Labor Commissioner in triplicate. It shall state fully, clearly and concisely the rule or order involved or affected, and state the facts giving rise to the need for such ruling, giving all pertinent data necessary for consideration.

380:1-5-3. Consideration of the petition refusal to issue ruling

(a) The petition will be considered by the Labor Commissioner at his earliest convenience, but in any event, a hearing shall be held on said petition within ninety (90) days after received by the Labor Commissioner, and the petitioner shall be notified promptly of the date by the Labor Commissioner, and shall be entitled to be present in person or represented by counsel. At this meeting the Labor Commissioner shall determine whether or not to issue a ruling or to continue the matter for hearing upon the petition. The Labor Commissioner may refuse to entertain a petition for a declaratory ruling if:

- (1) He determines that the facts stated in the petition do not afford an adequate basis therefor; or
- (2) The experience under the rule or order is not adequate to enable him to make an effective or proper ruling; or
- (3) The request is premature; or
- (4) The request is one that should be handled through rule making procedure; or
- (5) There exists other conditions rendering a declaratory ruling inopportune.

(b) If the Labor Commissioner determines to entertain the petition for the declaratory ruling, he may issue the ruling immediately or he may continue the matter to a day certain for further consideration and for hearing of evidence and

argument if necessary.

(c) If the applicant is not represented at the preliminary consideration, he shall be notified of the ruling if one is issued, in accordance with the rules respecting notice of orders; or, if the matter is continued, he shall be notified of the continuance in accordance with the rules respecting notice of hearings in individual proceedings. If the applicant is present or is represented at the preliminary consideration, no further notice of the subsequent hearing than announcement in open meeting is necessary; but the applicant shall receive a written copy of any ruling that is issued, as in the case of orders.

380:1-5-4. Request for formal hearing

A petitioner for a declaratory ruling, in his petition or by written motion prior to or at the preliminary consideration may request a formal hearing at which to present evidence in support of his petition, setting forth the substance of the facts to be proved, if they do not appear in his petition. The Labor Commissioner thereupon will set the matters for formal hearing within sixty (60) days from the date of the preliminary consideration, and notice shall be given as prescribed in 380:1-3-2.

380:1-5-5. Joining of other parties affected by rule

If, at any time, it appears from the papers filed or from evidence adduced that the interests of persons other than the petitioner are so affected by the requested ruling that it is improper to entertain the proceedings without hearing them, the Labor Commissioner may refuse to issue a declaratory ruling, or, in his discretion, he may require them to be made parties, and if the matter can be so handled consistently with the public interest and the efficiency of the Labor Department's procedures, then in that event, notice shall be served upon them, as in individual proceedings, and the matter will be governed thereafter by the procedure applicable to individual proceedings.

380:1-5-6. Issuance of the ruling

If the Labor Commissioner conducts a hearing upon a petition for a declaratory ruling, at the conclusion of the hearing, he may issue the ruling or he may decline to do so upon any of the grounds specified in 380:1-5-3 or upon any other legal grounds.

SUBCHAPTER 7. INDIVIDUAL PROCEEDINGS, PUBLIC HEARINGS AND FORMAL PROCEDURES

380:1-7-1. Definitions

All words which are defined in 75 O.S. Section 250.3 are used in accordance with such meanings, or any other appropriate definition.

380:1-7-2. Filing of papers

All papers required by this Chapter are to be filed with the Labor Commissioner.

380:1-7-3. Contents of petition

An individual proceeding may be initiated by the Labor Commissioner or his representative or by an individual filing a verified petition containing a brief

statement, setting forth the relief requested, and the facts alleged to give rise to the right of relief, and naming the person against whom relief is sought.

380:1-7-4. Contents of petition for cease and desist orders

(a) The Labor Commissioner in order to insure the public safety and/or uphold the legislative mandate may issue cease and desist orders. These orders will be issued to prevent the performance of acts violative of, or prohibited by, the labor laws; or it may require such affirmative action as will effectuate the policies of the labor statutes. A violation of any order issued subjects the party to contempt proceedings. The Labor Commissioner will evoke the power of cease and desist upon verified application.

(b) The Labor Commissioner will upon verified application, issue an ex parte order to the party offending the law or any rule adopted to implement the law. The order will recite the factual allegations and the relief sought or demanded, the rules or legal foundations for the order, and it will set forth a date for a hearing. The hearing will be in the form of a **show-cause** hearing, as example: The Labor Commissioner being well and fully advised in the premises, and pursuant to a complaint filed by John Doe, finds the respondent to be in violation of the laws of this State. Therefore, until further order of the Labor Commissioner, respondent is ordered to cease and desist, etc. You are further notified to appear before the Labor Commissioner at 4001 North Lincoln Blvd., Oklahoma City, Oklahoma at 9:00 AM on the ___ day of ___ 19___, and show cause why this order should not remain in full force and affect. Any violation of this order prior to a determination on the merits will subject you to contempt proceedings and any other remedy provided by law.

380:1-7-5. Notice of parties

As soon as possible after the filing of the petition, the Labor Commissioner shall notify the persons named therein of the filing and of the date set for hearing. The notice shall contain:

- (1) A statement of the time, place, and nature of the hearing, and of the relief demanded;
- (2) A brief statement which may be in the words of the petition or in adequate condensation of the matters asserted as grounds for relief;
- (3) A citation of the statutes, rules, or other legal jurisdiction, giving specific citation and statement of the provisions basic to the proceedings;
- (4) A statement that the persons notified may appear at the hearing and be heard, in person or other counsel, and that they may file such answer or other pleading as they may deem appropriate including a request for more detailed statements of the matters asserted, if this is necessary to define the issues;
- (5) A statement that, in the default of appearance, the relief demanded may be granted.

380:1-7-6. Methods of serving notice

All notices or other papers, service of which is required in individual proceedings shall be served in one of the following manners:

- (1) Personally upon the noticee, by any person appointed to make service by the Labor Commissioner, and in any manner authorized by the law of this State for the personal service of summons in proceedings in the state courts, or;

- (2) By regular first class mail, addressed to the noticee at such post office address as he may have filed with the Labor Commissioner, or if no such address has been filed, at the noticee's last known post office address, or;
- (3) If no known post office address can be discovered in the exercise of due diligence, by publication in such newspapers and for such time, or by posting in such places and for such time, as the Labor Commissioner may direct as most likely to give opportunity for information to noticee.
- (4) Any notice or other document, the method of service of which is specified by statute, shall be served in the manner indicated in that statute.

[Source: Amended at 15 Ok Reg 3245, eff 7-13-98]

380:1-7-7. Time notice is completed

Service of notice shall be complete upon personal service, or upon the deposit of notice in the United States mail, or upon the posting of notice, or first publication thereof, as the case may be.

[Source: Amended at 15 Ok Reg 3245, eff 7-13-98]

380:1-7-8. Time of hearing: request for extension

The time set for a hearing shall be specified in the notice thereof. If the noticee deems that the date specified gives inadequate time for preparation for the hearing, the noticee may apply in writing for an extension, stating the item desired and the reasons for the request. The application shall be acted upon promptly by the Labor Commissioner, and if the extension is denied, the party may renew the request and make proper showing for a continuance at the hearing.

380:1-7-9. Hearing procedures: presiding officer

The hearing shall be conducted in an orderly manner by the Labor Commissioner or his designee. The order of procedure will follow generally that which obtains in civil proceedings at law. However, strictness of procedures shall not be required, the objective being that fairness and orderliness prevail to afford a full hearing which protects the rights of all concerned. The rules of evidence shall be those specified by the Oklahoma Administrative Procedures Act. The Labor Commissioner shall be the presiding officer at the hearing or proceeding. However, in his absence, the Labor Commissioner's designee shall serve as presiding officer.

380:1-7-10. Assistance of counsel to the Labor Commissioner

The Labor Commissioner may seek the assistance of the Attorney General or an Assistant Attorney General, if requested and available at the time of hearing, to sit with the Labor Commissioner.

380:1-7-11. Record of hearing

The report of a hearing shall be set forth in such forms and detail as the Labor Commissioner may direct, unless the hearing is fully transcribed, and shall be placed on file in the Labor Department. The record shall include:

- (1) All pleadings, motions, intermediate rulings;
- (2) Evidence received or considered;
- (3) A statement of matters officially noticed;
- (4) Questions and offers of proof, objections, and rulings thereon, and;
- (5) Decision opinion, or report by the officer presiding at the hearing; all staff memoranda or data submitted to the hearing officer or members of the

agency in connection with their consideration of the case.

380:1-7-12. Reporter and transcripts

The full proceedings of any hearing shall be transcribed on the request of any party. The fee for the reporter shall be paid by the party requesting the services of a reporter, but may be taxed as costs to another party at the direction of the Labor Commissioner in appropriate circumstances.

380:1-7-13. Findings of fact

All findings of fact made by the Labor Commissioner shall be based exclusively on the evidence, on matters officially noticed during the hearing, and upon the information received by the Labor Commissioner through investigation and examination made by its agents prior to or during the hearings, which shall be reduced to writing, sworn to, and filed and made a part of the record, or the testimony of such agents shall be taken under oath, in the discretion of the Labor Commissioner.

380:1-7-14. Testimony of witnesses

The testimony of witnesses and documentary evidence may be admitted on behalf of any party at the hearing, subject to objections as to relevancy by the opposing party. A party may conduct cross-examination required for a full and true disclosure of the facts.

380:1-7-15. Notice of facts

The Labor Commissioner shall give notice to all parties, prior to or at the hearing, of any facts of which it proposes to take official notice. Any party or his attorney may request that official notice may be taken of any fact qualified for such notice by the statutes of this State. If such official notice is taken, it shall be stated in the record, and all parties shall have opportunity to contest and give evidence in rebuttal or derogation of the official notice.

380:1-7-16. Right to counsel

Any party shall at all times have the right to be represented by counsel duly licensed to practice law in the State of Oklahoma.

380:1-7-17. Final orders, proposed finding of facts, and conclusions of law

All final orders in any individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Any party to a proceeding before the Labor Commissioner may file proposed findings of fact and conclusions of law; and if proposed findings of fact are filed, the final order of the Labor Commissioner shall include a ruling upon each proposed finding. All parties shall be notified either in person or by mail of any order. Upon request, a copy of the order shall be delivered or shall be mailed forthwith to each party and to his attorney at the address specified in the request.

380:1-7-18. Subpoenas

Subpoenas for the attendance of witnesses, or for the furnishings of information required by the Labor Commissioner, or for the production of evidence or records of any kind shall be issued by the Labor Commissioner or his representative. In like manner, and for like purpose, subpoenas shall be issued by

the Labor Commissioner at the request of any party to a proceeding before the Labor Commissioner for the attendance of witnesses or for the production of evidential materials at a hearing in such proceeding. The signature of the Labor Commissioner or his representative shall be sufficient authentication for an subpoena. Subpoenas shall be served in any manner prescribed by this Chapter for the service of notices.

380:1-7-19. Refusal to obey subpoena or to testify

Upon the failure of any person to obey a subpoena, or upon the refusal of any witness to be sworn or make an affirmation or to answer a question put to him in the course of a hearing in any rule making proceeding, proceeding for a declaratory ruling, or in an individual proceeding, or in any other authorized action of the Labor Commissioner, the Labor Commissioner as soon as convenient shall consider the matter. The Labor Commissioner may direct the institution of appropriate judicial proceedings under the law of the State for an order to compel compliance with the subpoena or the giving of testimony, as the case may be. Meanwhile, the hearing or other matters shall proceed, so far as possible, but the Labor Commissioner at his discretion at any time may continue the proceedings for such time as may be necessary to secure a final ruling in the compliance proceedings.

380:1-7-20. Costs

The costs covering the issuance and service of subpoenas and all witness fees incurred on behalf of a party to the proceedings, other than the Labor Commissioner, shall be borne by the party on whose behalf they are incurred, but the Labor Commissioner in his final order may tax such costs to some other party if justice so requires.

380:1-7-21. Proof of service

Proof of service of all notices, subpoenas, or other documents requiring service may be made by affidavit of the party making service, specifying dates and manner of service. Such proof shall be prima facie evidence of the fact of service as stated, and the burden of proof shall be upon any person or party contesting the same to establish its invalidity.

380:1-7-22. Administration of oaths, ruling upon offers of evidence

The Labor Commissioner or his designee presiding at a hearing shall administer oaths or require affirmations for the proposes of the hearing. He or the Hearing Officer shall rule upon the motions, objections, offers of proof, or other incidents of the hearing.

380:1-7-23. Rehearing, reopening, or reconsideration

A petition for rehearing, reopening, or reconsideration of a final order must be filed with the Labor Commissioner within ten (10) days from the entry of the order. It must be signed by the party or his attorney, and must set forth with particularity the statutory grounds upon which it is based. However, a petition based upon fraud practiced by the prevailing party or upon procurement or the orders by perjured testimony or fictitious evidence may be filed at any time. All petitions for rehearing, reopening, or reconsideration will be considered and ruled upon as soon as the convenient conduct of the Labor Commissioner's business will permit.

380:1-7-24. Informal hearing of a matter

The parties to any individual proceeding may present the matter to the Labor Commissioner or to any authorized representative in informal conference and upon mutual consent of all parties and of the Labor Commissioner, and the matters may be submitted and determined and an order may be issued without resort to formal procedures. The order shall be in writing and shall be furnished to the parties as prescribed for orders issued after formal hearing in individual proceedings.

380:1-7-25. Stipulation of an order

Any time in an individual proceeding the parties thereto may enter into stipulation for the issuance of an order, specifying its terms, or may enter into an agreement for settlement upon specified terms, or may consent to the issuance of an order upon specified terms. In either event the stipulation, the settlement agreement or the consent shall be reduced to writing duly executed by the parties, or shall be entered upon the record in open hearing. Orders made under this rule shall be in writing and shall be served as other orders are served.

SUBCHAPTER 9. LICENSING PROCEDURES

380:1-9-1. Applications for licenses

- (a) References to specific license application requirements are as follows:
- (1) **Asbestos removal.** For asbestos removal licenses, see Chapter 50, Subchapter 5 of this Title.
 - (2) **Welders, testing labs.** For licenses for welders and testing labs, see Chapter 20 of this Title.
 - (3) **Amusement rides.** For amusement ride licenses, see Chapter 55 of this Title.
 - (4) **Private employment agencies.** For private employment agency licenses, see 40 O.S. Section 53.
 - (5) **Elevators.** For elevator installation, repair and inspection licenses, see Chapter 70, Subchapter 5 of this Title.
 - (6) **Boilers.** For boiler and pressure vessel service, repair and installation licenses, see Chapter 25, Subchapter 13 of this Title.
 - (7) **Alarm and Locksmith Industry.** For burglar alarm, fire alarm, alarm monitoring, fire sprinkler, locksmith, electronic access control, closed circuit television and nurse call licenses, see Chapter 75, Subchapter 3 of this Title.
- (b) General license application requirements which apply to all licenses issued by the Department of Labor are as follows:
- (1) All license applicants must provide a valid, unexpired U.S. federal or state-issued driver's license or photo-identification card and one of the following:
 - (A) Social security card;
 - (B) Birth certificate;
 - (C) Passport; or
 - (D) W-2 form from current employer.
 - (2) Pursuant to 56 O.S. Section 71, all license applicants must sign either an Affidavit of Citizenship affirming that the applicant is a United States citizen or an Affidavit Regarding Citizenship affirming that the applicant is

a qualified alien lawfully present in the United States. Immigration status of qualified aliens will be verified by the Systematic Alien Verification for Entitlements (SAVE) Program. Only verified qualified aliens may be eligible for licensure. Qualified aliens must present valid documentary evidence of immigration status in person. Once eligibility is established, renewal applications of qualified aliens must be submitted in person if the qualified alien is using a new immigration document not previously submitted to the Department to prove immigration status.

(3) All initial license applicants must be photographed by the Department of Labor or an entity approved by the Department. Renewal applicants must be photographed by the Department of Labor or an entity approved by the Department every tenth year.

(4) Renewal applications may be approved each year, excluding the tenth year and every tenth year thereafter, by mailing an application, fee, and photocopy of the requested documentation listed above to the Department of Labor.

(5) For licenses which expire at the end of the applicant's birth month, the initial license fee may be prorated on a monthly basis if the license is issued for less than the full license period.

(c) Forms for application for license are furnished by the Labor Commissioner upon request.

[Source: Amended at 30 Ok Reg 844, eff 7-1-13]

380:1-9-2. Granting of license [REVOKED]

[Source: Revoked at 15 Ok Reg 3245, eff 7-13-98]

380:1-9-3. Notification of action on license

In accordance with statute, no license will be revoked, suspended, annulled, withdrawn, or its renewal refused until the licensee is notified by certified mail or by other means of notification as specified in individual proceedings of the facts which warrant the intended action by the Labor Commissioner, and the licensee is given an opportunity to show compliance with all lawful requirements for the retention of the license.

380:1-9-4. Revocation of licenses for failure to pay child support

(a) As used in these rules:

(1) "Department" means the Department of Labor;

(2) "License" means a license, certificate, registration, permit, approval or other similar document issued by the Department of Labor granting an individual a right or privilege to engage in amusement rides, asbestos removal, boxing, welding, operating welding test labs, private employment agencies, installation of boilers and pressure vessels;

(3) "Obligor" means the person who is required to make child support payments and whose license is suspended, revoked or put on probation;

(4) "Suspension, Suspending, Suspended" means to bar for a period of time from a privilege of using a license issued by the Department;

(5) "Revocation, Revoke, Revoked" means to void, recall, or withdraw a power or authority conferred, as with a license issued by the Department;

(6) "Probation" means a trial period in which a person is given time to try to redeem his/her bad conduct and comply with the court's order.

(b) Upon receipt of a court order to suspend or revoke a license for failure to pay child support, in accordance with Title 43 O.S. § 139.1, the Department shall determine if a license has been issued to the obligor whose name is on the court order for support. All appropriate divisions, specifically Statistical Research Analysis and Licensing Division (SRALD) shall check the computer database and all paper files where all licensing information is held. The search shall be by both the obligor's name and social security number. If any division determines that a license of any kind has been issued to the individual whose name appears on the court order, SRALD shall notify that individual.

(c) The Department shall notify the obligor of the suspension, revocation, or probation of the license that is on file with the Department, by certified mail, return receipt requested. If the Department can not obtain proper service by mail, then a person designated by the Department shall be sent out to the obligor's address to serve the papers personally. In addition, if the Department has a current employer address and phone number, the Department may contact the employer to inform the employer of the suspension, revocation or probation of the employee's license.

(d) After notification from the court, the Department shall so note in the obligor's file the probation status of the obligor's license. Additionally, the Department shall be prepared to automatically suspend or revoke the obligor's license if later notified by the court or an officer thereof of the obligor's noncompliance with the court's order.

(e) After notification from the court, the Department shall so note in the obligor's file the suspension status of the obligor's license. The Department shall then suspend such license and notify the obligor. The Department shall require the obligor to mail the license or personally appear within ten (10) days at the Department's offices and physically surrender the license. If the obligor refuses to deliver the license to the Department, the Department may designate a person to locate the obligor and retrieve the license. Once the obligor has complied with the court's order, the Department may allow the obligor to renew the license if all requirements for renewal are met. If the requirements for renewal are not met, the obligor must apply as a new applicant. The Commissioner may apply to the District Court to have a contempt citation issued if the license is not delivered to the Department in a timely manner.

(f) If the District Court orders the revocation of the license issued by the Department, the Department shall require the obligor to either mail the license to the department or personally appear within ten (10) days from the date of notification at the Department's offices and physically surrender the license. If the obligor refuses to deliver the license to the Department, the Department may designate a person to locate the obligor and retrieve the license. The Commissioner may apply to the District Court to have a contempt citation issued if the license is not delivered to the Department in a timely manner.

(g) Whenever the Department receives notice of a suspension, revocation or probation of an obligor's license, the Department shall notify the appropriate divisions. Each affected division shall note the suspension, revocation or probation in the obligor's files whether located in a computer database or in a written file.

(h) The Department shall not afford the obligor any additional review or hearing. The District Court determination shall be final. Only the District Court can modify its own order. Whenever a District Court modifies its own order and notifies the Department of the modification, the Department shall so note in the records of the Department.

(i) Any fees paid by the obligor for the license shall not be refunded in any part to the obligor. If a license has been revoked, upon reinstatement, the Department shall demand the obligor pay all applicable fees and meet all requirements as if the license had never been issued.

(j) The Department may charge the obligor a fee of \$100.00 for the administrative costs incurred for enforcing the District Court order. If an obligor's license is suspended or revoked, this fee may be added to the fees that the obligor must pay to reinstate a license or apply for a new license. Refusal to pay this fee may be cause for the Department to continue a suspension of a license or refuse to grant the obligor a new license.

(k) The Department is exempt from any liability for enforcement of the District Court Order. The obligor must apply to the issuing District Court to obtain relief from said order.

[Source: Added at 14 Ok Reg 2967, eff 7-13-97]

380:1-9-5. Fee waivers for license or certification for low-income individuals

(a) Any applicant seeking a one-time one-year waiver of any license or certification fees pursuant to 59 O.S. § 4003 shall submit to the Department of Labor, at the time of application for licensure or certification, satisfactory evidence that the applicant qualifies as a low-income individual as defined in 59 O.S. § 4003.

Request for a one-time one-year waiver of any license or certification fees may be made by new applicants for licensure, applicants for renewal of existing licenses, and applicants for reinstatement of existing or inactive licenses or certificates.

(b) Qualifying low-income individuals may apply for a one-time one-year waiver of license or certification fees for any license issued by the Oklahoma Department of Labor and may apply for a one-time one-year waiver of license or certification fees for multiple distinct licenses.

(c) Where applicable, a qualifying low-income individual may apply for a waiver of any license or certification fees for a temporary and/or trainee license as well as a non-temporary license in the same category of licensure in the same calendar year, which commences on the date of initial issuance of the temporary and/or trainee license.

(d) Any applicant seeking a one-time one-year waiver of any license or certification fees associated with a license with a multi-year term shall, upon approval by the Department, receive a waiver of fees prorated to one year.

(e) The Commissioner of Labor or his or her designee shall, consistent with 59 O.S. § 4003, determine whether an applicant has submitted satisfactory evidence that the applicant qualifies as a low-income individual.

[Source: Added at 36 Ok Reg 965, eff 9-15-19]

CHAPTER 10. PERSONNEL EMPLOYMENT AGENCIES

[Authority: 40 O.S., §§ 32 et seq.]

[Source: Codified 12-31-91]

380:10-1-1. Purpose [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-2. Definition [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-3. Prospective employers [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-4. Required clauses [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-5. Percent service fee [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-6. Interest on credit [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-7. Corporate residency [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-8. General manager [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-9. Attorney General's opinion [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

380:10-1-10. Application for license [REVOKED]

[Source: Revoked at 39 Ok Reg 1865, eff 9-15-22]

CHAPTER 15. HAZARDOUS EMPLOYMENT OF CHILDREN

[Authority: 40 O.S., §§ 71 et seq.]

[Source: Codified 12-31-91]

380:15-1-1. Purpose

The purpose of the rules in Chapter 15 is to restrict children under the age of sixteen in engaging in certain occupations and to promulgate rules that the Commissioner of Labor shall use in determining what occupations are injurious to the health or morals or especially hazardous to life and limb to children.

380:15-1-2. Prohibited sales [REVOKED]

[Source: Revoked at 15 Ok Reg 2392, eff 6-11-98]

380:15-1-3. Non-profit organizations [REVOKED]

[Source: Revoked at 15 Ok Reg 2392, eff 6-11-98]

380:15-1-4. Special hazards

In order to vitalize Section 71 of Title 40, Oklahoma Statutes, the Commissioner of Labor has determined that the following occupations are either or both injurious to health or morals or especially hazardous to life or limb of children under fifteen years of age:

- (1) Working in or around grease vats or deep-frying facilities; and/or

(2) Working around any powered machine used in the slicing or preparing of foods.

CHAPTER 16. CHILD LABOR VIOLATIONS

[Authority: 40 O.S., §§ 71 et seq.]

[Source: Codified 7-12-99]

SUBCHAPTER 1. GENERAL PROVISIONS

380:16-1-1. Purpose

The purpose of this Chapter is to set forth rules for the enforcement of 40 O.S. § 71 *et seq.*, relating to the employment of children.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

380:16-1-2. Definitions

The following words or terms shall have the following meaning, unless the context clearly indicates otherwise:

"**The Act**" shall be defined as 40 O.S. §§ 71-89.

"**Age and Schooling Certificate**" may at various times be referred to as "employment certificate of age and schooling," "employment certificate," "work certificate," and "work permit."

"**Commissioner**" shall mean the Commissioner of Labor or her designee.

"**Equity interest**" means ownership interest.

"**Hearing officer**" shall mean the Commissioner of Labor or her designee sitting as Administrative Law Judge.

"**Inspecting officer**" means any employee of the Department of Labor who may be designated to inspect or investigate violations of the Act, or who personally observes a violation of the Act.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

380:16-1-3. Burden of compliance on parents and employer

The failure of a parent or guardian to comply with the provisions of the Act shall not absolve the employer from the requirements thereof. Lack of knowledge, either actual or constructive, as to an employee's age shall not be a valid defense to any violation of the Act.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

SUBCHAPTER 5. HEARING PROCEDURES

380:16-5-1. Notices of violation

If upon inspection or investigation, an employer is found to be in violation of the Act, the inspecting officer may issue the employer a written citation describing the violations found and any corrective action which must be taken. Employers are to comply with such corrective action immediately, or as soon as possible, unless otherwise instructed by the Commissioner. Failure to comply with the Commissioner's lawful order shall be taken into account as an aggravating factor during any administrative hearing. In any administrative hearing, the hearing officer shall not be bound by the amount of any fine which may have been negotiated prior thereto. The hearing officer may set the fine at whatever amount he

or she deems appropriate, up to the maximum allowed by the Act.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

380:16-5-2. Warnings

In lieu of a citation, the inspecting officer may issue a warning to the employer if such is warranted in the officer's opinion. The warning may require that corrective action be taken immediately; however, failure to comply with a warning will not result in a fine being imposed upon the employer, unless a subsequent citation is issued to the employer.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

380:16-5-3. Hearing procedures

(a) Employers cited for violations of the Act will be provided with notice of the date, time, and place where they may contest such violations. Employers may appear either in person or by counsel. Failure to appear may result in entry of a default order and assessment of the maximum fine allowable by law. Employers may file whatever pleadings or motions they deem appropriate.

(b) The Notice of Violation and the testimony of the inspecting officer shall establish a prima facie case that the violation occurred.

(c) If the employer wishes to contest any facts relating to the violation, or to present an affirmative defense, the employer shall provide the following documents to the agency's Legal Division at least 10 days prior to the scheduled hearing date:

- (1) A brief statement explaining the employer's defenses to the citation;
- (2) A list of any witnesses the employer intends to call on its behalf;
- (3) Two (2) copies of all documents the employer intends to introduce as exhibits at the hearing.

(d) Unless good cause is shown, no evidence shall be admissible at the hearing unless the same has been provided to the Legal Division as required above.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

380:16-5-4. Cease and desist orders

Pursuant to the Act, the Commissioner may issue Cease and Desist Orders against employers who repeatedly violate child labor laws. If a Cease and Desist Order is issued against an employer, the matter will be set before a hearing officer on the next available Child Labor docket. The employer shall be commanded to appear and show cause why the Order should not remain in full force and effect. Failure to comply with the Order and/or appear at the show cause hearing may result in the Commissioner obtaining an injunction from the District Court to enforce the Order. Compliance with any Cease and Desist Order is mandatory unless and until the Commissioner rescinds the Order.

[Source: Added at 16 Ok Reg 3016, eff 7-12-99]

CHAPTER 20. WELDING RULES

[Authority: 59 O.S., §§ 1624 et seq.]

[Source: Codified 12-31-91]

380:20-1-1. Purpose

The purpose of the rules in Chapter 20 is to provide guidance for the implementation of standards for the licensing of welders, certification of weld test

facilities, and certification of welding inspectors as mandated by Title 59 of the Oklahoma Statutes, Section 1624, et seq.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-2. General certification requirements

The Rules contained in Chapter 20 are applicable to the specific construction Codes adopted in the Oklahoma Welding Law, found in Title 59 O.S. Section 1624, et seq. The Oklahoma Boiler and Pressure Vessel Safety Act, Title 40, O.S., Sections 141.1 et seq., contains the Statutes for new construction, field assembly, alteration, and repair of boilers and pressure vessels. For new construction and repair of welded down stream piping operated or designed to operate in excess of 15 P.S.I. pressure, welder performance test and certification or test reports must be made by an Oklahoma Weld-Test Facility certified by the Department of Labor in accordance with the following procedures.

(1) The welding inspector shall:

(A) Forward properly certified and signed test reports to the Department of Labor.

(B) Make sure that the permanent address of the welder is included in the test reports. These test reports shall contain the following information as a minimum: complete name and mailing address of the welder; welding position(s) in which the weld-test(s) was/were performed in; welding process or processes used; date(s) of test(s); social security number; birth date; hair color; eye color; height; weight; complete name and mailing address of the weld test facility; and the state assigned identification number of the weld test facility.

(2) The Welder shall:

(A) Apply for a welder's certification card on forms provided by the Department of Labor;

(B) Perform certification weld coupon(s) to a qualified ASME, API, or AWS Weld Procedure Specification;

(C) Include a twenty-five dollar (\$25.00) check, money order, or certified check payable to the Oklahoma Department of Labor;

(D) Renew their certification cards by the last day of the welder's birth month each year. Failure to renew certification cards within one year of expiration shall require retesting and re-certification;

(E) Welder's certification cards once issued become the sole property of the individual whose name appears on the card and must be carried on the person of the welder when performing weldment(s) in this state;

(F) Be responsible for maintaining a Welder's Continuity Log to verify that welder certification has been maintained in every qualified process by the making of weldments at least every six (6) months as may be required by the applicable ASME, API or AWS Code(s). Such documentation shall be made available to inspectors or employer upon request. The welder certification card issued to any welder shall become invalid when the Welder's Continuity Log is not maintained as required by these Rules. An invalid certification card shall be considered valid again only when the welder satisfactorily retests. Such retesting must be performed prior to the expiration date of the certification card. Such periods of inactivity shall not impact the expiration date of the welder's

certification card.

- (3) The Department of Labor shall:
 - (A) Document and file test results and welder applications;
 - (B) Mail welder's certification card to the welder's address as listed on the welder's application.

[Source: Amended at 19 Ok Reg 2787, eff 7-25-02; Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-3. Welding inspectors

(a) The intent of Title 59 O.S. Section 1627 is that the welding inspector be physically present during the welders fusing of the test materials and that he witness the test fused material from fit up through fusion, preparation of coupons and ultimate destructive test or to the on-site nondestructive examination personnel. Therefore the welding inspectors test report must contain the following statement: "I certify that I personally witnessed all phases of the welding performance test of the above named welder and that the above data reflects a true report of the test results."

(b) The following definitions shall apply to this chapter;

- (1) "ASME" means the American Society of Mechanical Engineers, Three Park Avenue, New York, NY, 10016-5990;
- (2) "API" means the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005-4070;
- (3) "ASTM" means American Society of Testing and Materials, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959;
- (4) "AWS" means the American Welding Society, 550 N.W. LeJeune Road, Miami, Florida 33126;
- (5) "Certificate," or "Certification Card" means the document issued to an applicant upon successful examination;
- (6) "Destructive" means to bend or pull the weld test coupon to see if it cracks or breaks;
- (7) "NDE" means a nondestructive examination;
- (8) "Welding Inspector" means any person certified as a welding inspector in accordance with Section 1628 of this Act, or any person in possession of one or more of the following certifications issued by the American Welding Society:
 - (A) Senior Certified Welding Inspector ("SCWI");
 - (B) Certified Welding Inspector ("CWI")
 - (C) Certified Associate Welding Inspector ("CAWI")
- (9) "Welding Procedure Specification" ("WPS") means a written document providing direction to the welder for making production welds in accordance with Code requirements by identifying all essential, supplemental essential, and non-essential variables.
- (10) "Structure" means any commercial or industrial building intended for human occupancy where any part of the building is fabricated, constructed, altered, repaired or enlarged using weldable material found in AWS D1.1 or D1.3 in the welding process.
- (11) "Continuity log" means a written record that verifies a welder has maintained their certification in every qualified process by producing sound welds at least every six (6) months as may be required by the applicable ASME, API or AWS code(s).

(c) The welding inspector shall forward all welder test results properly certified showing under which qualified procedure the welder tested (as permitted by this

Act) to the Department of Labor. Upon receipt of the completed application affidavit, the test results and the twenty-five dollar (\$25.00) application affidavit fee, pursuant to 380:20-1-2(2)(C), the certification card will be mailed to the welder.

(d) All welding inspector certifications will specify with which weld-test facility the inspector is associated.

(e) Title 59 O.S. Section 1638 refers to an owner-user inspector and a certified AWS inspector as being exempt from the Act under certain conditions.

(1) For the purpose of clarifying Title 59 O.S. Section 1638, an owner-user is defined as a firm, company or organization which owns the piping which is being constructed, modified or repaired by full time company employees of the firm. This excludes high pressure steam (in excess of 15 P.S.I.) power piping (boiler external piping) falling within the scope of Section I of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the Oklahoma Boiler and Pressure Vessel Law, Title 40 O.S. Section 141.1, et seq.

(2) For the purpose of clarifying Title 59 O.S. Section 1638, an owner-user inspector is defined as an inspector working as a paid company employee inspecting welds and qualifying welders to weld only those welds on owner piping facilities. The Department of Labor will recognize owner-user inspectors for purposes of certifying their welder's qualifications only. (Any inspection required by virtue of the Oklahoma Boiler Code such as boiler repair and high-pressure steam lines shall be performed in accordance with the provisions of the Boiler and Pressure Vessel Law, Title 40 O.S. Section 141.1 et seq.)

(f) A certified welding inspector may witness welder performance qualification in the field, provided the field testing facility is equipped with the proper test equipment (destructive or NDE devices).

(g) Except for owner-user situations and organizations in possession of a valid Certificate of Authorization issued by the ASME or the National Board of Boiler and Pressure Vessel Inspector, no certified welding inspector or certified testing facility shall be affiliated with any parent or subsidiary company which builds, constructs, erects or repairs piping systems designed in accordance with the provisions of any of the Codes identified in this Act, 40 O.S. 1624, et seq.

(h) For the purpose of welder certification, no welding inspector or testing facility certified by the Department of Labor shall certify any welders in their own employ or any welders in the employment of any parent organization unless done by an employee of an owner-user organization as per 380:20-1-3(e)(2), or an organization in possession of a valid Certificate of Authorization from the ASME or the National Board of Boiler and Pressure Vessel Inspectors.

(i) For the purpose of certifying welders by the Department of Labor, all certified welding inspectors and certified test facilities shall qualify, observe and test welders under one of the procedures and specifications referred to as:

(1) D.P.-1 or;

(2) D.P.-2 or;

(3) Any welding procedure certified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code sanctioned by the welder's employer; or

(4) Any welding procedures certified in accordance with API Standard 1104 sanctioned by the welder's employer; or

(5) Any appropriate AWS standard welding procedure.

(j) The welder must successfully qualify in all respects to the selected procedure and all new test results forwarded to the Department of Labor shall so specify the welding process or processes used, and the position or positions in which welded. Test results shall remain valid for one year from the date the test weldment was performed.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06; Amended at 26 Ok Reg 198, eff 11-1-08 (emergency); Amended at 26 Ok Reg 2254, eff 7-1-09]

380:20-1-4. Limitations affecting welding inspector certifications

A welding inspector certification is non-transferable. Upon a certified welding inspector's termination from a weld-test facility, his certification shall be deemed cancelled.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-5. Penalties

(a) The Oklahoma Welding Act (Title 59 O.S. Section 1631), provides the Oklahoma Commissioner of Labor shall have the power to suspend, refuse renewal of or revoke the welding inspector's certification, and the power to place on probation or to reprimand the holder, if he is found guilty of an unauthorized practice. The Commissioner of Labor may apply to any court of competent jurisdiction for an enforcement of its administrative decisions and rulings.

(b) The Oklahoma Welding Act (Title 59 O.S. Section 1640), provides any person who violates its provisions shall be guilty of a misdemeanor and upon conviction thereof shall be punished by payment of a fine of Five Hundred Dollars (\$500.00).

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-6. Application procedure - weld-test facility

To facilitate uniform welding certification, the State Department of Labor will issue to each applicant successfully meeting the qualifications requirements a certificate stating that the applicant has met the certification requirements. The certifications shall be valid for one (1) year unless revoked pursuant to the Oklahoma Welding Act, Title 59 O.S. Sections 1624 - 1641. The certification fee for each weld-test facility shall be two hundred-fifty dollars (\$250.00). The certification shall be issued for a period of one (1) year, and shall be renewed by January 1st of each year. Failure to renew the certificate within thirty (30) days of expiration shall require certification.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-7. Weld-test facility certification

(a) Each weld test facility shall as a minimum:

- (1) Have in their employ, a weld inspector in possession of a current American Welding Society Inspector Certification and be certified by the Commissioner of Labor; or
- (2) Have in their employ, a weld inspector with a minimum of seven (7) years of the last ten (10) years of experience in the weld inspection field and be certified by the Commissioner of Labor; or
- (3) Be certified as an owner-user welding inspector.

(b) Each Weld-Test Facility shall have adequate welding equipment, material and staff personnel to perform any and all tests set forth by the requirements of the Oklahoma Welding Act and the Oklahoma Boiler and Pressure Vessel Safety Act,

Title 40 of the Oklahoma Statutes 40 Section 141.1, et seq.

(c) Any organization in possession of a valid Certificate of Authorization from the American Society of Mechanical Engineers or the National Board of Boiler and Pressure Vessel Inspectors may be certified as a weld test facility. Each such organization must have in effect a valid quality control system addressing welder qualification in accordance with the requirements of Section IX of the ASME Boiler and Pressure Vessel Code. Welder's Performance Qualifications may be used to certify only those welders being full time employees of the Certificate of Authorization holder and welder testing for the purpose of certification shall not be made available to the general public.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-8. Limitations affecting weld-test facility certifications

(a) Upon termination of employment of a certified welding inspector at the weld-test facility, the weld-test facility certification shall be deemed temporarily suspended until such time as the Department of Labor certifies another welding inspector for the facility.

(b) All weld-test facility certifications are non-transferable.

(c) Any weld-test facility certified by the Commissioner of Labor wherein welders are instructed and/or undergoing welding training are prohibited from certifying the qualifications of their own student welders connected with said school unless there exists on file with the Department of Labor, a written Quality Control System detailing those controls necessary to maintain separation of the classroom and inspection/certification functions of the facility. The quality control system shall be signature approved by the Chief Boiler Inspector or Deputy Boiler Inspector and shall as a minimum include all of the following elements:

(1) There shall be a forward statement signed by a senior company official stating that the inspector has the freedom to fail any weld certification test coupon that does not satisfy the requirements of this Act and the applicable referencing Code;

(2) The inspector must be certified in accordance with the provisions of this Act;

(3) The inspector may conduct formal welder instruction but shall not be permitted to conduct certification examinations on welders which he has been responsible for training;

(4) Any changes that are to be made to the written Quality Control System shall be approved by the Chief Boiler Inspector prior to implementation; and

(5) Facilities shall be open to random surveillance by the Chief or Deputy Boiler Inspector without prior notification. There shall be no cost associated with such surveillance.

(d) Any weld-test facilities except owner-user weld-test facilities certified by the Commissioner of Labor, must make their facilities available to the general public as a testing lab for qualifying welders.

(e) Each applicant for a weld-test facility shall make application in affidavit form to the Oklahoma State Department of Labor and file with the Department a thorough and factual written report in reference to procedures, equipment, integrity, standards of skills, practices and conduct in the occupation of inspection and testing and shall be cognizant of the principles and scope of rules which may apply.

(f) Upon receiving the request, the application affidavit and the two hundred-fifty dollars (\$250.00) certification fee, the Department of Labor will inspect the

facilities, and upon approval the weld-test facility will be issued a certification card.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-9. Weld-test facility application affidavit (non-owner-user)

Application for weld-test facility (public non-owner-user) shall be on affidavit forms provided by the Department of Labor. See Appendix E.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-10. Welding inspector certification; procedure

(a) Each welding inspector shall have as minimum qualifications:

- (1) A current American Welding Society Welding Inspectors Certification; or
- (2) A minimum of seven (7) years of the last ten (10) years of documented experience in the weld inspection field as required by Title 59 O.S. 59 Section 1628 of this Act; or
- (3) Have current employment documentation as an owner-user inspector.

(b) Each welding inspector applicant is to make application to the Department of Labor using the appropriate application affidavit forms as specified by the Department of Labor. See Appendix G.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-11. Limitations affecting welding inspector certification

Upon the termination of employment of a certified welding inspector at a weld-test facility, the welding inspector certification shall be deemed canceled. A welding inspector certification is non-transferable.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-12. Weld-test facility application affidavit (owner-user)

Application for weld-test facility (owner-user) shall be on affidavit forms as specified by the Department of Labor. See Appendix F.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-13. Welding inspector application affidavit

(a) The welding inspector application shall include the following:

- (1) Name of Welding Inspector - Applicant
- (2) Enclose a copy of American Welding Society Certification; documentation of seven (7) years of the last ten (10) years experience as a welding inspector; or proof of current employment if an owner-user inspector.
- (3) Name of company employing applicant to inspect weldments.

(b) The welding inspector application shall be on affidavit forms as specified by the Department of Labor. See Appendix G.

[Source: Amended at 23 Ok Reg 2984, eff 7-13-06]

380:20-1-14. Welding procedure specifications for butt weld

(a) **Specifications.**

- (1) Number Okla. D.P.-1 (without backing ring)
- (2) Number Okla. D.P.-2 (with backing ring)

(b) **Process.**

- (1) S.M.A.W.- Shielded Metal Arc Welding
- (2) G.M.A.W. - Gas Metal-Arc Welding
- (3) G.T.A.W. - Gas Tungsten-Arc Welding
- (4) O.F.G.W. - Oxyfuel Gas Welding

(c) **Base Material.** The base material shall conform to the specifications of the following:

- (1) ASME Boiler & Pressure Vessel Code, as applicable
- (2) A.P.I. STD 1104 as applicable
- (3) AWS Part A, as applicable

(d) **Forgings.** Filler metal; The filler metal shall conform to the applicable code requirements of specifications under which the welder is being qualified, and restricted to the particular welding process being utilized. Applicable codes: ASME Section IX, current Edition and addenda, ASME B31.1, current Edition and addenda, API 1104, current Edition and addenda, and AWS D1.1, current Edition and addenda.

(e) **Position.** The welding shall be done in test position 2G and 5G or 5G or 6G, as described in Section IX of the ASME Boiler and Pressure Vessel Code or positions described in AWS D1.1 or D1.3.

(f) **Preparation of base material.** The edges or surfaces of the parts to be joined by welding shall be prepared by being machined, ground or gas cut to form groove design joints, as shown on the attached appendices and shall be cleaned of all oil and grease and excessive amounts of scale or rust. Fillet design joints shall not be used for welder certification.

(g) **Nature of electric current.** The current shall be DC, the base metal to be on the negative side of the line.

(h) **Welding technique.** The welding technique, electrode size and mean voltages and currents for each electrode shall be substantially as shown on attached appendices.

(i) **Appearance of welding layers.** The welding current and manner of depositing the weld material shall have the appearance shown on the attached appendices. There shall be practically no undercutting on the side walls or the welding groove or the adjoining material.

(j) **Cleaning.** All slag or flux remaining on any bead of welding shall be removed before laying down the next successive bead.

(k) **Defects.** Any cracks or blow holes that appear on the surface shall be removed by chipping, grinding or gas gouging before depositing the next successive bead of welding.

(l) **Heat treatment.** The heat treating or stress relieving of completed welds, when required, shall be performed in accordance with the requirements of the specific code under which the work is conducted.

[Source: Amended at 19 Ok Reg 2787, eff 7-25-02; Amended at 23 Ok Reg 2984, eff 7-13-06; Amended at 26 Ok Reg 198, eff 11-1-08 (emergency); Amended at 26 Ok Reg 2254, eff 7-1-09]

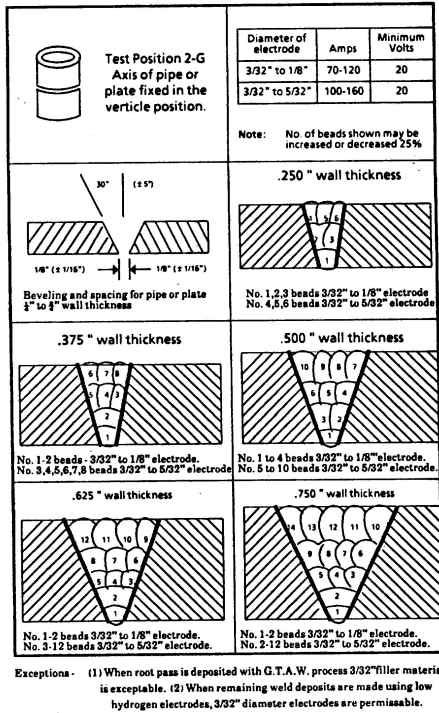
380:20-1-15. Welding procedure specifications for structural steel welding

The welding procedure specifications for structural steel welding is that which is found in AWS D1.1 and/or D1.3.

[Source: Added at 26 Ok Reg 198, eff 11-1-08 (emergency); Added at 26 Ok Reg 2254, eff 7-1-09]

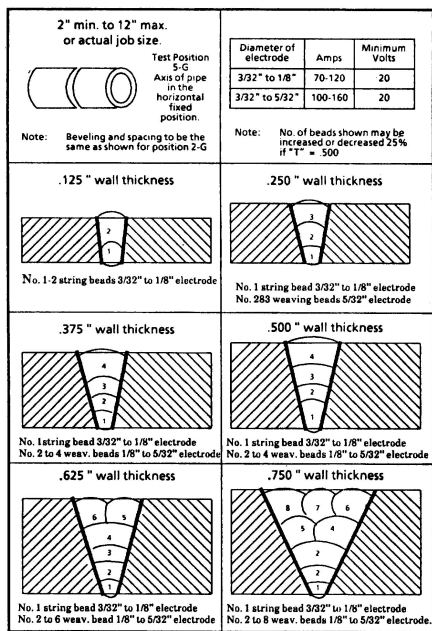
APPENDIX A. PROCEDURE OKLA. D.P. - 1 VERTICAL FIXED POSITION (2-G) ONLY

Figure 1



APPENDIX B. PROCEDURE OKLA. D.P. - 1 HORIZONTAL FIXED POSITION (5-G)

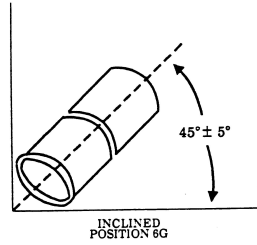
Figure 1



APPENDIX C. PROCEDURE OKLA. D.P.- 1 FIXED INCLINED POSITION (6-G)

Figure 1

PROCEDURE



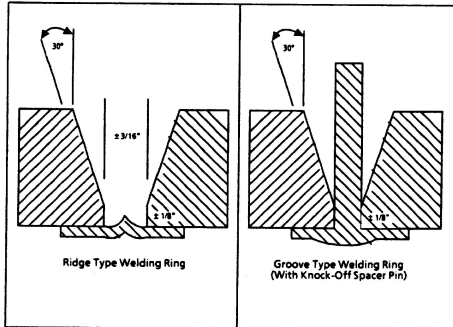
PIPE WELDING

TO BE QUALIFIED TO WELD PIPE IN ALL POSITIONS A WELDER SHALL PASS TESTS IN THE 6G AND 6G OR 6G POSITION.

APPENDIX D. PROCEDURE OKLA. D.P. - 2

Figure 1

Procedure Okla. D.P. - 2 (with welding rings) shall conform to the specifications of Procedure Okla. D.P. - 1 (without welding rings) rod size, amps, minimum are in volts, and various positions shall be the same as Procedure Okla. D.P. - 1. Welding rings shall conform to the ASME Boiler Construction Code, and A.N.S.I. Power Piping Code B31.1 and shall be the groove type welding rings with knock-off spacer pin or the ridge type as manufactured by the tube turn, as shown in the following sketches under Procedure Okla. D.P. - 2. Ferrous rings, nonferrous, nonmetallic or consumable inserts may be used accordingly in compliance with applicable codes.



APPENDIX E. WELD-TEST FACILITY APPLICATION AFFIDAVIT (NON OWNER-USER)

Figure 1

Upon oath, I, the owner, manager or officer of the undersigned company or firm, state that I/we have adopted Oklahoma Welding Rules and Procedures for Weld Testing in conformity with the "Oklahoma Welding Act", Title 59 O.S., Sections 1624 - 1641. The undersigned further states that Oklahoma procedures for qualifying and testing of welders have been followed, and that all welders will be tested, and that all welds made will be in the presence of an inspector certified and approved by the Department of Labor.

Name of Company

By: _____
Name of Company Official

Title

State of Oklahoma)
) ss:
County of _____)

Subscribed and sworn to before me by _____ this _____
day of _____ 20____.

My Commission expires: _____

Notary Public

Application package reviewed and approved/denied:

Chief Boiler Inspector

Date

[Source: Added at 23 Ok Reg 2984, eff 7-13-06]

APPENDIX F. WELD-TEST FACILITY APPLICATION AFFIDAVIT (OWNER-USER)

Figure 1

Upon oath, I, the owner, manager or officer of the undersigned company or firm, state that I/we will abide by the "Oklahoma Boiler Code and Rules" and the "Oklahoma Welding Code and Rules" for Owner-User Testing Facilities Certification. The undersigned further states that all welders will be tested and that all test welds made will be in the presence and witnessed only by a welding inspector approved by the Department of Labor.

Name of Company

By: _____
Name

Title

Name of Owner-User Inspector

State of Oklahoma)
) ss:
County of _____)

Subscribed and sworn to before me by _____ this _____
day of _____ 20____.

My Commission Expires: _____

Notary Public

Application package reviewed and approved/denied:

Chief Boiler Inspector

Date

[Source: Added at 23 Ok Reg 2984, eff 7-13-06]

APPENDIX G. WELDING INSPECTOR APPLICATION AFFIDAVIT Figure 1

This application must include the following information:

- a. Name and complete mailing address of welding inspector
- b. A copy of the American Welding Society Welding Inspector Certification, or other documentation to verify that the additional requirements of Section 1628 of the Oklahoma Welding Law have been satisfied, or proof of current employment if an Owner-User Inspector.

Upon oath, I, the undersigned, state that I will adhere to the "Oklahoma Boiler Code" and the "Oklahoma Welding Act" and all Department of Labor rules in the performance of my duties as a Welding Inspector.

Applicant Signature _____ Address _____

Employer - Weld-Test Facility: _____

State of Oklahoma)
County of _____) ss:

Subscribed and sworn to before me by _____ this _____
day of _____ 20 _____.

My Commission Expires: _____
Notary Public _____

Application package reviewed and approved/denied: _____

Chief Boiler Inspector _____ Date _____

[Source: Added at 23 Ok Reg 2984, eff 7-13-06]

CHAPTER 25. BOILER AND PRESSURE VESSEL RULES

[Authority: 40 O.S., §§ 1 and 141.1 et seq.]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

380:25-1-1. Purpose

These rules are promulgated as required by Title 40 O.S. Section 141. They are specific as to definitions, adopted national standards rules and regulations for the safe construction, installation, inspection, operation, maintenance, and repair of boilers, pressure vessels, steamlines and water heaters in Oklahoma.

380:25-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"The Act" means the Oklahoma Boiler and Pressure Vessel Safety Act, Title 40, Sections 141.1 through 141.20 of the Oklahoma Statutes.

"Accident or incident", means a sudden or accidental breakdown of a boiler or pressure vessel or any part thereof that manifests itself at the time of its occurrence by physical damage to the boiler or pressure vessel necessitating the repair or replacement of the boiler or part thereof. Accident does not mean normal erosion, corrosion, wastage of metal requiring restoration, leaking tubes or weakened metal such as water legs, handhole areas, etc., unless a unique or unusual explosion hazard exists as a result of any failure.

"Alteration" means a change in any item described on the original Manufacturers' Data Report which affects the pressure capability of the boiler or pressure vessel or as further defined in the NBIC or ANSI/API 510 as appropriate.

"ANSI/API 510 Pressure Vessel Inspection Code" means the American National Standard for Pressure Vessels Inspection for the Petroleum and Chemical Process Industries. This Code covers the maintenance, inspection, repair, alteration, and re-rating procedures for pressure vessels within its scope. Copies of the Code may be obtained from the API.

"**API**" means, as used herein, the American Petroleum Institute, 1220 L Street NW, Washington, D.C. 20005-4070.

"**API-ASME Code**" means the American Petroleum Institute (API) in conjunction with the ASME Code as used in this Chapter and shall mean the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.

"**Approved**" means approved by the Commissioner of Labor or the Chief Inspector.

"**ASME Code**" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with such revisions, amendments, and interpretations thereof as are made, approved, and adopted by the Council of the Society, and approved and adopted by the Commissioner of Labor. Copies of the Code may be obtained from said Society at 22 Law Dr., Box 2300, Fairfield, NJ 07007-2300.

"**Authorized inspection agency**" means one of the following:

(A) A department or division established by a jurisdiction which has adopted and does administer one or more sections of the ASME Code, one of which shall be Section I as a legal requirement, and whose Inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors;

(B) An insurance company which has been licensed or registered by the appropriate authority of a state of the United States or a province of Canada to write boiler and pressure vessel insurance and does write, and/or provides inspection service of boilers and pressure vessels in such state or province.

(C) An owner/user inspection agency as defined in this Section.

"**Authorized Inspector**" means the Chief Inspector or Deputy Inspector, Special Inspector or Owner/User Inspector.

"**Boiler**" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum, for use external to itself, by the direct application of heat. The term "boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and complete within themselves.

"**Building intended for human occupancy**" means:

(A) A dwelling. For the purposes of this Act, each separate dwelling unit of a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(B) A building that is occupied by twenty (20) or more persons during normal use.

(C) A small, well defined outside area that is occupied by twenty (20) or more persons during normal use.

"**Certificate inspection**" means an inspection, the report of which is used by the Commissioner or the Chief Boiler Inspector as justification for issuing, withholding, or revoking the certificate of operation. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

(A) "Internal inspection" means as complete an examination as can reasonably be made of the internal and external surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Inspector.

(B) External inspection. An inspection made when a boiler or pressure vessel is in operation, if possible.

"Certificate of competency" means a certificate issued to a person who has passed an examination as provided for in the Act, or to an employee, of an Oklahoma Owner-User inspection agency, who holds an API Certification as an inspector of pressure vessels.

"Certificate of operation" means a certificate issued by the Commissioner for the operation of a boiler or pressure vessel as required by the Act.

"Chief inspector" means the Chief Boiler and Pressure Vessel Inspector appointed under the Act.

"Commission - National Board" means the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop inspections or field inspections in accordance with the National Board By-Laws and whose employer submits the Inspector's application to the National Board for such commission.

"Commissioner" means the Commissioner of Labor or his duly authorized representative.

"Condemned boiler or pressure vessel" means a boiler or pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an Inspector, and a stamping or marking designating its condemnation has been applied by the Chief or Deputy Inspector.

"Deputy inspector" means an Inspector appointed by the Chief Boiler Inspector subject to the approval of the Commissioner under the provisions of the Act.

"Downstream welded steamlines" means all welded steam lines operated in excess of 15 psig, not within the scope of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Codes.

"Electric boiler" means a power boiler or heating boiler in which the source of heat is electricity.

"Existing installation" includes any boiler or pressure vessel constructed, installed, placed in operation, or contracted for before twelve (12) months from the date upon which the rules of this Chapter become effective.

"Heat recovery boiler" means a vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat.

"High-temperature water boiler" means a water boiler intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 EF.

"Hot water heating boiler" means a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig (1100 kPa gauge) and/or a temperature of 250 EF (121 EC) at or near the boiler outlet.

"Hot water supply boiler" means a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig (1100 kPa gauge) or at temperatures not exceeding 250 EF (121 EC) at or near the boiler outlet, or as further defined in American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section IV.

"Hot water supply heater" means a closed vessel in which water is heated by the combustion of fuels, electricity, or any other source and withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa gauge) and shall include all controls and devices necessary to prevent water temperatures from exceeding 210 EF (99 EC).

"Jurisdiction" means the State of Oklahoma, which has adopted one or more sections of the ASME Code, one of which is Section I, and maintains a duly constituted Bureau for the purpose of enforcement of such Code.

"Low pressure steam boiler" means a steam or vapor boiler operating at pressure not exceeding 15 psig.

"Measurement - (one-fourth square mile)" means beginning at the pressure vessel measuring north, south, east, and west, the distance of one-fourth (1/4) mile (1320 feet) to establish a square that encompasses 160 acres and a square that measures one-half (2) mile (2640 feet) on each side. The vessel to rest at the center of this square.

"Miniature boiler" means a power boiler or high-temperature water boiler which does not exceed the following limits:

- (A) 16 inches (410 millimeters) inside diameter of shell;
- (B) 20 square feet (1.9 square meters) heating surface (not applicable to electric boilers);
- (C) 5 cubic feet (140 liters) gross volume exclusive of casing and insulation;
- (D) 100 psig (690 kPa gauge) maximum allowable working pressure.

"Minor repairs and maintenance" means minor repairs and/or maintenance that the manufacturer prescribes and which the manufacturer identifies as being performable by the equipment owner or operator.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, (NB) 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the Chief Boiler Inspectors of jurisdictions who are charged with the enforcement of the provisions of the ASME Code.

"NBIC - National Board Inspection Code" means the manual for Boiler and Pressure Vessel Inspectors published by the National Board. Copies of this code may be obtained from the National Board.

"New boiler or pressure vessel installation" includes all boilers or pressure vessels constructed, installed, or placed in service twelve (12) months from the date upon which the rules of this Chapter become effective.

"Nonstandard boiler or pressure vessel" means a boiler or pressure vessel that does not bear the ASME stamp, the API-ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by this state.

"Owner or user" means any person, firm, or corporation legally responsible for the safe installation, operation, and maintenance of any boiler or pressure vessel within the jurisdiction.

"Owner/user inspection agency" means an owner or user of boilers or pressure vessels or both, who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements of the Act and these rules and are acceptable to the Commissioner.

"Owner/user inspector" means an Inspector holding an Oklahoma certificate of competency who is continuously employed as an Inspector by an owner/user inspection agency.

"Portable boiler" means a boiler which is primarily intended for temporary location, and the construction and usage permits it to be readily moved from one location to another.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig (pounds per square inch gauge).

"Pressure retaining item" means any boiler, pressure vessel, piping, or material used for the containment of pressure, either internal or external, as defined in the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. The pressure may be obtained from an external source, or by the application of heat from a direct source, or any combination thereof.

"Pressure vessel" means a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined in this Section.

"PSIG" means pounds per square inch gauge.

"Reinstalled boiler or pressure vessel" means a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

"Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition or as further defined in the NBIC or API 510 as applicable.

"Repair firms" means those firms or corporations licensed by the Commissioner of Labor to perform installations, service, repair and/or alterations to boilers and/or pressure vessels covered by this Act.

"Second-hand boiler or pressure vessel" means a boiler or pressure vessel which has changed both location and ownership since primary use.

"Special inspector" means an Inspector holding an Oklahoma certificate of competency who is regularly employed by an insurance company recognized as an Authorized Inspection Agency.

"Standard boiler or pressure vessel" means a boiler or pressure vessel which bears the stamp of this State; the ASME stamp, the API-ASME stamp, both the ASME and National Board stamp, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this State.

"Steam heating boiler" means a steam boiler for operation at pressures not exceeding 15 psig (103 kPa gauge).

"Triennially" means, as used herein, at least one inspection within a three (3) year period.

"Waste heat boiler" means an unfired pressure vessel or system of unfired pressure vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy.

[Source: Amended at 18 Ok Reg 3509, eff 9-14-01; Amended at 19 Ok Reg 2788, eff 11-1-02]

380:25-1-3. Fees

(a) Upon the effective date of this rule, the following schedule of administrative fees shall apply to the registration, inspection, and operation of boilers, pressure vessels, and steam lines. The following schedule of administrative fees are derived from statute and shall supersede the fees provided for in 40 O.S. § 141.16.

(b) Annual certificate of operation fee shall be as follows:

- (1) with manway state inspector up to \$75.00
- (2) without manway state inspector up to \$50.00
- (3) any size special - or owner/user inspector up to \$50.00
- (4) each public hot water supply heater (biennially) up to \$25.00
- (5) each public boiler inspection/certification up to \$25.00
- (6) Only one certificate of operation fee per year may be charged; except an additional fee equal to the certificate of operation fee may be charged for witnessing a hydrostatic test required after repairs, provided a fee equal to the total fees identified in paragraph 1 or 2 of subsection b of this section,

whichever is appropriate, and paragraph 5 of subsection c of this subsection may be charged when the pressure-retaining item is not prepared and ready pursuant to rules promulgated by the Commissioner of Labor at the time of the inspection.

(c) Labor Fees

- (1) hydrostatic test of steam pipeline per day up to \$150.00
- (2) hydrostatic test of steam pipeline for each additional half-day or part thereof up to \$75.00
- (3) shop review fees up to \$3,000.00
- (4) boiler or pressure vessel inspection fee for certificate inspections by state inspectors up to \$160.00
- (5) authorized inspector services for weld repairs or alterations, per eight-hour day or part thereof up to \$300.00
- (6) public hot water supply heater inspection fee up to \$75.00

(d) Other fees

- (1) licensing fees
 - (A) repair, service, install (annually) up to \$100.00
 - (B) boiler operator (biennially) up to \$100.00
 - (C) owner/user operator fee up to \$50.00
- (2) certificate of competency fee up to \$15.00
- (3) examination fee up to \$50.00
- (4) issuance of duplicate licenses and certificates up to \$25.00
- (5) installer permit fee up to \$10.00

(e) All institutions owned or operated by the State of Oklahoma or its agencies or by any county, municipality, or school district, and such institutions or agencies, and all owners or users of boilers or pressure vessels of historical significance as specified in subsection D of Section 141.5 of Title 40 of the Oklahoma Statutes are exempt from the payment of only those fees provided for in subparagraphs (c)(1) through (c)(5) and paragraph (d) of this section.

(f) All fees shall be paid directly to the Department of Labor.

[Source: Added at 34 Ok Reg 1718, eff 9-15-17; Amended at 35 Ok Reg 1773, eff 9-15-18; Amended at 36 Ok Reg 966, eff 9-15-19]

SUBCHAPTER 3. ADMINISTRATION

380:25-3-1. Minimum construction standards for boilers and pressure vessels

(a) **Construction.** All new boilers and pressure vessels, unless otherwise exempt, to be operated in this jurisdiction shall be designed, constructed, inspected, stamped, and installed in accordance with the ASME Code and the latest addenda thereto in effect and these rules and regulations. A copy of the Manufacturers' Data Report, signed by the manufacturer's representative and the National Board commissioned inspector shall be filed with the Chief Boiler Inspector.

(b) **State special.** If a boiler or pressure vessel proposed for construction cannot bear the ASME and National Board stamping, details in the English language and United States customary units of the proposed construction material specifications and calculations shall be submitted to the Chief Boiler Inspector by the owner or user and approval as "State Special" obtained from the Commissioner before construction is started.

(c) **Hot water supply heaters.** All new hot water supply heaters covered by the Act shall be designed, constructed, inspected, and identified in accordance with applicable national standards.

(d) **Exceptions.** In any circumstances other than the above, the owner or user shall contact the Chief Boiler Inspector.

380:25-3-2. Frequency and criteria of inspections of boilers, pressure vessels, and hot water supply heaters

(a) Power boilers and high-pressure, high-temperature water boilers shall receive a certificate inspection annually which shall be an internal inspection where construction permits; otherwise it shall be as complete an inspection as possible. Such boilers shall also be inspected externally annually while under normal operating conditions.

(b) Low pressure boilers shall receive a certificate inspection annually.

(1) Steam or vapor boilers shall have an external inspection; and, an internal inspection every two years where construction permits.

(2) Hot water heating and hot water supply boilers shall have an external inspection annually and, where construction permits. an internal inspection at the discretion of the Inspector.

(c) Pressure vessels, excluding those within the scope of the American Petroleum Institute Pressure Vessel Inspection Code, subject to internal corrosion and waste heat steam generators shall receive an internal inspection triennially where construction permits, and pressure vessels not subject to internal corrosion shall receive an internal inspection each ten (10) years. All pressure vessels shall be inspected externally triennially (certificates of operation may be issued on a three (3) year basis).

(d) Hot water supply heaters shall receive a certificate inspection annually if possible but biennially as a minimum.

(e) The frequency and criteria of inspection of pressure vessels within the scope of the American Petroleum Institute, Pressure Vessel Inspection Code shall be as prescribed therein.

(f) The original vessel construction shall determine the inspection criteria to be used for internal and external inspections.

(g) Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the Commissioner may, at his discretion, permit variations in the inspection frequency requirements as provided in the Act.

[Source: Amended at 11 Ok Reg 4211, eff 7-25-94]

380:25-3-3. Notification of inspection

Certificate inspection, as required in Section 380:25-3-2, shall be scheduled prior to the expiration date of the certificate. External inspections may be performed by the Inspector during normal business hours and without prior notification. When as a result of an external inspection or a determination by other objective means, it is the Inspector's opinion that continued operation of the boiler or pressure vessel constitutes a menace to public safety, the Inspector may request an internal inspection or an appropriate pressure test or both to evaluate conditions. In such instances the owner or user shall prepare the boiler or pressure vessel for such inspections or test as the Inspector designates.

380:25-3-4. Adoption of national standards

The following American national standards are hereby adopted:

(1) Sections I, II, IV, V, VI, VII, VIII Divisions 1, 2, and 3, and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, latest edition and most current addenda and code cases.

- (2) The National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors, latest edition and most current addenda.
- (3) American Petroleum Institute Pressure Vessel Inspection Code, 510.
- (4) The latest edition and most current addenda of CSD -1 Controls and Safety Devices for Automatically Fired Boilers of the American Society of Mechanical Engineers Code, effective July 1, 1995 for newly installed or reinstalled boilers. On installations where there is a conflict between ASME Boiler Code, CSD -1 and these rules, the most stringent requirement must be met.

[Source: Amended at 12 Ok Reg 3159, eff 7-28-95; Amended at 16 Ok Reg 3017, eff 7-12-99; Amended at 18 Ok Reg 3509, eff 9-14-01]

380:25-3-5. Certificate of competency and identification card

(a) Upon written request of his/her employer a certificate of competency and an identification card may be issued by the Commissioner of Labor to:

- (1) The Chief Boiler Inspector and Deputy Inspectors employed by the state.
- (2) A special Inspector who is regularly employed by an insurance company recognized as an Authorized Inspection Agency.
- (3) An owner/User inspector who has met all the requirements of the Act and who is continuously employed by a company which operates boilers or pressure vessels or both in this state and which has a valid owner/user inspection agency as provided for in the Act.
- (4) The inspector in his name and only one employer, whereupon the certificate of competency and valid identification card shall be returned to the Chief Boiler Inspector when the inspector to whom they were issued is no longer employed by the organization employing him at the time that the certificate was issued.

(b) All new applicants for and current holders of, an Oklahoma certificate of competency will be required to complete an open book questionnaire covering the Oklahoma Boiler and Pressure Vessel Safety Act of 1982 and its amendments, prior to the issuance, or renewal of the certificate of competency.

- (1) This questionnaire will be required every 5 years.
- (2) Each new applicant for a certificate of competency will be provided the questionnaire at the time of application.
- (3) Future questionnaires will be made available on or before October 1 of each year to satisfy the 5 years requirement.

[Source: Amended at 12 Ok Reg 3159, eff 7-28-95; Amended at 30 Ok Reg 845, eff 7-1-13]

380:25-3-6. Conflict of interest

An inspector shall not engage in the sale of any article or device relating to boilers, pressure vessels, or their appurtenances covered by the Act.

380:25-3-7. Inspection reports to be submitted by inspectors (excludes owner/user agencies under the scope of API)

- (a) Inspectors shall submit to the Chief Boiler Inspector an inspection report on form NB-5 for each non-standard boiler or pressure vessel.
- (b) Subsequent inspections of both standard and non-standard boilers and pressure vessels shall be reported on Forms NB-6 or NB-7 of the National Board Inspection Code.

(c) Inspection reports as required in Section 380:25-3-7(a)&(b), shall be submitted within thirty days from date of inspection.

(1) If the insurance company special inspectors have made the required inspection but have not submitted the report to the Bureau of Boiler Inspection within thirty (30) days, the insurance company may be charged a fee equal to that contained in Section 141.16(A)(2)(f) for each month or part thereof they are late.

(2) If insurance company special inspectors do not file their inspection reports with the Bureau of Boiler Inspection within ninety (90) days from the date the inspection is due, the Bureau of Boiler Inspection may make the required inspection and charge the insurance company an inspection fee equal to that contained in Section 141.16(A)(2)(g).

(d) In lieu of forms NB-5, -6, or -7, referred to in this section, reasonable facsimiles approved in advance by the Chief Boiler Inspector may be used.

(e) In addition, vessel heating surface or BTU (British Thermal Units) input or other data which will determine the maximum output of the unit and the relieving capacity of all safety, relief, or safety relief valves will be shown on all reports.

(f) All reports of inspection of hot water supply heaters covered by the Act shall be submitted on forms approved by the Commissioner.

[Source: Amended at 10 Ok Reg 3075, eff 6-25-93; Amended at 16 Ok Reg 3017, eff 7-12-99; Amended at 26 Ok Reg 2256, eff 7-1-09]

380:25-3-8. Insurance companies to notify chief inspector of new, cancelled or suspended insurance on boilers or pressure vessels

All insurance companies shall notify the Chief Boiler Inspector, within thirty days of all boilers or pressure vessels on which insurance is written, cancelled, or not renewed.

380:25-3-9. Special inspectors to notify chief boiler inspector of unsafe boilers and pressure vessels

If a Special Inspector, upon first inspection of a new risk, finds that a boiler or pressure vessel, or any appurtenance thereof, is in such condition that his company would refuse insurance, the company shall IMMEDIATELY notify the Chief Boiler Inspector and submit a report on the defects. If, upon inspection, a Special Inspector finds a boiler or pressure vessel to be unsafe for further operation, he shall promptly notify the owner or user and the Chief Boiler Inspector, stating what repairs or other corrective measures are required to bring the object into compliance with these rules and regulations. Until such corrections have been made no further operation of the boiler or pressure vessel involved shall be permitted. If an inspection certificate for the object is required and is in force, it shall be suspended by the Chief Boiler Inspector. When reinspection establishes that the necessary repairs have been made or corrective actions have been taken and that the boiler or pressure vessel is safe to operate, the Chief Boiler Inspector shall be notified. At that time, a certificate of operation, where applicable, will be issued.

380:25-3-10. Owner/user inspection agency

(a) Any firm, partnership, or corporation operating boilers or pressure vessels in this jurisdiction may seek approval and registration as an owner/user inspection agency by filing an application with the Chief Boiler Inspector on prescribed forms and request approval by the Commissioner.

- (1) Owner/user certificates of authorization issued in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors will be reviewed and certificates issued per the requirements of the National Board Inspection Code.
 - (2) Owner/user certificates of registration issued in accordance with the provisions of the American Petroleum Institute Pressure Vessel Inspection Code, API-510, will have no assigned expiration date. API-510 owner/user inspection agencies will be subject to review by the Chief Boiler Inspector or Deputy Boiler Inspector no less than every three years, but in no case shall the interval between reviews be allowed to exceed a period of five years.
- (b) Application and registration shall show the name of such agency and its principal address in this state, and the name and address of the person or persons having supervision over inspections made by said agency. Changes in supervisory personnel shall be reported to the Chief Boiler Inspector within thirty days after any such change.
- (c) Each owner/user inspection agency as required by the provisions of the Act and these rules and regulations shall:
- (1) Be responsible for conducting inspections of boilers and pressure vessels not exempt by the Act, utilizing only qualified inspection personnel, as required by the Act;
 - (2) Post current Boiler Certificates of Operation on or near the boiler;
 - (3) Execute and deliver to the Chief Inspector and those responsible for the operation of the boiler a true report of each inspection;
 - (4) Promptly notify the Chief Boiler Inspector of any boiler as defined in 380:25-1-2, which does not meet the requirements for safety;
 - (5) Maintain inspection records which will include a list of each boiler and pressure vessel covered by the Act, showing a serial number and such abbreviated descriptions as may be necessary for identification, the date of last inspection of each unit and approximate date for the next inspection, arrived at by applying the appropriate rules to all data available at the time such inspection record is compiled. Regarding frequency and type of inspection, see Section 380:25-3-2. Such inspection record shall be readily available for examination by the Chief Boiler Inspector or his authorized representative during business hours;
 - (6) Make available appropriate National Standards for review at the facility;
 - (7) Have available records concerning qualifications of Inspectors;
 - (8) Clearly establish and document the authority and responsibility of those in charge of the Inspection Department by dated and authenticated organizational and functional charts. Persons performing inspection functions shall have sufficient and well defined responsibility, the authority and the organizational freedom to identify problems and to initiate, recommend and provide solutions;
 - (9) Retain as active, legible, well-documented inspection records as long as the boiler or pressure vessel remains in service.

[Source: Amended at 18 Ok Reg 3509, eff 9-14-01]

380:25-3-11. Defective conditions disclosed at time of external inspection

If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler or pressure vessel shall be removed to permit the Inspector to satisfactorily determine the safety of the boiler or pressure vessel. If

the covering cannot be removed at that time, he may order the operation of the boiler or pressure vessel stopped until such time as the covering can be removed and proper examination made.

380:25-3-12. Owner or user to notify chief inspector of accident

When an accident or incident occurs to a boiler or pressure vessel, the owner or user shall promptly notify the Labor Department. In the event of a personal injury or any explosion, notice shall be given immediately by telephone or other expeditious means, and neither the boiler or pressure vessel, nor any parts thereof, shall be removed or disturbed before permission has been given by the Commissioner or his designee, except for the purpose of saving human life and limiting further damage.

380:25-3-13. Inspection certificate and inspection fees

(a) If after inspection, boilers or pressure vessels are found to be suitable and to conform to this Chapter and regulations, the owner or user shall pay directly to the Labor Department a fee as prescribed in the Act, and a certificate of operation shall then be issued. Checks or money orders for payment of certificate of operation fees should be made payable to the Department of Labor.

(b) The Commissioner shall account for and transfer all fees so received to the Treasurer of the State.

(c) If the owner or user of a boiler or pressure vessel which is required to be inspected refuses to allow an inspection to be made or refuses to pay the fee stipulated above, the inspection certificate shall be suspended by the Chief Boiler Inspector until the owner or user complies with the requirements.

(d) The owner or user who causes or permits a boiler or pressure vessel to be operated without a valid certificate shall be subject to the penalty as provided for in the Act.

380:25-3-14. Validity of certificates of operation

A certificate of operation issued in accordance with 380:25-3-13 shall be valid until expiration unless some defect or condition affecting the safety of the boiler or pressure vessel is disclosed.

380:25-3-15. Restamping boilers and pressure vessels

When the stamping on a boiler or pressure vessel becomes indistinct, the Inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler or pressure vessel shall be made to the Chief Boiler Inspector and proof of the original stamping shall accompany the request. The Chief Boiler Inspector may grant such authorization. Restamping authorized by the Chief Boiler Inspector shall be done only in the presence of an Inspector, and shall be identical with the original stamping. If the ASME Code symbol is to be restamped, it may only be done by the original manufacturer of the boiler or pressure vessel in the presence of the Inspector who signed the manufacturers' data report or an authorized inspector employed by the same insurance company employing the original authorized Inspector or the Chief or Deputy Inspectors. Notice of completion of such restamping shall be filed with the Chief Boiler Inspector by the Inspector who witnessed the stamping on the boiler or pressure vessel, together with a facsimile of the stamping applied.

[Source: Amended at 30 Ok Reg 845, eff 7-1-13]

380:25-3-16. Penalty for operation of unsafe boilers or pressure vessels

(a) If, upon inspection, a boiler or pressure vessel is found to be in such condition that it is unsafe to operate, the Inspector shall notify the Chief Boiler Inspector, and the certificate of operation may be suspended by the Chief Boiler Inspector.

(b) Any person, firm, partnership, or corporation causing such objects to continue to be operated shall be subject to the penalty provided in the Act.

380:25-3-17. Condemned boilers and pressure vessels

(a) Any boiler or pressure vessel having been inspected and declared unfit for further service by an Inspector shall be stamped by the Chief Boiler Inspector or a Deputy Inspector on either side of the state number with the letters "XXX" as shown by the following facsimile which will designate a condemned boiler or pressure vessel:XXXOOOOOXXX

(b) Any person, firm, partnership, or corporation using or offering for sale or rent a condemned boiler or pressure vessel for operation within this State shall be subject to the penalties provided by the Act.

380:25-3-18. Reinstallation of boilers or pressure vessels

When a standard boiler or pressure vessel located in this state, excluding those under the scope of an owner/user inspection agency, is to be moved outside this State for temporary use or repair, application shall be made by the owner or user to the Chief Boiler Inspector for permission to reinstall the boiler or pressure vessel in this State.

380:25-3-19. Installation, operations, sale or offering for sale of non-standard boilers or pressure vessels

(a) The installation, operation, sale, or the offering for sale of non-standard boilers or pressure vessels for use in this State is prohibited without permission from the Commissioner.

(b) A special installation and operating permit may be issued by the Commissioner provided the owner or user presents evidence acceptable to the Chief Boiler Inspector.

380:25-3-20. Installation of used or secondhand boilers or pressure vessels

Before a used or secondhand boiler or pressure vessel may be installed in this State, an inspection must be made by an Inspector authorized by this State. Such boilers and pressure vessels when installed in this State shall be equipped with fittings and appurtenances that comply with the requirements of this Chapter for new installations and except for State of Oklahoma authorized owner/user inspection agencies, the installer shall notify the Bureau of Boiler Inspection prior to the installation.

380:25-3-21. Reinstalled boilers or pressure vessels

When a stationary boiler or pressure vessel is moved and reinstalled, the attached fittings and appurtenances shall comply with the requirements of this Chapter for new installations and except for State of Oklahoma authorized owner/user inspection agencies, the installer shall notify the Bureau of Boiler Inspection prior to the installation.

380:25-3-22. Working pressure for existing installations

Any Inspector may decrease the working pressure on any existing installation using the applicable code as a guideline if the condition of the boiler or pressure vessel warrants it. If the owner or user does not concur with the Inspector's decision, the owner or user may appeal to the Commissioner who may request a joint inspection by the Chief Boiler Inspector or a Deputy Inspector and the Inspector. The Chief Boiler Inspector shall render his report to the Commissioner who shall render the final decision, based upon the data contained in the reports.

380:25-3-23. Repairs and/or alterations

- (a) Except for State of Oklahoma authorized owner/user Inspection Agencies, when alterations and/or welded repairs are to be made, permission shall first be obtained from an authorized inspector, and prior to repairs and/or alterations, notification shall be given to the Bureau of Boiler Inspections by the repairing firm.
- (b) When alterations, re-rating and/or welded repairs are to be made on pressure vessels owned and/or operated by State of Oklahoma authorized Owner/User Inspection Agencies, permission shall first be obtained from an authorized inspector and this permission shall be documented by the owner/user and the repairing firm and shall be available for review by the Chief or Deputy Inspector.
- (c) Prior approval for routine repairs, as defined in the National Board Inspection Code or the American Petroleum Institute Pressure Vessel Inspection Code may be given, provided the requirements for authorization of the applicable code have been met.
- (d) Acceptance for repairs and/or alterations shall be witnessed by an authorized inspector as defined by this Chapter.
- (e) Reports of repairs and/or alterations, other than those considered repairs of a routine nature and those covered under the owner/user inspection program, shall be reported to the Bureau of Boiler Inspection in accordance with the procedures outlined in the National Board Inspection Code. Reports of repairs and/or alterations done under the owner/user inspection agency program shall be maintained by the owner/user inspection agency and shall be available for review by the Chief or Deputy Inspector.
- (f) When repairs and/or alterations involve stamping or nameplate attachment, the stamping or nameplate attachment shall be done in accordance with the National Board Inspection Code or the American Petroleum Institute Pressure Vessel Inspection Code as applicable and shall be witnessed by an authorized inspector.
- (g) Repairs and/or alterations shall be done in accordance with the National Board Inspection Code or the American Petroleum Institute Pressure Vessel Inspection Code as applicable.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-3-24. Riveted patches

In applying riveted patches, the design of the patch and method of installation shall be in accordance with the National Board Inspection Code.

380:25-3-25. Safety appliances

- (a) No person shall attempt to remove or do any work on any safety appliance prescribed by this Chapter while the appliance is subject to pressure unless otherwise provided for by applicable codes.

- (b) Should any of these appliances be removed for repair during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.
- (c) No person shall alter any safety valves or safety relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the boiler or pressure vessel inspection certificate.
- (d) Repair of safety or safety relief valves shall be made only by an organization which holds a valid Certificate of Authorization for use of the National Board "VR" Safety or Safety Relief Valve Repair symbol stamp, or at a properly equipped safety relief valve testing facility, by the valve manufacturer or by the owner if he has facilities acceptable to this jurisdiction.

380:25-3-26. Requirements for new installations

Except for State of Oklahoma authorized owner/user Inspection Agencies, the installer must notify the Bureau of Boiler Inspection prior to installation. No boiler or pressure vessel shall hereafter be installed in this State unless it has been constructed in conformity with the ASME Code and installed in conformity with the requirements of this Chapter except:

- (1) Those exempt by the Act;
- (2) Those outlined by the rules of this Chapter; and
- (3) Those hot water supply heaters constructed to a national standard.

380:25-3-27. Application of state serial numbers

- (a) Upon completion of the installation of a boiler or pressure vessel or at the time of the initial certificate inspection of an existing installation, each boiler or pressure vessel shall be stamped, or otherwise marked or identified, by the Chief Boiler Inspector or Deputy Inspector with a serial number of the state consisting of letters and figures to be not less than 1/4 inch in height and arranged as follows: OK00000
- (b) Hot water supply heaters shall be identified by a pre-numbered label provided by the Department of Labor.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99; Amended at 18 Ok Reg 3509, eff 9-14-01]

380:25-3-28. Variation

- (a) Any person who believes the requirements promulgated by the Commissioner in this Chapter are unreasonable or impose an undue burden upon the owner or user, may request a variation. The request for variation shall be in writing and shall specify how equivalent safety is to be maintained. The Chief Boiler Inspector or Deputy Inspector may be required to investigate and or inspect and render a report to the Commissioner who may grant such variation from the terms of any requirement of this Chapter provided such special conditions as may be specified are maintained in order to provide equivalent safety.
- (b) When there is reason to believe, or upon receipt of a complaint that a variation does not provide freedom from danger equivalent to the published requirements of this Chapter, the Commissioner, after notice to the owner or user and complainant after such hearing and investigation as it may direct, may continue in force, suspend, revoke, or modify the conditions specified in any variation. No declaration, act or omission of the Commissioner, or of the Chief Boiler Inspector, Deputy Inspector or Special Inspectors other than a written order authorizing a variation as permitted above, shall be deemed to exempt, either wholly or in part, expressly or implied, any owner or user from full compliance with the terms of any rule or regulation.

380:25-3-29. Penalties

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and subject to a fine to be collected by suit or through compromise as provided for in Title 40, Section 141.1 through 141.18 Oklahoma Statutes, 1982. Each day of such operation in violation of the provisions shall be considered a separate offense.

380:25-3-30. Adoption of CSD-1 Controls and Safety Devices for Automatically Fired Boilers [REVOKED]

[Source: Added at 11 Ok Reg 4211, eff 7-25-94; Revoked at 12 Ok Reg 3159, eff 7-28-95]

SUBCHAPTER 5. EXISTING INSTALLATIONS

PART 1. GENERAL PROVISIONS

380:25-5-1. Existing installation defined

The term, "Existing installation", as used in this subchapter is as defined in Section 380:25-1-2.

PART 3. POWER BOILERS

380:25-5-5. Age limit of existing boilers

(a) The age limit of any boiler of non-standard construction, installed prior to the date the Act became effective, shall be 30 years except that, after a thorough internal and external inspection, and when required by the Inspector, a hydrostatic pressure test of 1.5 times the allowable working pressure and held for a period of at least 30 minutes, during which no distress or leakage develops, having other than a lap-riveted longitudinal joint may be continued in operation at the working pressure determined by Section 380:25-5-7. The age limit of any non-standard boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting, shall not be reinstalled for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be granted by the Chief Boiler Inspector.

(b) The age limit of boilers of standard construction installed prior to the date this law became effective shall be dependent on thorough internal and external inspection and where required by the Inspector, a hydrostatic pressure test not exceeding 1.5 times the allowable working pressure. If the boiler, under these test conditions, exhibits no distress or leakage, it may be continued in operation at the working pressure determined by Section 380:25-5-6.

(c) The shell or drum of a boiler in which a lap seam crack develops along a longitudinal lap-rivet joint shall be condemned. A lap seam crack is a crack found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

380:25-5-6. Maximum allowable working pressure for standard boilers

The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the ASME Code under which they were constructed and stamped or the latest edition of the ASME Code.

[Source: Amended at 18 Ok Reg 3509, eff 9-14-01]

380:25-5-7. Maximum allowable working pressure for non-standard boilers

(a) **Allowable working pressure.** The maximum allowable working pressure of a non-standard boiler shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or tube ligaments, the inside diameter of the weakest course and the factor of safety allowed by the rules of this Chapter. Non-standard boilers with welded seams shall not be operated at pressures exceeding 15 psig for steam, 30 psig for water.

EqnTStEFRS =
maximum
allowable
working
pressure, psi

where:

TS = ultimate tensile strength
of shell plate, psi

t = minimum thickness of
shell plate, in weakest
course, in inches

E = efficiency of
longitudinal joint:

For tube ligaments, E shall be determined by the rules given in Section I of the ASME Code. For riveted construction, refer to the National Board Inspection Code. For seamless construction, E shall be considered 100%.

R = inside radius of weakest
course of shell, (inches)
provided the thickness
does not exceed 10% of
the radius. If the
thickness is over 10%
of the radius, the outer
radius shall be used.

FS = factor of safety allowed
by these rules.

(b) **Tensile Strength.** When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 psig for steel and 45,000 psi for wrought iron.

(c) **Crushing Strength of Mild Steel.** The resistance to crushing of mild steel shall be taken at 95,000 psi.

(d) **Strength of Rivets in Shear.**

(1) When computing the ultimate strength of rivets in shear, the following values in pounds per square inch of the cross-sectional area of the rivet shank shall be used.

Iron rivets in single shear	38,000
Iron rivets in double shear	76,000
Steel rivets in single shear	44,000
Steel rivets in double shear	88,000

(2) When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivets, after driving, may be selected from the following table, or as ascertained by cutting out one rivet in the body of the joint.

Plate-in thickness	4	3 2	1 6	3 2	8	3 2	1 6	3 2	2	1 6	8
Diameter of rivet after driving in	1 6	1 6	4	4	1 6	1 6	1 6	1 6	1 6	1 6	1 6

(e) **Factors of Safety.** The working pressure shall be decreased by the Inspector if the condition and safety of the boiler warrants it using the applicable code as a guideline. The following factors of safety represent minimum values to be used. The lowest factor of safety permissible on existing installations shall be 4.5, except for horizontal-return-tubular boilers having continuous longitudinal lap seams more than 12 feet in length, the factor of safety shall be 8. When this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressures in excess of 15 psig.

[Source: Amended at 10 Ok Reg 3075, eff 6-25-93]

380:25-5-8. Cast iron headers and mud drums

The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or which have cast iron mud drums, shall not exceed 160 psig.

380:25-5-9. Pressure on cast iron boilers

The maximum allowable working pressure for any cast iron boiler, except hot water boilers, shall be 15 psig. See Sections 380:25-5-21, 380:25-5-22, and 380:25-5-24.

380:25-5-10. Safety valves

(a) The use of weighted-lever safety valves or safety valves having either the seat or disk of cast iron are prohibited; valves of this type of construction shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of ASME Code Section I.

(b) Each boiler shall have at least one ASME/National Board certified safety valve, and if it has more than 500 square feet of water-heating surface, or an electric power input of more than 1,100 kw, it shall have two or more safety valves of the same type.

(c) The valve or valves shall be connected to the vapor space of the boiler, independent of any other steam connection, and attached as close as possible to the boiler without unnecessary intervening pipe or fittings. Every safety valve or safety relief valve shall be connected so as to stand in an upright position, with spindle vertical. Where alteration is required to conform to this requirement, owners, or users shall be allowed reasonable time in which to complete the work as permitted by the Chief Boiler Inspector.

(d) No valves of any description shall be placed between the safety valve and the boiler nor on the discharge pipe, if used. When an escape pipe is used, it shall be at least the full size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or safety valve discharge pipe; it shall be located close to the safety valve outlet or the discharge pipe shall be anchored and supported securely. All safety discharges shall be so located or piped as to be carried clear from walkways or platforms.

(e) The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6% above the highest pressure to which any valve is set, and in no case to more than 6% above the maximum allowable working pressure.

(f) One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3% above the maximum allowable working pressure, but the range or setting of all the safety valves on a boiler shall not exceed 10% of the highest pressure to which any valve is set.

(g) When two or more boilers, operating at different pressures and safety valve settings, are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure, considering the maximum generating capacity of all boilers.

(h) In those cases where the boiler is supplied with feed water directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than 94% or the lowest pressure obtained in the supply main feeding the boiler.

(i) If the safety valve or safety relief valve capacity cannot be computed or if it is desirable to prove the computations, it may be checked in any one of the three following ways, and if found insufficient, additional capacity shall be provided:

(1) By making an accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6% of the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater;

(2) By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Code, Section I;

(3) By measuring the maximum amount of feedwater that can be evaporated. When either of the methods outlined in Section 380:25-5-10(i)-

(2) & (3) is employed, the sum of the safety valve capacity shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

380:25-5-11. Boiler feeding

- (a) Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.
- (b) A boiler having more than 500 square feet of water heating surface shall have at least two suitable means of feeding, at least one of which shall be a feed pump. A source of feed at a pressure 6% greater than the set pressure of the safety valve with the highest setting may be considered one of the means. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the shutoff of heat input prior to the water level reaching the lowest safe level.
- (c) The feedwater shall be introduced into the boiler in such manner that it will not be discharged close to the riveted joints of shell or furnace sheets, or directly against surfaces exposed to products of combustion, or to direct radiation from the fire.
- (d) The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and the source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.
- (e) In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as is practicable. It is recommended that no stop valves be placed in the supply and return pipe connections of a single boiler installation.

380:25-5-12. Water level indicators

- (a) No outlet connections (except for damper regulator, feedwater regulator, low water fuel cutout, drains, steam gauges, or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom) shall be placed on the piping that connects the water column to the boiler. The water column shall be provided with a valved drain of at least 3/4 inch pipe size, the discharge to be piped to a safe location.
- (b) For all installations where the water gauge glass or glasses are more than 30 feet above the boiler operating floor, it is recommended that remote water level indicating or recording gauges be installed at eye height above the operating floor.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-5-13. Steam gages

- (a) Each steam boiler shall have a steam gage with a dial range graduated to not less than 1.5 times the set pressure of the safety valve, connected to the steam space or to the steam connection to the water column. The steam gage shall be connected to a siphon or equivalent device of sufficient capacity to keep the gage tube filled with water and so arranged that the gage cannot be shut off from the boiler except by a cock placed near the gage and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.
- (b) When a steam gage connection longer than 8 feet becomes necessary, a shut-off valve may be used near the boiler provided the valve is of the outside-screw-and-

yoke type and is locked open. The line shall be of ample size with provision for free blowing.

(c) Each boiler shall be provided with a 1/4 inch or larger nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gage when the boiler is in service so that the accuracy of the boiler steam gage may be ascertained.

380:25-5-14. Stop valves

(a) Each steam outlet from a boiler (except safety valve and water column connections) shall be fitted with at least one stop valve located as close as practicable to the boiler.

(b) When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

(c) When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves having ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valve closest to the boiler and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic nonreturn valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

380:25-5-15. Blowoff connection

(a) The construction of the setting around each blowoff pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blowoff piping.

(b) All blowoff piping, when exposed to furnace heat, shall be protected by fire brick or other heat resisting material. It shall be so constructed that the piping may be inspected readily.

(c) Each boiler shall have a blowoff pipe, fitted with a valve or cock, in direct connection with the lowest water space. Cocks shall be of the gland or guard type and suitable for the pressure allowed. The use of globe valves shall not be permitted. When the maximum allowable working pressure exceeds 100 psig, each blowoff pipe shall be provided with two valves or a valve and cock.

(d) When the maximum allowable working pressure exceeds 100 psig, blowoff piping shall be at least extra heavy steel from the boiler to the valve or valves, and shall be run full size without use of reducers or bushings. The piping shall not be galvanized.

(e) All fittings between the boiler and blowoff valve shall be of steel. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with the rules and regulations for new installations. See National Board recommended rules for Boiler Blowoff Equipment.

380:25-5-16. Repairs and renewals of boiler fittings and appliances

Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the work shall comply with the requirements for new installations. Galvanized pipe or fittings shall not be used as replacement parts.

380:25-5-17. Conditions not covered by these requirements

All cases not specifically covered by these requirements shall be treated as new installations or may be referred to the Chief Boiler Inspector for instructions concerning the requirements.

PART 5. HEATING BOILERS

380:25-5-21. Standard boilers

The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the boiler or on a plate secured to it.

380:25-5-22. Non-standard riveted boilers

The maximum allowable working pressure on the shell of a non-standard riveted heating boiler shall be determined in accordance with Section 380:25-5-7, Power Boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig, or a hot water boiler exceed 160 psig or 250 °F. temperature.

380:25-5-23. Non-standard welded boilers

The maximum allowable working pressure of a non-standard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the ASME Code, but in no case shall it exceed 30 psig.

380:25-5-24. Non-standard cast iron boilers

(a) The maximum allowable working pressure of a non-standard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

(b) The maximum allowable working pressure of a non-standard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service.

380:25-5-25. Safety valves/safety relief valves

(a) Steam boilers.

(1) Each steam boiler shall have one or more ASME/National Board stamped and certified safety valves of the spring pop-type, adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure on the boiler. A body drain connection below seat level shall be provided by the manufacturer, and this drain shall not be plugged during or after field inspection. For valves exceeding 2 in. pipe size, the drain hole or holes shall be tapped not less than 3/8 in. pipe size. For valves less than 2 in., the drain hole shall not be less than 1/4 in. diameter. Every safety valve or safety relief valve shall be connected so as to stand in an upright position, with spindle vertical.

(2) No safety valve of a steam boiler shall be smaller than 1/2 in. No safety valve shall be larger than 4 1/2 in. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

(3) The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler.

(4) The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1000, or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in the following table. In many cases a greater relieving capacity of valves than the minimum specified by these rules will have to be provided. In every case, the requirements of Section 380:25-5-25(a)(5) shall be met.

_touchup TextbrkEndln="yes" ALL
 BOILERS/_touchup touchup
 TextbrkEndln="yes" MINIMUM POUNDS OF STEAM PER
 HOUR/_touchup PER SQUARE FOOT OF HEATING
 SURFACE

	Firetube Boilers	Watertube Boilers
Boiler Heating Surface:		
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Hand fired/_touchup	5	6
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Stoker fired/_touchup	7	8
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Oil, gas or pulverized fuel fired/_touchup	8	10
Waterwall Heating Surface:		
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Hand fired/_touchup	8	8
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Stoker fired/_touchup	10	12
_touchup TextbrkStartln="yes" IndentLeftind="1pi" IndentFirstln="1pi" Oil, gas or pulverized fuel fired/_touchup	14	16

Notes for Table:

_touchup TextbrkStartln="yes" IndentLeftind="2pi"
 IndentFirstln="2pi" 1. When a boiler is fired only by a gas
 giving a heat value not in excess of 200 BTU per cubic foot,
 the minimum safety valve or safety relief valve relieving
 capacity may be based on the value given for handfired
 boilers above./_touchup

_touchup TextbrkStartln="yes" IndentLeftind="2pi"
 IndentFirstln="2pi" 2. The minimum safety valve or safety
 relief valve relieving capacity for electric boilers shall be 3.5
 pounds per hour per kilowatt input./_touchup

_touchup TextbrkStartln="yes" IndentLeftind="2pi"
 IndentFirstln="2pi" 3. For heating surface determination see
 ASME Code Section IV./_touchup

- (5) The safety valve capacity for each steam boiler shall be such that with the fuel burning equipment installed, and operating at maximum capacity, the pressure cannot rise more than 5 psi above the maximum allowable working pressure.
- (6) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with Section 380:25-5-25(a)
- (5). When additional valves are required, they may be installed on the outlet piping provided there is no intervening valve.
- (7) If there is any doubt as to the capacity of the safety valve, an accumulation test may be run (see ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).
- (8) No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. THE DISCHARGE PIPE SHALL BE AT LEAST FULL SIZE AND BE FITTED WITH AN OPEN DRAIN TO PREVENT WATER LODGING IN THE UPPER PART OF THE SAFETY VALVE OR IN THE DISCHARGE PIPE. WHEN AN ELBOW IS PLACED ON THE SAFETY VALVE DISCHARGE PIPE, IT SHALL BE LOCATED CLOSE TO THE SAFETY VALVE OUTLET, OR THE DISCHARGE PIPE SHALL BE SECURELY ANCHORED AND SUPPORTED. ALL SAFETY VALVE DISCHARGE SHALL BE SO LOCATED OR PIPED AS NOT TO ENDANGER PERSONS WORKING IN THE AREA.

(b) Hot water heating and/or hot water supply boilers.

- (1) Each hot water heating and/or hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler. Safety relief valves ASME/National Board stamped and certified as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on either a hot water heating or hot water supply boiler, the additional valve or valves shall be ASME/National Board stamped and certified and may be set within a range not to exceed 6 psi above the maximum allowable working pressure of the boiler up to and including 60 psi, and 5 percent for those having a maximum allowable working pressure exceeding 60 psi. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum permitted by this paragraph. Every safety valve or safety relief valve shall be connected so as to stand in an upright position, with spindle vertical.
- (2) No material liable to fail due to deterioration or vulcanization when subject to saturated steam temperatures corresponding to capacity test pressure shall be used for any part.
- (3) No safety relief valve shall be smaller than 3/4 in. or larger than 4 1/2 in. standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a safety relief valve of 1/2 in. standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than 1/4 in.

diameter or its equivalent area.

(4) The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in BTU at the boiler nozzle, obtained by the firing of any fuel for which the unit is installed by 1,000, or shall be determined on a basis of pounds of steam generated per hour per square foot of heating surface as given in 380:25-5-25. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case the requirements of Section 380:25-5-25(b)(6) shall be met.

(5) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and shall be in accordance with Section 380:25-5-25(b)(6). The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is no intervening valve.

(6) Safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than 10 percent above the maximum allowable working pressure. When more than one safety relief valve is used, the over pressure shall be limited to 10 percent above the set pressure of the highest set valve allowed by Section 380:25-5-25(a)(1).

(7) If there is any doubt as to the capacity of the safety relief valve, an accumulation test may be run (See ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

(8) No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. THE DISCHARGE PIPE SHALL BE AT LEAST FULL SIZE AND BE FITTED WITH AN OPEN DRAIN TO PREVENT WATER LODGING IN THE UPPER PART OF THE SAFETY VALVE OR IN THE DISCHARGE PIPE. WHEN AN ELBOW IS PLACED ON THE SAFETY VALVE DISCHARGE PIPE, IT SHALL BE LOCATED CLOSE TO THE SAFETY VALVE OUTLET, OR THE DISCHARGE PIPE SHALL BE SECURELY ANCHORED AND SUPPORTED. ALL SAFETY VALVE DISCHARGE SHALL BE SO LOCATED OR PIPED AS NOT TO ENDANGER PERSONS WORKING IN THE AREA.

(c) ASME code stamped water heaters.

(1) Each ASME Code stamped water heater which provides corrosion resistance for supplying potable water for commercial purposes at pressures not exceeding 160 psi and temperatures not in excess of 210°F shall have at least one officially rated safety relief valve or one officially rated pressure temperature relief valve.

(A) **Permissible Mountings.** Safety relief valves shall be connected to the top of water heaters or directly to a tapped or flanged opening in the water heater, to a fitting connected to the water heater by a short nipple, to a Y-base, or to a valveless water heater connecting water outlets on the same heater. Safety relief valves shall be installed with their spindles upright and vertical with no horizontal connecting pipe, except that, when the safety relief valve is mounted directly on the water heater vessel with no more than 4 in. maximum interconnecting piping, the valve may be installed in the horizontal position with the outlet pointed down. The center line of

the safety relief valve connection shall be no lower than 4 in. from the top of the shell.

(B) Requirements for Common Connection for Two or More Valves.

(i) When a water heater is fitted with two or more safety relief valves on one connection, this connection shall have a cross-sectional area not less than the combined areas of inlet connections of all the safety relief valves with which it connects.

(ii) When a Y-base is used, the inlet area shall be not less than the combined outlet areas. When the size of the water heater requires a safety relief valve larger than 4 1/2 in. diameter, two or more valves having the required combined capacity shall be used. When two or more valves are used on a water heater, they may be single, directly attached, or mounted on a Y-base.

(C) Threaded connections. A threaded connection may be used for attaching a valve.

(D) Prohibited mountings. Safety relief valves shall not be connected to an internal pipe in the water heater or a cold water feed line connected to the water heater.

(E) Use of shutoff valves prohibited. No shutoff of any description shall be placed between the safety relief valve and the water heater, or on discharge pipes between such valves and the atmosphere.

(F) Safety relief valve discharge piping.

(i) A discharge pipe shall be installed on the outlet of a safety relief valve, and when a discharge pipe is used, its internal cross-sectional area shall be not less than the full area of the valve outlet or of the total of the valve outlets discharging thereunto, and shall be as short and straight as possible and so arranged as to avoid undue stress on the valve or valves. When an elbow is placed on a safety relief discharge pipe, it shall be located close to the valve outlet.

(ii) The discharge from safety relief valves shall be so arranged that there will be no danger of scalding attendants. When the safety relief valve discharge is piped away from the water heater to the point of discharge, there shall be provisions for properly draining the piping and valve body. The size and arrangement of discharge piping shall be such that any pressure that may exist or develop will not reduce the relieving capacity of the relieving devices below that required to protect the water heater.

(2) Water supply.

(A) Connections. Water supply shall be introduced into a water heater through an independent water supply connection. Feedwater shall not be introduced through openings or connections provided for cleaning, safety relief valves, drain, pressure gage, or temperature gage.

(B) Pressure. If the water supply pressure to a water heater exceeds 75% of the set pressure of the safety relief valve, a pressure reducing valve is required.

(C) **Stop valves.** A stop valve shall be placed in the water supply pipe connection of an ASME code stamped water heater installation and should be placed in the discharge connection.

(D) **Bottom drain valve.**

(i) Each water heater shall have a bottom drain pipe connection fitted with a valve or cock connected with the lowest water space practicable. The minimum size bottom drain valve shall be 3/4 in.

(ii) Any discharge piping connected to the bottom drain connection shall be full size to the point of discharge.

(E) **Thermometer.** Each installed water heater shall have a thermometer so located and connected that it shall be easily readable. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the hot water heater at or near the outlet.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-5-26. Steam gages

(a) Each steam boiler shall have a steam gage connected to its steam space, its water column, or its steam connection, by means of a siphon or equivalent device exterior to the boiler. The siphon shall be of sufficient capacity to keep the gage tube filled with water and so arranged that the gage cannot be shut off from the boiler except by a cock with a tee or lever handle placed in the pipe near the gage. The handle of the cock shall be parallel to the pipe on which it is located when the cock is open.

(b) The scale on the dial of a steam gage shall be graduated to not less than 30 psig or more than 60 psig. The gage shall be provided with effective stops for the indicating pointer at the zero point and at the maximum pressure point. The travel of the pointer from zero to 30 psig pressure shall be at least 3 inches.

380:25-5-27. Pressure/altitude gages, and pressure/temperature controls

(a) Each hot water boiler shall have a pressure or altitude gage connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with a tee or lever handle placed on the pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

(b) The scale on the dial of the pressure or altitude gage shall be graduated approximately to not less than 1.5 nor more than 3 times the set pressure of the safety relief valve.

(c) Piping or tubing for pressure or altitude gage connections shall be of nonferrous metal when smaller than 1 inch pipe size.

(d) Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude gage. The thermometer shall be so located that it will at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

(e) Each automatically fired steam boiler shall be protected from over-pressure by two pressure-operated controls.

(1) Each individual automatically fired steam boiler shall have a safety limit control that will cut off the fuel supply to prevent steam pressure from exceeding the 15 psi maximum allowable working pressure of the boiler. Each control shall be constructed to prevent a pressure setting above 15 psi.

(2) Each individual steam boiler or each system of commonly connected steam boilers shall have a control that will cut off the fuel supply when the pressure reaches an operating limit, which shall be less than the maximum allowable pressure.

(3) Shutoff valves of any type shall not be placed in the steam pressure connection between the boiler and the controls described in (1) and (2) above. These controls shall be protected with a syphon or equivalent means of maintaining a water seal that will prevent steam from entering the control. The connections to the boiler shall not be less than 1/4 inch standard pipe size, but where steel or wrought iron pipe or tubing is used, they shall not be less than 1/2 inch standard pipe size. The minimum size of a syphon shall be 1/4 inch standard pipe size of 3/8 inch O.D. nonferrous tubing.

(f) Each automatically fired hot water boiler shall be protected from over-temperature by two temperature-operated controls. Each of these temperature controls shall be constructed to prevent a temperature setting above the allowable of 250 degrees F.

(1) Each individual automatically fired hot water boiler shall have a safety limit control that will cut off the fuel supply to prevent water temperature from exceeding the maximum allowable temperature of 250° F at the boiler outlet. In addition, the high limit temperature control shall be constructed to provide safety shutdown and lockout with manual reset when activated.

(2) Each individual hot water boiler or each system of commonly connected boilers without intervening valves shall have a control that will cut off the fuel supply when the water temperature reaches an operating limit, which shall be less than the maximum allowable temperature.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-5-28. Water gage glasses

(a) Each steam boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings. The lower fitting shall be provided with a drain valve of the straightway type with opening not less than 1/4 inch diameter to facilitate cleaning. Gage glass replacement shall be possible while the boiler is under pressure.

(b) Transparent material, other than glass, may be used for the water gage provided that material has proved suitable for the pressure, temperature and corrosive conditions encountered in service.

380:25-5-29. Stop valves and check valves

(a) If a boiler may be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system.

(b) If any part of a heating system may be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe from that part of the system.

380:25-5-30. Feedwater connections

(a) Feedwater, make-up water, or water treatment shall be introduced into a boiler through the return piping system or through an independent feedwater connection which does not discharge against parts of the boiler exposed to direct radiant heat from the fire. Feedwater, make-up, or water treatment shall not be introduced

through openings or connections provided for inspection or cleaning, safety valve, safety relief valve, surface blowoff, water column, water gage glass, pressure gage or temperature gage.

(b) Feedwater pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or return pipe system.

380:25-5-31. Return pump

Each boiler equipped with a condensate return pump shall be provided with a water level control arranged to automatically maintain the water level in the boiler within the range of the gage glass.

380:25-5-32. Repairs and renewals of fittings and appliances

Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs must comply with Section IV of the ASME Code for new construction.

380:25-5-33. Provisions for thermal expansion in hot water systems

(a) Each water heating system shall be provided with thermal expansion protection. Provisions for thermal expansion shall be in accordance with the applicable Codes and these rules.

(b) Expansion tanks for use in hot water heating systems shall be consistent with the volume and capacity of the system. If the system is designed to operate at 30 psi or less, the tank shall be suitably designed for a minimum hydrostatic test pressure of 75 psi. Expansion tanks for systems designed to operate above 30 psi shall be constructed in accordance with ASME Code Section VIII Division I, or ASME Code Section X.

(c) The minimum capacity of the closed type expansion tank may be determined using the chart in Appendix A.

[Source: Added at 19 Ok Reg 2788, eff 11-1-02]

PART 7. PRESSURE VESSELS

380:25-5-36. Maximum allowable working pressure for standard pressure vessels

The maximum allowable working pressure for standard pressure vessels shall be determined in accordance with the applicable provisions of the edition of the ASME Code or the API-ASME Code under which they were constructed and stamped or the latest edition of the ASME Code.

380:25-5-37. Maximum allowable working pressure for non- standard pressure vessels, except as provided in section 380:25-5-38

(a) The maximum allowable working pressure of a non-standard pressure vessel shall be determined by the strength of the weakest course computed from thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Chapter.

EqnTStERFS =
maximum
allowable
working

pressure, psi

where:

ultimate tensile strength of shell plate, psi (When the tensile strength of carbon steel plate is not known, it may be taken as 55,000 psig
TS = for temperatures not exceeding 650 degrees F. For other materials use the lowest stress values for that material from Section VIII of the ASME Code)

minimum thickness of shell
t = plate of weakest course, inches

efficiency of longitudinal
E = joint depending upon construction

Use the following values:

for riveted joints - calculated riveted efficiency; for fusion-welded and brazed joints:

	Percent
Single lap weld	40
Double lap weld	50
Single butt weld	60
Double butt weld	70
Forge weld	70
Brazed steel	80

inside radius of weakest course of shell, (inches) provided the thickness does not exceed 10% of the radius. If the thickness is over 10% of the radius, the outer radius shall be used.

FS = factor of safety allowed by

these rules.

(b) The minimum factor of safety shall in no case be less than four (4) for existing installations. The working pressure shall be decreased, using the applicable code as a guideline, when deemed necessary by the Inspector to insure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.

(c) The maximum allowable working pressure permitted to formed heads under pressure shall be determined by using the appropriate formulas from ASME Code, Section VIII, and the tensile strength and factors of safety given in Paragraphs 1 and 2(a)&(b).

(d) The maximum allowable working pressure for non-standard pressure vessels subjected to external pressure shall be determined by the rules of Section VIII of the ASME Code.

380:25-5-38. Non-standard pressure vessels - use of other formulas

Pressure vessels that were not ASME Code stamped but which were constructed of known materials and were designed and constructed in accordance with sound engineering standards, formulas, and practices that provide safety equivalent to the intent of the Code shall be calculated on the same basis as used in the original design.

380:25-5-39. Inspection of inaccessible parts

Where in the opinion of the Inspector, as a result of conditions disclosed at the time of inspection, it may be necessary to remove interior or exterior lining, covering, or brickwork to expose certain parts of the vessel not normally visible, the owner or user shall remove such material to permit proper inspection and to determine remaining thickness.

380:25-5-40. Overpressure protection

Each pressure vessel or pressure vessel system shall be provided with safety, relief, indicating, and controlling devices as necessary to protect against overpressure. These devices shall be so constructed, located, and installed that they cannot readily be rendered inoperative. The relieving capacity of such pressure relief devices shall be adequate to prevent a rise in pressure in the vessel or system of more than 10% above the highest pressure to which any pressure relieving device is set and in no case more than 16% above the maximum allowable working pressure. The opening pressure of the lowest set pressure relieving device shall be no greater than the maximum allowable working pressure of the vessel or system. Where an additional hazard is involved due to fire or other unexpected sources of external heat, the pressure relief devices shall meet the requirements of ASME Code Section VIII.

380:25-5-41. Repairs and renewals of fittings and appliances

Whenever repairs are made to fittings and appliances or it becomes necessary to replace them, the work must comply with the requirements for new installations.

SUBCHAPTER 7. GENERAL REQUIREMENTS

380:25-7-1. Inspection of boilers and pressure vessels

All boilers and pressure vessels not exempted by the Act or by rules and regulations promulgated under the Act and which are subject to regular inspections, shall be prepared for such inspections as required in Section 380:25-7-2.

380:25-7-2. Preparation for inspection

The owner or user shall prepare each boiler or pressure vessel for inspection, and shall prepare for and apply a hydrostatic or pressure test, whenever necessary, on the date arranged by the Inspector which shall not be less than seven (7) days after the date of notification.

(1) Boilers. The owner or user shall prepare a boiler for internal inspection in the following manner:

(A) Water shall be drawn off and the boiler washed thoroughly;

(B) Manhole and handhole plates, washout plugs and inspection plugs in water column connections shall be removed as required by the Inspector. The furnace and combustion chambers shall be cooled and thoroughly cleaned;

(C) All grates of internally fired boilers shall be removed;

(D) Insulation or brickwork shall be removed as required by the Inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts;

(E) The pressure gage shall be removed for testing, as required by the Inspector;

(F) Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve at the most convenient point or any appropriate means approved by the Inspector;

(G) Before opening the manhole or handhole covers and entering any parts of the steam generating unit connected to a common header with other boilers, the nonreturn and steam stop valves must be closed, tagged, and preferably padlocked, and drain valves or cocks between the two valves opened. The feed valves must also be closed, tagged, and preferably padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blowoff valve shall be closed, tagged and preferably padlocked. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drains and vent lines shall be opened.

(2) Pressure vessels. Pressure vessels shall be prepared for inspection to the extent deemed necessary by the Inspector and the applicable procedures outlined in this Section.

[Source: Amended at 18 Ok Reg 3509, eff 9-14-01]

380:25-7-3. Boilers and pressure vessels improperly prepared for inspection

If a boiler or pressure vessel has not been properly prepared for an internal inspection, or if the owner or user fails to comply with the requirements for a pressure test as set forth in these rules, the Inspector may decline to make the inspection or test and the Certificate of Operation may be withheld or right to operate revoked, until the owner or user complies with the requirements.

380:25-7-4. Removal of covering to permit inspection

If the boiler or pressure vessel is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed, if evidence warrants, to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler or pressure vessel, provided such information cannot be determined by other means.

380:25-7-5. Lap seam crack

The shell or drum of a boiler or pressure vessel, in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately discontinued from use. Patching is prohibited. (By lap seam crack is meant a crack found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes).

380:25-7-6. Pressure tests

- (a) A hydrostatic pressure test, when applied to boilers or pressure vessels, shall not exceed 1.5 times the maximum allowable working pressure. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded by more than 6%
- (b) During a hydrostatic test the safety valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. A plug device designed for this purpose may be used.
- (c) The minimum temperature of the water used to apply a hydrostatic test shall be not less than 60° F, but the maximum temperature during inspection shall not exceed 120° F.
- (d) When a hydrostatic test is applied to determine tightness, the pressure shall be equal to the normal operating pressure but need not exceed the release pressure of the safety valve having the lowest release setting.
- (e) When the contents of the vessel prohibit contamination by any other medium or when a hydrostatic test is not possible, other testing media may be used providing the precautionary requirements of the applicable section of the ASME Code are followed. In such cases, there shall be agreement between the owner, the Inspector, and the jurisdiction.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-7-7. Automatic low water fuel cutoff and/or water feeding device

- (a) Each automatically fired steam vapor system boiler shall be equipped with two automatic low water fuel cutoff so located as to automatically cut off the fuel supply when the surface of the water falls to the lowest safe water line. The lowest connected water fuel cutoff shall provide safety shutdown and lockout with a manual reset. Each automatically fired hot water heating and/or supply boiler shall be equipped with an automatic low water fuel cut off and/or flow sensing device as required by the ASME Boiler and Pressure Vessel Code and this Act. If a water feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feedwater. The lowest safe waterline should not be lower than the lowest visible part of the water glass or as otherwise permitted by the applicable ASME Code.
- (b) Such fuel or feed water control device may be attached directly to a boiler or for low pressure boilers to the tapped openings provided for attaching a water glass

directly to a boiler, provided that such connections from the boiler are nonferrous tees or Y's not less than 1/2 inch pipe size between the boiler and the water glass, so that the water glass is attached directly and as close as possible to the boiler: the straightway tapping of the Y or tee to take the water glass fittings, the side outlet of the Y or tee to take the fuel cut off or water feeding device. The ends of all nipples shall be reamed to full size diameter.

(c) Designs embodying a float and float bowl shall have a vertical straight away valve drain pipe at the lowest point in the water equalizing pipe connections by which the bowl and the equalizing pipe can be flushed and the device tested.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99]

380:25-7-8. Pressure reducing valves

(a) Where pressure reducing valves are used, one or more safety or safety relief valves shall be provided on the low pressure side of the reducing valve when the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The safety or safety relief valve shall be located adjoining or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping fluid from the discharge of safety or safety relief valves if vented to the atmosphere. The combined discharge capacity of the safety or safety relief valves shall be such that the pressure rating of the lower pressure piping or equipment shall not be exceeded in case the reducing valve fails in the open position.

(b) The use of hand controlled bypasses around the reducing valves is permissible. If a bypass is used around the reducing valve, the safety valve required on the low pressure side shall be of sufficient capacity to relieve all the fluid that can pass through the bypass without over pressuring the low pressure side.

(c) A pressure gage shall be installed on the low pressure of a reducing valve.

380:25-7-9. Boiler blowoff equipment

(a) The blowdown from a boiler or boilers that enters a sanitary sewer system or blowdown which is considered a hazard to life or property shall pass through some form of blowoff equipment that will reduce pressure and temperature as required hereinafter.

(b) All blowoff equipment shall be fitted with openings to facilitate cleaning and inspection.

380:25-7-10. Location of discharge piping outlets

The discharge of safety valves, blowoff pipes and other outlets shall be located and supported so as to prevent injury to personnel.

380:25-7-11. Repairs or alterations

Where repairs or alterations are necessary, an Inspector shall be called for consultation and advice as to the best method of making such repairs or alterations. After such repairs or alterations are made, they shall be reviewed by and found acceptable to an Inspector. Organizations making repairs or alterations shall be qualified in accordance with the Act and this Chapter.

380:25-7-12. Supports

Each boiler and pressure vessel shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the boiler or pressure

vessel and its contents. There shall be no excessive vibration in either the boiler, pressure vessel or its connecting piping.

380:25-7-13. Boiler door latches

(a) A watertube boiler shall have the firing doors of the inward opening type, unless such doors are provided with substantial and effective latching or fastening devices or otherwise so constructed as to prevent them when closed, from being blown open by pressure on the furnace side.

(b) These latches or fastenings shall be of the positive self locking type. Friction contacts, latches, or bolts actuated by springs shall not be used. The foregoing requirements for latches or fastenings shall not apply to coal openings of downdraft or similar furnaces.

(c) All other doors, except explosion doors, not used in the firing of the boiler, may be provided with bolts or fastenings in lieu of self locking latching devices.

(d) Explosion doors, if used and if located in the setting walls within seven (7) feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.

380:25-7-14. Clearance

When boilers are replaced or new boilers are installed in either existing or new buildings, a minimum of at least three (3) feet shall be provided between all sides of the boiler and adjacent walls or other structures. Boilers and pressure vessels having manholes shall have five (5) feet clearance from the manhole opening and any wall, ceiling or piping that will prevent a person from entering the boiler or vessel. Marine type boilers shall have a clearance from the floor level to the bottom of the shell plate of not less than eighteen (18) inches. All boilers and pressure vessels shall be so located that adequate space will be provided for the proper operation of the boilers and pressure vessels and their appurtenances, for the inspection of all surfaces, tubes, waterwalls, economizers, piping, valves and other equipment, and for their necessary maintenance and repair and replacement of tubes.

380:25-7-15. Ladders and runways

When necessary for safety, there shall be a steel runway or platform of standard construction installed across the tops of adjacent boilers or pressure vessels or at some other convenient level for the purpose of affording safe access. When practical, all walkways shall have at least two means of exit, each to be remotely located from the other.

380:25-7-16. Exit from boiler

All boiler rooms exceeding 500 square feet floor area and containing one or more boilers having a fuel burning capacity of 1,000,000 BTU, or equivalent electrical heat input, shall have at least two means of exit. Each exit shall be remotely located from the other. Each elevation in such boiler room shall have two means of exit, each remotely located from the other.

380:25-7-17. Operation and maintenance

All boilers, pressure vessels, water heaters, and other pressure retaining items subject to the provisions of this act shall be operated and maintained in accordance with the original manufacturer's recommendations and instructions. If the original manufacturer's maintenance and operating instructions and

recommendations do not exist, the applicable Recommended Rules for Care of Power Boilers, Section VII and the applicable Recommended Rules for Care and Operation of Heating Boilers, Section VI of the ASME Code shall be used as a guide for proper and safe maintenance and operation.

[Source: Amended at 19 Ok Reg 2788, eff 11-1-02]

380:25-7-18. Air and ventilation requirements - combustion air supply and ventilation of boiler room

(a) A permanent source of combustion and ventilation air, as required by the National Fire Protection Association's National Fuel Gas Code, NFPA 54, latest revision, shall be provided for each boiler room to permit satisfactory combustion of the fuel as well as proper ventilation of the boiler room under normal operating conditions.

(b) The total requirements of the burners for all fired boilers and pressure vessels, as well as any air required for the operation of other equipment located in the boiler room, including air compressors, clothes dryers, exhaust fans, water heaters, and central heating units must be used to determine the total area, in square feet, in inlet air opening or openings required for the boiler room or machinery room.

(c) When mechanical ventilation is used, the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than required by (a) of this Section. When a specially engineered system is to be used in supplying combustion and ventilation air to a boiler room or machinery room, such system shall be approved by the chief boiler inspector prior to its installation and use.

(d) Existing installations that complied with previously accepted standards of the Oklahoma Boiler and Pressure Vessel Safety Act and Boiler and Pressure Vessel Rules are deemed to be satisfactory until such time that it becomes necessary to repair or replace such combustion air supply system or components. When repair and/or replacement is required, such repairs and/or installations shall be performed in accordance with the requirements for new installations.

[Source: Amended at 16 Ok Reg 3017, eff 7-12-99; Amended at 23 Ok Reg 1410, eff 5-25-06]

380:25-7-19. Conditions not covered by these rules and regulations

For any conditions not covered by these requirements, the applicable provisions of the ASME Code or the American Petroleum Institute Pressure Vessel Inspection Code or the National Board Inspection Code, the Chief Boiler Inspector shall be contacted.

SUBCHAPTER 9. DOWNSTREAM WELDED STEAM LINES

380:25-9-1. Welding requirements

Fabrication by welding shall be performed by welders certified as such by the Labor Department. Out of state shop welding shall be performed by welders certified as required by Section IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. On site documentation shall be made available to the Chief or Deputy Inspectors.

380:25-9-2. Inspection

Inspection shall include but not be limited to visual inspection of welds and welders stencil on or near the weld, evidence of leaks and a review of documentation.

380:25-9-3. Construction codes available

The construction standard used for fabrication shall be available on site for review by the Chief or Deputy Inspectors.

380:25-9-4. Owner/user inspection

Downstream welded steamlines owned and/or operated by approved owner/user inspection agencies may be inspected, as required by this section, by their owner/user inspectors provided provisions for this inspection are outlined in the inspection procedures of such owner/user inspection agency.

SUBCHAPTER 11. HOT WATER SUPPLY HEATERS MINIMUM INSPECTION CRITERIA

380:25-11-1. General criteria

(a) Hot water supply heaters located in facilities or installations owned or operated by the State of Oklahoma or its agencies, counties, municipalities, or school districts will be externally inspected annually, regardless of size or heat input. All hot water supply heaters shall meet the requirements of the code adopted by the facility being inspected.

(b) Scope of inspection

- (1) Gas supply line - From the vessel through any controls upstream to the required stop cock.
- (2) Electrical connections - From the vessel to the required electrical cutoff, not to include any permanent wiring installed within the walls of the building containing the unit.
- (3) Cold water inlet line - From the vessel upstream to the required stop valve.
- (4) Hot water outlet line - From the vessel up to and including the second fitting.
- (5) Exhaust vents - All venting or flue piping visible from the hot water supply heater.
- (6) Combustion air supply - Any venting necessary to support combustion for flame heated units.
- (7) General hazards - Any recognized safety hazard involving the hot water supply heater within the immediate area.

SUBCHAPTER 13. LICENSING OF BOILER AND PRESSURE VESSEL SERVICE, REPAIR AND/OR INSTALLERS

380:25-13-1. General

(a) All businesses, firms or corporations engaged in the service, repair and/or installation of boilers or pressure vessels as required by Title 40 Section 141.6 of the Oklahoma Boiler and Pressure Vessel Safety Act shall be licensed by the Department of Labor.

(b) All persons engaged in the profession of service, repair and/or installation of boilers or pressure vessels, whether working individually or in the employ of a business, firm or corporation licensed as required by Title 40, Section 141.6 of the

Oklahoma Boiler and Pressure Vessel Safety Act, shall be required to pass a written examination administered by the Department of Labor, except that unlicensed persons may assist in the repair, service and installation of boilers and pressure vessels when under the direct supervision of a licensed individual. Except, that those licensed professionals that may be assisting in the installation of a boiler or pressure vessel in a limited capacity, such as certified welders, licensed electricians, etc., shall not be required to possess a boiler installers license.

(c) These rules shall not be construed as in any way preventing the owner or user of any boiler or pressure vessel from performing minor repairs and maintenance to boilers and pressure vessels under his or her control, providing that all such minor repairs and maintenance are in accordance with the provisions of this Act. Additionally, as regards owner user inspection agencies, routine repairs and maintenance may be determined by the authorized inspector.

[Source: Amended at 10 Ok Reg 3075, eff 6-25-93; Amended at 19 Ok Reg 2788, eff 11-1-02]

380:25-13-2. Application for license

(a) An application for the service, repair and/or installation of boilers or pressure vessels shall be on forms provided by the Department of Labor and shall give evidence of the applicants past experience within the scope of the license requested, and shall give evidence of their workmanship and skills which would qualify them for the license requested.

(b) The Chief Boiler Inspector may request an interview with the applicant prior to the issuance of a license.

(c) The desired scope of license shall be listed on the application for the authorization requested.

380:25-13-3. Qualification for welding, effective January 1, 1989

Any applicant requesting authorization to weld within the scope applied for shall have one of the following types of qualifications in addition to the license required by this act.

(1) American Society of Mechanical Engineers Certificates of Authorization. An organization in possession of a valid ASME Certificate of Authorization may perform repairs to boilers and/or pressure vessels provided such repairs are within the scope of the organizations quality control system.

(2) National Board Certificates of Authorization. Repairs to boilers and/or pressure vessels may be performed by an organization in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board of Boiler and Pressure Vessel Inspectors.

(3) In lieu of "(1)" or "(2)" above. A repair organization may perform welded repairs to boilers and/or pressure vessels provided the organization has met the requirements as outlined in the National Board Inspection Code for qualification for the National Board "R" Code Symbol Stamp (the reference to the National Board Certificate of Authorization is deleted and the actual obtaining of the "R" stamp is not required). (For those repair firms or organizations which only repair boilers and/or pressure vessels owned and/or operated by state of Oklahoma authorized owner/user inspection agencies, "ANSI/API 510 Pressure Vessel Inspection Code" may be substituted, if applicable, where the National Board is referenced in the NBIC). IN EACH CASE WELDERS, WELDING OPERATORS AND WELDING PROCEDURES SHALL BE QUALIFIED IN ACCORDANCE

WITH ASME SECTION IX AND REFERENCING CODES. FIRMS OR ORGANIZATIONS QUALIFYING UNDER THIS PARAGRAPH SHALL HAVE THEIR QUALITY CONTROL SYSTEM REVIEWED TRIENNIALLY.

380:25-13-4. Applicants' business affiliations

An applicant for a license under this rule shall state the name of the business, firm, partnership or corporation under which he intends to carry on business, and he may be the owner, a partner, an officer of a corporation or a supervisory employee of the business, firm, partnership or corporation.

380:25-13-5. License not required [REVOKED]

[Source: Revoked at 19 Ok Reg 2788, eff 11-1-02]

380:25-13-6. Fee for license

The fee as provided for in Title 40, Section 16, Paragraph 2C shall accompany the application for each license.

380:25-13-7. Annual renewal of license

Licenses issued under this subchapter shall be renewed twelve (12) months from the issue month on their initial or current license, and annually on this anniversary date thereafter.

[Source: Amended at 19 Ok Reg 2788, eff 11-1-02]

SUBCHAPTER 15. BOILER AND PRESSURE VESSEL RENTING AND/OR LEASING

380:25-15-1. Rental boiler maintenance

Boilers and/or pressure vessels rented or leased for operation in this State shall be maintained as required by the Act and this Chapter by the rentor or leasor, unless contractual arrangements dictate otherwise.

[Source: Amended at 10 Ok Reg 3075, eff 6-25-93]

380:25-15-2. Mobile boiler inspection

In the event a boiler and/or pressure vessel is moved from one location to another location in this state during the certificate of operation term, as a minimum, an external inspection shall be made at the new location by an inspector as defined by the act.

SUBCHAPTER 17. EXAMINATIONS

380:25-17-1. General provisions

(a) Examinations for commissions from the National Board of Boiler and Pressure Vessel Inspectors and certificates from the American Petroleum Institute shall be conducted on the first Wednesday and one-half day Thursday in March, June, September, and December, provided five or more applications for examination are received by the Chief Boiler Inspector on or before the first work day of the month preceding the month of the examination. Requests for examination, along with the applicable fee, shall be submitted to the Chief Boiler Inspector in accordance with the relevant requirements of the Oklahoma Boiler and Pressure Vessel Safety Act,

the National Board of Boiler and Pressure Vessel Inspectors, and the American Petroleum Institute.

(b) Examinations for the issuance of a Boiler Operator License will be conducted by the Chief Boiler Inspector, or as a part of a recognized training course.

(c) Examinations leading to a National Board Commission or a Certificate from the American Petroleum Institute shall be administered by the Chief Boiler Inspector or Deputy Boiler Inspector. Additionally, proctors shall be in accordance with the respective issuing agency's requirements, but at a minimum should include two additional persons from the following:

- (1) Petroleum Industry, (required for API examinations), and
- (2) The insurance industry, or
- (3) The boiler or pressure vessel manufacturers holding a certificate of authorization issued by the ASME or the National Board.

[Source: Amended at 19 Ok Reg 2788, eff 11-1-02]

380:25-17-2. National Board Commission examination

Examination leading to a Commission shall be in accordance with the Constitution and Bylaws of the National Board of Boiler and Pressure Vessel Inspectors.

380:25-17-3. American Petroleum Institute examination

Examinations leading to a Certificate shall be in accordance with requirements and procedures of the American Petroleum Institute.

[Source: Amended at 19 Ok Reg 2788, eff 11-1-02]

380:25-17-4. Boiler operator license examinations

(a) Examinations leading to the issuance of a Boiler Operator License shall:

- (1) Consist of multiple choice, true or false, or essay type questions.
- (2) Be of the closed book type.
- (3) Be prepared, distributed and graded by the Department of Labor.

(b) The minimum passing grade for the examination shall be 70%.

(c) The test leading to the issuance of a Boiler Operator License shall be administered by the Chief Boiler Inspector or a Deputy Boiler Inspector, or, upon approval by the Department of Labor based upon the criteria set forth in the Department's Body of Knowledge document, by an institution that conducts courses of instruction designed to teach the student that information necessary to become a boiler operator.

[Source: Added at 19 Ok Reg 2788, eff 11-1-02]

SUBCHAPTER 19. BOILER OPERATOR LICENSING

380:25-19-1. Boiler operator licensing

(a) Any company, corporation, business, school, city, county, or other governmental agency may adopt the boiler operator licensing program herein described, and require that individuals within its employ or jurisdiction abide by these rules when engaged in the operation and maintenance of boilers.

(b) Any individual may apply for the license herein described.

(c) No provision of this act shall place a mandatory requirement on any person to be in possession of the Boiler Operator License described in these rules other than those that may be required by individual companies, businesses, or jurisdictional

authorities as allowed in 380:25-19-1 (a).

(d) Application for a Boiler Operator License shall be on forms provided by the Department of Labor.

(e) Evidence of the satisfactory completion of qualifications for, or the issuance of, a Boiler Operator License, Stationary Engineer License, or other comparable certification from another jurisdictional authority or nationally recognized organization may be used to satisfy all or part of the qualifications outlined in these rules. All such requests shall be subject to the review and approval of the Chief Boiler Inspector. Applicants for a Boiler Operator License must have completed all of the specified license requirements within the five (5) calendar years preceding the examination date.

(f) A Boiler Operator License will be issued and renewed after the satisfactory completion of the requirements of these rules and the receipt of the licensing fee specified in Section 141.16.A.2.c, of this act. When a Boiler Operator License addressed in these rules is issued as a matter of reciprocity for the possession of a valid license from another jurisdictional authority or national organization, a fee equal to that specified in Section 141.16.A.2.c of this act will be paid to the Department of Labor. A non-refundable fee may be charged to and shall be collected from each individual who applies for a duplicate or replacement Boiler Operator License.

(g) A license is valid for a period of two (2) years and shall expire on the last day of the licensee's birth month. Each such license shall be prorated in accordance with the licensing procedures adopted by the Department. A license must designate the name of the holder, the class of the license, the issue date of the license, and the expiration date of the license. Any license issued under this chapter is automatically renewable upon payment of the fee set forth in OAC 380:25-19-1(f). Any license not renewed within 90 days of the expiration date will be subject to all of the provisions of a new issuance.

(h) The licenses herein described are applicable to all single burner power boilers, all low pressure steam boilers, all water heating boilers, and all electric boilers. Exemption. This license shall not be applicable to those boilers associated with antique traction engines. The Boiler Operator License herein described does not grant the holder of such license the right to engage in the installation, service and/or repair of boilers for any other company, corporation, organization, facility, person or governmental agency beyond those boilers that the licensee is responsible for as a function of the licensee's permanent employment.

(i) Jurisdictions adopting the Boiler Operator Licensing requirements in these rules may enact local regulations dealing with requirements for licensed operator attendance, daily checks, documentation of operating parameters, and availability of operators during off duty hours.

(j) A Boiler Operator License may be suspended by the Commissioner of Labor or his or her designee, after due investigation for the falsification of information contained on the application, incompetence, untrustworthiness, gross carelessness or intoxication while operating or performing maintenance to boilers. Notification of proposed suspension will be provided to the licensee and his or her employer, if known. All proposed suspensions are subject to notice and an opportunity for hearing as provided by the Oklahoma Administrative Procedures Act.

(k) Boiler Operator License Classes:

(1) First Class Boiler Operator License (supervisory level license):

(A) Any person holding a First Class Boiler Operator License is qualified to operate and maintain, and to supervise others in the

operation and maintenance of all single burner boilers regardless of energy input.

(B) Qualifications:

(i) A minimum of three years of experience in the operation and maintenance of Power Boilers with a heat input in excess of 12,500,000 btu/hr, and

(ii) A minimum of one year experience in a supervisory capacity, with documented responsibility for the supervision of others in the operation and maintenance of boilers in this class, or

(iii) The documented satisfactory completion of a course of instruction in Physical Plant Management, the contents of which are agreeable to the Chief Boiler Inspector as a substitute for direct supervision experience, and

(iv) A letter of recommendation from the current supervisor, or other documentation acceptable to the Chief Boiler Inspector.

(v) A passing grade on the Boiler Operator License Examination.

(2) Second Class Boiler Operator license:

(A) In addition to those boilers operable with a Third and Fourth Class Boiler Operator License, any person holding a Second Class Boiler Operator License is qualified to operate and maintain all boilers with energy inputs exceeding 12,500,000 btu/hr. or its equivalent.

(B) Qualifications:

(i) A minimum of three years documented experience in the direct operation and maintenance of boilers covered by this class of license, one year of which must be with power boilers, or

(ii) A minimum of three years of experience in the direct operation and maintenance of boilers as a Third Class Boiler Operator, and

(iii) A letter of recommendation from the current supervisor, or other documentation acceptable to the chief Boiler Inspector.

(iv) A passing grade on the Boiler Operator License Examination.

(3) Third Class Boiler Operator License:

(A) In addition to those boilers operable with a Fourth Class Boiler Operator license, any person holding a Third Class Boiler Operator License shall be qualified to operate and maintain steam boilers and water heating boilers with a temperature not to exceed 250 F. and a pressure not to exceed 160 psig., Energy inputs shall not exceed 12,500,000 Btu/hr maximum, or its equivalent.

(B) Qualifications:

(i) A minimum of two years documented experience in the direct operation and maintenance of boilers covered by this class of license, or

(ii) A minimum of one year experience in the operation and maintenance of boilers as a Fourth Class Boiler Operator,

and

(iii) A letter of recommendation from the current supervisor or other documentation acceptable to the Chief Boiler Inspector.

(iv) A passing grade on the Boiler Operator License Examination.

(4) Fourth Class Boiler Operator License:

(A) Any person holding a Fourth Class Boiler Operator License is qualified to operate and maintain water heating boilers with a temperature not exceeding 250 F. and a pressure not exceeding 160 psig, any steam boiler operating at 15 psig or below. Energy inputs shall not exceed 5,000,000 btu/hr. maximum or its equivalent.

(B) Qualifications:

(i) A minimum of one year documented experience in the direct operation and maintenance of boilers and equipment covered by this class of license, or

(ii) A minimum of six months experience under the supervision of a qualified boiler operator, or

(iii) Completion of an acceptable training course, and

(iv) Pass the appropriate written examination.

[Source: Added at 19 Ok Reg 2788, eff 11-1-02; Amended at 20 Ok Reg 2697, eff 8-12-03; Amended at 30 Ok Reg 845, eff 7-1-13; Amended at 35 Ok Reg 1773, eff 9-15-18]

APPENDIX A. EXPANSION TANK CAPACITY CHART

Figure 1

System Volume gal	Tank Capacities, gal	
	Pressurized Diaphragm Type	Nonpressurized Type
100	9	15
200	17	30
300	25	45
400	33	60
500	42	75
1000	83	150
2000	165	300

NOTE: System volume includes volume of water in boiler, radiation, and piping, not including the expansion tank. A procedure for estimating system volume and determining expansion tank sizes for other design conditions may be found in Chapter 12 of the 1996 HVAC Systems and Equipment Volume of the ASHRAE Handbook.

[Source: Added at 19 Ok Reg 2788, eff 11-1-02]

CHAPTER 30. PROTECTION OF LABOR

[Authority: 40 O.S., §§ 1, 165.1 et seq., and 197.1 et seq.]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

380:30-1-1. Purpose

The purpose of the rules in Chapter 30 is to establish the definitions and procedures for enforcement by the Department of the provisions of Title 40, Oklahoma Statutes, Sections 165.1 through 165.11, and the Oklahoma Minimum Wage Act, 40 O.S. §§ 197.1 et seq. for agreed upon wages and benefits and for payment of minimum wages as mandated by State law.

[Source: Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise: "**Commissioner**", as used in these Rules, means the Commissioner of Labor or the Commissioner's designee.

"**Bona fide disagreement**" means, as used in 40 O.S. 165.4, a dispute in which the employer holds an honest and sincere belief that the wages claimed are not owed so long as that belief is supported objectively by the facts and circumstances and the employer took reasonable steps to ascertain the facts and circumstances.

"**Claimant**" means the same as "employee" or someone claiming wages due on behalf of a deceased employee.

"**Department**" and "**Agency**" mean the Department of Labor and/or the Wage & Hour Division of the Department of Labor.

"**Earned and due**" means that wages derived from labor or professional services are presently and immediately matured and enforceable and the time for payment has arrived. The term "earned and due" necessitates that all conditions precedent to payment have happened, have been met or have been performed. If the employment agreement is based either in whole or in part on payment of commissions, the terms of the agreement will control the time when commissions are earned and due. The Department of Labor has jurisdiction over only those claims for wages that are earned and due at the time the wage claim is filed. Any claims for "future wages" will be summarily rejected by the compliance officer or dismissed by the administrative hearing officer.

"**Electronic means**" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, direct deposits or withdrawals of funds, electronic debit cards, and transfers initiated by telephone.

"**Employee**" means any person permitted to work by an employer. Employee shall not include: Business owners, independent contractors, volunteers, co-partners, or joint venturers. For purposes of these rules, those persons who are permissibly exempt from the Workers' Compensation statute, as defined in 85 O.S. § 311, shall be considered "business owners" and not employees. A person who, pursuant to the terms of an employment agreement, has as their only form of compensation a potential interest in the proceeds or profits of a business (commonly called "working for sweat equity"), shall be considered a business owner and not an employee.

"**Employer**" means every individual, partnership, firm association, corporation, the legal representative of a deceased individual, or the receiver, trustee or successor of an individual, firm, partnership, association or corporation,

employing any person in this state. "Employer" shall also include county, city, and municipal corporations, and all other local government entities. "Employer" shall not include the State of Oklahoma or any entity or branch of the United States government operating in this State.

"Established policy" means a statement, written or oral, or a course of conduct from or by the employer, of general applicability to all similarly situated employees regarding the business affairs of the employer. An "established policy" includes a written employment contract, a written employee manual or employment policy, or a written promise by the employer. An

"Established policy" also includes a verbal or implied promise by the employer that is supported by evidence of a past course of conduct consistent with the promise.

"Independent contractor" means one who renders service in the course of independent employment or occupation according to his own methods and is subject to his employer's control only as to the end product or final result of his work and not as to the means whereby it is to be accomplished. The following factors are considered significant in determining the employment relationship and whether a person is an employee or an independent contractor:

- (A) the nature of the contract between the parties, whether written or oral;
 - (B) the degree of control which, by the agreement, the employer may exercise on the details of the work or the independence enjoyed by the contractor or agent;
 - (C) whether or not the one employed is engaged in a distinct occupation or business for others;
 - (D) the kind of occupation with reference to whether, in the locality, the work is usually done under the direction of the employer or by a specialist without supervision;
 - (E) the skill required in the particular occupation;
 - (F) whether the employer or the workman supplies the instrumentalities, tools and the place of work for the person doing the work;
 - (G) the length of time for which the person is employed;
 - (H) the method of payment, whether by the time or by the job;
 - (I) whether or not the work is a part of the regular business of the employer;
 - (J) whether or not the parties believe they are creating the relationship of master and servant; and
 - (K) the right of either to terminate the relationship without liability.
- No one factor is controlling, and the relationship must be based on the set of facts peculiar to the case.

"Offsets" means deductions (as defined in this Subchapter); the value of any of the employer's money or property retained by the employee after termination; the amount of any prior overpayment of wages to the employee; and the amount of any prior valid final judgment obtained in a court of record or through an administrative agency, by the employer against the employee.

"Respondent" means the same as "Employer."

[Source: Amended at 13 Ok Reg 3413, eff 8-12-96; Amended at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 18 Ok Reg 3514, eff 9-14-01; Amended at 21 Ok Reg 2810, eff 7-11-04; Amended at 24 Ok Reg 2229, eff 6-25-07; Amended at 29 Ok Reg 1296, eff 7-1-12]

380:30-1-3. Wage and hour claims - generally [REVOKED]

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98; Revoked at 18 Ok Reg 3514, eff 9-14-01]

380:30-1-4. Wage and hour hearings-generally

All hearings on claims conducted pursuant to the provisions of this chapter are considered individual proceedings and are governed by the requirements for such proceedings set out in the Oklahoma Administrative Procedures Act, Title 75 O.S. §309 through §323.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-1-5. Payment of accrued leave

For the purpose of clarification of § 165.1 (4) of Title 40 O.S., specifically, when accrued vacation pay, sick pay, severance pay or other similar advantages are payable as a wage upon termination of employment:

- (1) Vacation pay, sick pay, severance pay or other similar advantage is considered "wages" only if the payment of such is:
 - (A) Agreed upon between the employer and the employee; or
 - (B) It is provided by the employer to his employees in an established policy.
- (2) The Department will accept and process accrued leave claims only if:
 - (A) The claims arise by virtue of express language in a written employment contract or policy manual which provides for the payment of cash in lieu of time-off; or
 - (B) The claims arise by virtue of an "established policy" based upon a promise by the employer, either express or implied, and supported by a prior course of conduct by the employer where payment of cash in lieu of time-off was actually made to previous employees.
- (3) If payment of cash in lieu of time-off is provided in a written employment contract or policy manual, the employee must meet all conditions precedent set out in the contract or the manual before entitlement to payment to accrued leave vests in that employee.
- (4) The Department shall reject any claim if the written contract or policy manual or an established policy does not provide for the payment of cash in lieu of time-off or if the claimant has failed to meet all conditions precedent required for such payment.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-1-6. Bonuses

- (a) A provision in a written employment contract or policy manual which requires the employee to be employed at the time the bonus is paid, is valid. Employees terminated, voluntarily or involuntarily, prior to the bonus payment date are not entitled to receive the bonus payment.
- (b) If there is no such provision requiring that the employee be employed at the time the bonus is paid and (i) the employer has declared its intention to pay a bonus and (ii) the amount of the bonus has been made definite prior to payment, then the employee is entitled to receive the bonus even if involuntarily terminated prior to payment. In such a case, the bonus will be deemed earned and due and will be part of wages due the terminated employee.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96]

380:30-1-7. Work without pay and deductions

- (a) No employer shall require or permit an employee, as a condition of securing or retaining employment, to work without monetary compensation.
- (b) The term "deductions," as used in 40 O.S. § 165.1 et seq., is defined as any and all sum(s) of money withheld by the employer from an employee's wages. The scope of the term includes, but is not limited to, amounts withheld for FICA, Federal and State income tax, Medicare, and garnishments.
- (c) No employer shall deduct any amount from an employee's wages, unless legislation or a court order mandates such, or unless such deduction is made pursuant to the provisions of this section.
- (d) It is permissible for an employer and employee to voluntarily enter into a payroll deduction agreement, including deductions for the following purposes:
- (1) To allow the employee to repay a loan or advance which the employer made to the employee during the course of and within the scope of employment, or to allow for recovery of payroll overpayment as provided in this subchapter;
 - (2) To compensate the employer for the value of the employer's merchandise or uniforms purchased by the employee;
 - (3) To provide payment for medical, accident, disability, or retirement benefits, or insurance premiums, not including workers' compensation or unemployment;
 - (4) To provide for contributions to a deferred compensation plan or other investment plan provided by the employer as a benefit to the employee;
 - (5) To compensate the employer for breakage or loss of merchandise, inventory shortage, or cash shortage caused by the employee; where the employee was the sole party responsible for the cash or items damaged or lost, at the time the damage or loss occurred.
- (e) Any payroll deduction agreement made pursuant to subsection (d) must be in writing, and signed by the employee before any deduction authorized by such agreement is taken. For purposes of these rules, the words "loan" and "advance" mean a transfer of money with a provision for repayment.
- (f) Pursuant to the authority granted in 40 O.S. § 1 and § 165.7, the Commissioner shall have the authority to investigate, hold hearings, subpoena witnesses, administer oaths, take testimony, and/or order production of any document or financial statement in relation to any violation of this rule. The Commissioner may issue Cease and Desist Orders to compel compliance with this rule.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 19 Ok Reg 2796, eff 7-25-02; Amended at 20 Ok Reg 2699, eff 8-12-03; Amended at 26 Ok Reg 2257, eff 7-1-09]

380:30-1-8. Regular wages, overtime and benefits

- (a) Regular wages are those payments that an employee receives for services rendered in the regular course and scope of employment. They must be paid either semi-monthly or monthly, according to 40 O.S. § 165.2. Payment must be made for all time worked, and may not be conditioned on job performance.
- (b) Payment of premium overtime due to requirements of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, is a matter of Federal law. The Department adopts the regulations of the U.S. Department of Labor as published in the Code of Federal Regulations, and the Interpretive Bulletins relating thereto, in determining compliance issues on such claims.

- (c) Payment of overtime premiums pursuant to the terms of an employment agreement is considered part of regular wages for purposes of these rules.
- (d) Benefits are special wages that are paid at certain times under certain conditions, according to the terms of the employment agreement. These include vacation, sick pay, paid holidays, severance, bonuses, and other similar advantages; provided, benefits do not include mileage reimbursement, travel expenses, "sweat equity", or stock options as defined elsewhere in this Subchapter. Entitlement to benefits and/or the receipt thereof may be found upon proof of an established policy, or pursuant to the terms of a written agreement, and may be conditioned upon a certain level of job performance or any other criteria not otherwise unlawful.
- (e) Any restrictions, criteria or conditions on benefits, including employer discretion and any limits thereon, must be contained in a written policy signed by the employee or they will not be held valid. The employer will be held to the terms of the benefit arrangement, and once the employee meets the criteria set forth therein, the benefit becomes part of wages earned and due and is thereupon payable as provided by statute in 40 O.S. § 165.1 et seq.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-1-9. Stock options and ownership interest as wages

- (a) An option to purchase stock in lieu of wages is enforceable as wages if provided in a written agreement signed by the employer and employee, and only if the purchase is required by the employer. If the option to purchase is entirely the employee's decision, the option is not considered wages as defined in this chapter. If the employee may elect to receive wages or benefits instead of stock, the value of the stock is considered to be wages as defined in this chapter, once the employee has made the election to receive same.
- (b) For non-corporate employers, an option to receive percentage ownership interest shall be treated the same as an option to purchase stock.
- (c) If the percentage ownership interest is the claimant's only source of compensation for services rendered, the claimant shall be considered a business owner.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-1-10. Mileage reimbursement and expenses

To the extent that mileage and expense amounts are paid as reimbursement for money expended by the employee, in the course and scope of employment, they are not considered to be wages. Any amount agreed upon, which is over and above that actually expended by the employee, and which results in taxable income to the employee, is considered part of regular wages and is enforceable as such. This includes "vehicle allowances" and other types of flat-rate expense payments.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97]

380:30-1-11. Overpayment of wages

- (a) If an employer determines that an employee has been overpaid, the employer may recover the overpaid sum from the employee in one of two ways:
- (1) Lump sum cash repayment; or
 - (2) Agreement for payroll deduction in a lump sum or in installments over a term not to exceed the length of the term in which the erroneous payments were made, provided that such agreement is made pursuant to the

provisions of this subchapter regarding deductions.

(b) The election as to which method is used, and the terms thereof, shall be made by the employee in writing, and shall be subject to all other provisions of law and which may apply. The employee may elect to use a combination of the above two methods, if the employer agrees.

(c) Upon termination of the employment agreement, any remaining balance of overpayment shall be considered an offset to any final wages otherwise due the employee.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97]

380:30-1-12. Payment for training required by employer

(a) If an employer requires an employee to undergo training and/or attend classes prior to employment or concurrent with job duties, and such training is provided by the employer or is held at the place of employment, the employer cannot charge the employee for the cost of the training, and must also pay the employee at least the current minimum wage for all hours of training required.

(b) If the employer contracts with a third party to provide training away from the workplace, or requires the employee to obtain outside training, the employer is not required to pay wages for the employee's attendance, although the employer may elect to do so. The party whom the training benefits shall bear the cost thereof, as follows:

(1) If the training is specific or proprietary to the current employer, and is not required by a third party for the employee to work in that particular occupation, then the training is considered to benefit the employer and the employer shall bear the cost thereof.

(2) If completion of the training will result in procurement or renewal of a professional license or certification for the employee, which stays with the employee and is portable to other employers in the same field or business, then the training is considered to benefit the employee, and the employee shall bear the cost thereof; provided, the employer may choose to pay for the training if the employer so desires.

(c) This section shall not apply to any apprenticeship program that is registered with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97]

380:30-1-13. Written notice

"Written notice" for purposes of meeting the requirements of 40 O.S. 165.4 does not include notices printed on a paycheck or paystub but shall be a separate notice conceding that either:

(1) no further wages are due; or

(2) a specified sum is due.

[Source: Added at 18 Ok Reg 3514, eff 9-14-01]

380:30-1-14. Attorneys fees and costs

Upon a finding of violation of any provision found within OAC 380:30-1-1, *et seq.*, the employer shall be additionally liable to the employee for attorney fees, costs, and any other remedy provided in 40 O.S. § 165.1, *et seq.*

[Source: Added at 20 Ok Reg 2699, eff 8-12-03]

SUBCHAPTER 3. WAGE CLAIM PROCEDURES

380:30-3-1. Jurisdiction of the Department generally

(a) The Department will accept for filing a claim for wages against any employer employing any employee in this state. In all cases, the employee or person making the claim shall be called the "Claimant", and the employer shall be called the "Respondent".

(b) There are generally three types of claims to which these procedures apply:

- (1) Claims for wages earned and due or provided by an established policy, whether during the course of employment or upon termination, as provided by 40 O.S. §§ 165.1–165.3;
- (2) Claims for payment of wages to survivors, pursuant to 40 O.S. § 165.3a;
- (3) Claims under the Minimum Wage Act, 40 O.S. § 197.1 et seq.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-3-2. Employee wage claim form

(a) An employee, or the survivor of an employee, who has not been paid wages due may file a claim on a form provided by the Department. The Department shall keep a record of each claim filed and the disposition of the claim.

(b) The wage claim form shall request information regarding the dates the work was performed, the rate of pay, the reasons the wages have not been paid in full and the amount of money due, the full name of the claimant, the full name of the employee if the claimant is the survivor of the employee, the street address of the claimant, the telephone number for the claimant, if any, the physical location where the work was performed, the name of the immediate supervisor of the employee, the name of the employer, the address of the employer, and any information regarding bonuses, sick leave, annual leave or other advantages due the claimant. The claimant shall provide evidence in support of the claim within the claimant's possession, including time cards, personal time records, payroll check stubs, W-2 statements, written wage agreements, statements from witnesses who have direct knowledge regarding the hours worked and the wage agreement, and all other documents which substantiate the employment relationship.

(c) The Department shall notify the respondent of the filed claim.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 24 Ok Reg 2229, eff 6-25-07]

380:30-3-3. Employer response form

(a) If the respondent agrees the amount claimed is due, the respondent shall issue a check to the claimant and send it to the Department. Subject to collection of funds payable by check, this action closes the claim and the wages are forwarded to the claimant. If the respondent agrees that a portion of the amount claimed is due, that amount should be paid immediately as provided in this subsection. If all or part of the claimed wages are disputed by the respondent, the respondent must complete an Employer Response Form, which will be provided by the Department, and return the response form to the Department.

(b) The Employer Response Form shall request such information as the type of business entity of the respondent, the names and operators of the business, employment dates of the claimant, or the employee for which the survivor is making the claim, the rate of pay for the claimant, copies of any withholding statement for the claimant for the time period for which the claim is made and for the immediately prior pay period of the claimant, copies of any time cards or

records for the time period for which the claim is made and for the immediately prior pay period, copies of any written employment policies or agreements and the respondent's reasons for not paying the wages alleged to be due by the claimant. The Department may issue subpoenas to require the employer to appear and/or to submit further written information or documentation, require the claimant to submit further written information or documentation. The Department may conduct an informal proceeding to resolve the claim prior to the issuance of the Order of Determination as provided in rule 380:30-3-3.1.

(c) Upon failure by the respondent to complete and return the Employer Response Form within fifteen (15) days from notice thereof, the Department may make a determination based upon the facts in evidence and documents on file regarding the issuance of the Order of Determination as provided in rule 380:30-3-3.1.

(d) Every employer subject to Title 40 of the Oklahoma Statutes or any order issued pursuant to Title 40 of the Oklahoma Statutes shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for the entire length of employment for all persons currently employed and no less than five (5) years from the end of employment for all former employees.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 20 Ok Reg 2699, eff 8-12-03]

380:30-3-3.1. Orders of Determination and Notices of Dismissal

(a) The Department shall issue an Order of Determination pursuant 40 O.S. § 165.7 requiring the respondent to pay the claimant the wages due and unpaid, or liquidated damages, if any, or both, upon investigation of the facts contained in the complaint, the documents provided by the claimant, and the documents provided by the respondent, and upon determination of the facts necessary to prove the following:

- (1) Proof of notice of the claim to the respondent.
- (2) The existence of an employer-employee relationship between the claimant/employee and the respondent.
- (3) Date and time of employment of the claimant/employee, for the respondent.
- (4) Non-payment of wages due the claimant, for the date and time of employment proved in subparagraph (3).
- (5) Failure to pay wages due the claimant by the respondent for the period of time, as required by law, for assessment of liquidated damages against the respondent.

(b) The Department shall dismiss the claim upon determination that the agency lacks jurisdiction over the claim, that the claim is unjustified according to statute or rules, that the evidence obtained during the investigation is insufficient to support the claim, or that the agency is unable to obtain proper notice of the claim upon the respondent.

(c) The Department shall deliver the Order of Determination or Notice of the dismissal of the claim to the claimant at the last address provided in writing to the Department, and to the respondent at the address to which notice of the claim was delivered, or at the service address for respondent as shown on the records of the Secretary of State of the State of Oklahoma, or the last address provided in writing by the respondent to the Department. The Order of Determination shall be sent by certified U.S. mail, return receipt requested. The Notice of Dismissal shall be sent by First Class U.S. Mail.

[Source: Added at 15 Ok Reg 2711, eff 6-25-98]

380:30-3-3.2. Request for hearing

(a) Within twenty (20) calendar days after receiving the Order of Determination, if the respondent disputes any or all of the Order, the respondent may request a hearing before the Commissioner. The request for a hearing shall be in writing, specify the style and case number for the claim, and be signed by the party requesting the hearing or a representative of the party. The request shall be directed to the Legal Division of the Department.

(b) The Department's decision to dismiss or refuse to accept a claim shall not be subject to administrative hearing or review.

[Source: Added at 15 Ok Reg 2711, eff 6-25-98]

380:30-3-4. Procedures prior to hearing

(a) Upon receipt of a request for a hearing after issuance of an Order of Determination, the claim shall be transferred to the Legal Division of the Department, which shall set a date and time for the hearing and notify the parties as required by law, or as instructed by the parties. The parties may file whatever motions, pleadings, briefs, or other papers they deem appropriate, including but not limited to motions to dismiss and motions for summary judgment. Dispositive motions may be ruled upon either at hearing or prior thereto, with or without benefit of oral argument, by the Commissioner. Unless good cause is shown, motions and briefs shall be filed at least thirty (30) days prior to the hearing of the Claim; shall be served upon the opposing party, counsel, and the Department in a timely manner; and shall not exceed 25 pages in length, exclusive of exhibits or attachments. Any response to a motion or brief shall be filed within fifteen (15) days thereafter, unless good cause is shown. All pleadings and papers shall be styled in the following manner: "BEFORE THE DEPARTMENT OF LABOR, STATE OF OKLAHOMA, IN RE: (Respondent), Claim No., (Name of Claimant)."

(b) Subpoenas will be issued by the Commissioner upon request of either party. The party requesting the subpoena shall be responsible for service in a timely manner, in accordance with the Administrative Procedures Act, 75 O.S. § 315, and the Oklahoma Pleading Code, 12 O.S. § 2004.1. All subpoenas issued by the Department shall allow at least ten (10) days for compliance. Subpoenas duces tecum shall set the date of compliance either at or before the pre-hearing conference, if any. Otherwise, the date for compliance shall be at least ten (10) days prior to the hearing.

(c) Subject to the provisions of the Administrative Procedures Act, parties may obtain discovery in any manner provided for under the Oklahoma Discovery Code, 12 O.S. § 3225 et seq., and in accordance with the rules and provisions contained therein. Discovery shall be completed no later than the pre-hearing conference.

(d) The Commissioner reserves the authority to dismiss a claim set for hearing at any time for lack of jurisdiction over the parties or subject matter of the claim.

(e) Unless for good cause shown, no request for continuance of any hearing shall be considered unless the same is presented in writing to the Commissioner at least three (3) days prior to the scheduled docket date. Continued cases shall be placed on the next available hearing docket, but no earlier than 30 days after the original scheduled date without written consent of both parties. No case shall be continued more than twice unless good cause is shown.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 26 Ok Reg 2257, eff 7-1-09; Amended at 27 Ok Reg 48, eff 10-1-09 (emergency); Amended at 27 Ok Reg 1877, eff 7-1-10]

380:30-3-5. Motions for stay of proceedings

The Commissioner may grant a stay of the proceeding upon motion of either party, or upon the Commissioner's own motion, if the outcome of a case currently pending in any court of record in this State would affect the rights of the parties of the result in a pending Wage Claim filed with the Department. Either party may move to stay the proceedings at any time after the filing of the affected Wage Claim. Any response to a motion for stay of proceedings shall be filed within twenty (20) days thereafter. The moving party shall have the burden of proof.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 26 Ok Reg 2257, eff 7-1-09]

380:30-3-6. Burdens of proof

- (a) The Commissioner (or the Commissioner's designee sitting as an Administrative Law Judge) shall conduct wage claim hearings which shall be informal, with the object of dispensing speedy justice between the parties to assure a full and complete hearing on the merits.
- (b) The Department is entitled (by this rule which has the force and effect of law) to participate in all hearings.
- (c) Department's counsel, in defense of the earlier issued Order of Determination, shall proceed first at the hearing; thereafter, the Claimant may adduce additional evidence.
- (d) At the conclusion of the presentation of evidence by Department's counsel and Claimant, the Commissioner (or the Commissioner's designee sitting as an Administrative Law Judge) may entertain a motion for judgment or dismissal (i.e., the equitable equivalent of a demurrer to the evidence) on the grounds that Department's counsel or Claimant, or both, have failed to meet the primary burden of proof in the wage claim hearing.
- (e) The Department's right to appear and defend the Order of Determination is absolute; however, Department's counsel may waive appearance at the hearing solely at the discretion of Department's counsel. An election by the Department to waive appearance at the hearing does not preclude the Department's involvement in future litigation or any 75 O.S. 317, 318, or 319-323 proceedings.
- (f) The Respondent shall have the burden of proof for all affirmative defenses to the claim. Any legal offset by the Respondent, as defined herein, shall be treated as an affirmative defense to the claim.
- (g) The Claimant and the Respondent shall have the right to offer evidence in their behalf in accordance with Oklahoma Administrative Code 380:30-3-8 and the Commissioner (or Commissioner's designee sitting as an Administrative Law Judge) may call and question such witnesses and order the production of and admit into evidence such documents as deemed appropriate in the discretion of the Commissioner (or Commissioner's designee sitting as an Administrative Law Judge).

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 21 Ok Reg 37, eff 10-8-03 (emergency); Amended at 21 Ok Reg 2810, eff 7-11-04]

380:30-3-7. Mediation [REVOKED]

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Revoked at 15 Ok Reg 2711, eff 6-25-98]

380:30-3-8. Pre-hearing conferences

(a) The Commissioner, upon motion of either party or upon the Commissioner's own motion, may order a pre-hearing conference prior to hearing. Such conference will be held at least ten (10) days in advance of the scheduled hearing date, and the parties shall be notified at least ten (10) days prior to the conference of the time, place, and date thereof.

(b) When a pre-hearing conference is ordered, parties and/or their counsel shall appear and exchange the following:

(1) A brief statement of the case, list of stipulations, and requested remedy;

(2) A list of all witnesses who have direct knowledge of the facts surrounding the issues of the Claim and who are expected to be called at the hearing;

(3) A list of all documents and exhibits, and the original or a copy of each document or exhibit, to be offered into evidence at the hearing;

(4) A list of all witnesses for whom a subpoena is required. The list shall include the name and address of each witness, and a brief statement of testimony to be offered by that witness. The Department will not issue subpoenas without this information.

(c) The parties shall provide two copies to the Department of all documents submitted, in addition to those exchanged between them. Unless good cause is shown, no witnesses, documents or other evidence will be admitted at hearing unless the same have been submitted at the pre-hearing conference.

(d) Failure to appear at the pre-hearing conference may result in dismissal, default judgment, or other sanction unless good cause is shown.

(e) The parties shall complete their discovery, if any, no later than the date of the pre-hearing conference. All motions and briefs shall be filed in accordance with the deadlines set forth in OAC 380:30-3-4.

[Source: Added at 14 Ok Reg 2968, eff 7-13-97; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 27 Ok Reg 1877, eff 7-1-10]

SUBCHAPTER 5. ADMINISTRATIVE HEARING PROCEDURES

380:30-5-1. Administrative hearing

The Department shall set claims for administrative hearing upon request as provided in rule 380:30-3-3.2. This is a legal proceeding subject to the requirements for individual proceeding pursuant to the Oklahoma Administrative Procedures Act, Title 75 O.S. §309 et seq., the provisions of which are incorporated herein by reference. Both the claimant and respondent will be provided with notice of the hearing. At the hearing, each party will be required to present evidence. The hearing will be conducted, and the final agency order issued, by the Commissioner or the Commissioner's designee sitting as Administrative Law Judge.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-2. Contents and service of notice

The Notice of Hearing shall meet the requirement of 75 O.S. § 309. The Order of Determination previously sent to the respondent, shall serve as a detailed statement of the issues involved. The Department shall deliver Notice of Hearing to the claimant at the last address provided in writing to the Department and to the respondent at the address to which notice of the claim was delivered, or at the service address for respondent as shown on the records of the Secretary of State of the State of Oklahoma, or the last address provided in writing by the respondent to the Department. The Notice of Hearing shall be sent by certified U.S. mail, return

receipt requested. Failure of service of the Notice of Hearing upon the claimant shall result in dismissal of the earlier issued Order of Determination and closure of the case; failure of service upon the respondent shall result in dismissal of Respondent's challenge to the earlier issued Order of Determination.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98; Amended at 20 Ok Reg 2699, eff 8-12-03]

380:30-5-3. Opportunity to be heard [REVOKED]

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Revoked at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-4. Record of hearing [REVOKED]

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Revoked at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-5. Hearing to be recorded [REVOKED]

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Revoked at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-6. Procedures before the Department

The hearing shall be conducted pursuant to the provisions of 75 O.S. §§ 309 and 310.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-7. Final orders

A final agency order shall be issued by the Commissioner pursuant to the provisions of 75 O.S. § 312.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-8. Subpoenas-witnesses and documents [REVOKED]

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Revoked at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-9. Rehearing, reopening or reconsideration of decision

A final order issued by the Commissioner shall be subject to rehearing, reopening, or reconsideration pursuant to the provision of 75 O.S. § 317.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-10. Judicial review

Any party aggrieved by a final order in an individual proceeding is entitled to certain, speedy, adequate and complete judicial review thereof pursuant to the provisions of Title 75 O.S. §318, through 323 of the Oklahoma Administrative Procedures Act.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-11. Staying enforcement of agency decision pending review

Upon motion of either party, after filing of a proceeding for review with the district court, the Commissioner may stay the enforcement of the agency decision for good cause shown or when the interest of justice requires.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

380:30-5-12. Transmission of record to reviewing court

Upon receipt by the Department of a copy of the petition for review stamped "filed" by the district court clerk, the Department shall transmit to the reviewing court a certified copy of the entire record of the proceeding under review pursuant to the provisions of 75 O.S. § 320. The Department shall notify the parties and counsel of record when the record has been completed and transmitted.

[Source: Added at 13 Ok Reg 3413, eff 8-12-96; Amended at 15 Ok Reg 2711, eff 6-25-98]

CHAPTER 35. MINIMUM WAGE ON PUBLIC WORKS [REVOKED]

[Authority: 40 O.S., §§ 196.1 et seq.]

[Source: Codified 12-31-91]

380:35-1-1. Purpose [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-2. Posting of rate [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-3. Complaint form [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-4. Request for rate [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-5. Change of rate [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-6. Payment of rate [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-7. On-site inspections [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-8. Apprentices and trainees [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-9. Helper [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-10. Fringe benefits [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-11. Violation, penalties [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-12. Project [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-13. Wage surveys [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-14. Splitting projects [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-15. Change orders [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-16. Independent contractor identification [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-17. Identification in contract bid [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

380:35-1-18. Worker notification of wage rate [REVOKED]

[Source: Revoked at 15 Ok Reg 2393, eff 6-11-98]

CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS ACT RULES

[Authority: 40 O.S., §§ 401 et seq.]

[Source: Codified 12-31-91]

380:40-1-1. Purpose

The purpose of the rules in Chapter 40 is to set forth general policies for enforcement of the inspection and citation provisions of 40 O.S. § 401 et seq., the Oklahoma Occupational Health and Safety Standards Act ("the Act"). This rule adopts regulations and national consensus standards, requirements for record keeping and updating of equipment as mandated by state law.

[Source: Amended at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-2. Applicable national standards

(a) The Federal Occupational Safety and Health Standards for General Industry (29 CFR 1910) and the Construction Industry (29 CFR 1926) shall be automatically adopted by incorporation as currently published and as hereafter may be revised in the Code of Federal Regulations subject to the following exceptions:

(1) That the definition of an "employer" as set forth in 29 CFR 1910.2(c) is deleted and the term is hereby defined in accordance with the definition in Title 40 O.S. Section 402(1) for "employer"

(2) That the Hazard Communication Standard as set forth in 29 CFR 1910.1200 is adopted by incorporation except the information and training required under 29 CFR 1910.1200(h) is required annually. The definition of "employer" and "employee" as set forth in 29 CFR 1910.1200(c) is deleted and the term is defined in accordance with the definition in Title 40 O.S. Section 402(1) for "employer" and "employee".

(3) The definition of "action level" in the General Industry Standard for asbestos (29 CFR 1910.1001(b)) is deleted.

(4) The section on permissible exposure limit (PEL) in the General Industry Standard for asbestos (29 CFR 1910.1001(c)) is deleted and hereby replaced with: Permissible exposure limit (PEL). The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.01 fibers per cubic centimeter of air.

(5) For purposes of compliance with 29 CFR 1910.134(g)(4), it is permissible for the employer to enlist the aid of firefighters from other municipal jurisdictions, or political subdivisions, in order to ensure that enough personnel are present at the site to fulfill the requirements of the "two in, two out" rule. The employer must insure that the firefighters from the other municipal jurisdictions, or political subdivisions are in compliance with 29 CFR 1910.134.

(b) The currently published National Fire Protection Association (NFPA 1971) Standard Protective Ensemble for Structural Fire Fighting, referenced in the Federal Occupational Safety and Health Standards for General Industry (29 CFR 1910) shall be automatically adopted by incorporation as published and as may hereafter be revised in the NFPA Standards.

[Source: Amended at 9 Ok Reg 2697, eff 6-4-92 (emergency); Amended at 10 Ok Reg 3081, eff 6-25-93; Amended at 16 Ok Reg 288, eff 10-6-98 (emergency); Amended at 16 Ok Reg 3023, eff 7-12-99; Amended at 17 Ok Reg 885, eff 8-3-99 (emergency); Amended at 17 Ok Reg 886, eff 12-16-99 (emergency); Amended at 17 Ok Reg 2994, eff 7-14-00; Amended at 18 Ok Reg 3515, eff 9-14-01; Amended at 26 Ok Reg 2259, eff 7-1-09]

380:40-1-3. National standards on file

A copy of currently published standards and regulations incorporated by reference in this rule shall be on file at the Oklahoma Department of Labor Office in Oklahoma City.

[Source: Amended at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-4. Updating of equipment

Updating of personal protective equipment in accordance with NFPA Standards shall be made as existing equipment is replaced.

380:40-1-5. Recordkeeping

(a) The currently published Federal Occupational Safety and Health Standard 29 CFR 1904, et seq., shall be automatically adopted by incorporation as published in the Code of Federal Regulations and as may hereafter be revised in the Code of Federal Regulations with the following exceptions:

(1) that Subpart B (1904.1, 1904.2, 1904.3 and Appendix A), 1904.37, 1904.38, 1904.39, 1904.40, 1904.41, 1904.42, 1904.45, and, in 1904.7(b)

(2), the sentence stating, "You must also report any work-related fatality to OSHA within eight (8) hours, as required by '1904.39" shall not be included;

(2) that the definition of "Act" pursuant to 29 CFR 1904 shall mean the Oklahoma Occupational Safety and Health Act of 1970 Title 40 O.S. Section 401 et seq.;

(3) that all references in 29 CFR 1904 to the Assistant Commissioner or Regional Commissioner of the Bureau of Labor Statistics be changed to Oklahoma Department of Labor;

(4) that all references in 29 CFR 1904 to OSHA No. 300 shall be changed to OK 300; all references to OSHA 300A shall be changed to OK 300A; and references to OSHA No. 301 shall be changed to OK 301;

(5) the definition of "you" in 29 CFR 1904.46 shall mean "employer" as defined in 40 O.S. 402.

(6) that 29 CFR 1904.46 Definition of Establishment (2) shall be changed to: (2) Can an establishment include more than one physical location? Yes, but only if the direct daily supervision of all staff is the responsibility of one common individual.

(b) In accordance with 40 O.S. § 417, the State and all its political subdivisions which has in its employ one or more individuals performing services for it in employment shall report to the Oklahoma Department of Labor all injury and illness related information, as requested. This information shall be submitted/reported on forms including but not limited to the OK 300, OK 300A and OK 301, and in a manner prescribed by the Oklahoma Department of Labor. This information includes, but is not limited to; amounts and types of injuries and illnesses, and injury and illness case characteristics and demographics.

(c) Employers shall notify the Department of Labor Statistical Research Unit within ninety (90) days of the closing, merging, or opening of a new facility.

[Source: Amended at 16 Ok Reg 3023, eff 7-12-99; Amended at 19 Ok Reg 740, eff 1-1-02 through 7-14-02 (emergency)¹; Amended at 19 Ok Reg 2796, eff 7-25-02; Amended at 23 Ok Reg 2771, eff 6-25-06; Amended at 34 Ok Reg 1719, eff 9-15-17]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-02 (after the 7-14-02 expiration of the emergency action), the text of Section 380:40-1-5 reverted back to the permanent text that became effective 7-12-99, as was last published in the 2001 Edition of the OAC, and remained as such until amended by permanent action on 7-25-02.

380:40-1-6. Phase-in period [REVOKED]

[Source: Revoked at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-7. Posting of notice

(a) Each employer shall post and keep posted a notice or notices, to be furnished by the PEOSH Division of the Oklahoma Department of Labor, informing employees of the protections and obligations provided for in the 40 O.S. § 401 et seq. and that for assistance and information, including copies of specific safety and health standards, employees should contact the PEOSH Division of the Oklahoma Department of Labor. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

(b) Reproductions or facsimiles of such State posters shall constitute compliance with the posting requirements where such reproductions or facsimiles of such State posters shall constitute compliance with the posting requirements where such reproductions or facsimiles are at least 8 ½ inches by 11 inches, and the printing size is at least 10 pt. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, not less than 32 pt.

(c) "Establishment" means a single physical location where agency business is conducted or where services or operations are performed. Where distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment. Where employer are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices

required by this section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as technicians, engineers, etc., notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of paragraph (a) of this section.

(d) Any employer failing to comply with the provisions of this section shall be subject to citation in accordance with the provisions of 40 O.S. § 410(D).

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 26 Ok Reg 2259, eff 7-1-09; Amended at 35 Ok Reg 1775, eff 9-15-18]

380:40-1-8. Authority for inspection

Employees designated by the Oklahoma Department of Labor as PEOSH Inspectors are authorized by the Commissioner of Labor to enter without delay and at reasonable times any plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, vehicles, apparatus, devices, equipment and materials therein; to question privately any employer or employee; and to review records required by 40 O.S. § 401 et seq. and regulations referenced in this chapter, and other records which are directly related to the purpose of the inspection.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-9. Objection to inspection

(a) Upon a refusal to permit the PEOSH Inspector, in exercise of this official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, operator, agent, or employee, in accordance with 380:40-1-8 or to permit a representative of employees to accompany the PEOSH Inspector during the physical inspection of any workplace in accordance with 380:40-1-12(a), the PEOSH Inspector shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The PEOSH Inspector shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the Director, PEOSH Division, hereafter referred to as "Director." If in the Director's opinion, such refusal is without good cause, the same shall be considered a violation of the Act and these Rules, and may subject the employer to citation. The Director shall consult with the Legal Division, who shall take appropriate action, including obtaining an emergency Order from the Commissioner, pursuant to 40 O.S. § 410(F), if necessary.

(b) A subpoena or Order of the Commissioner, may be obtained in advance of an attempted inspection or investigation if, in the judgment of the Director and the Legal Division, circumstances exist which make such pre-inspection process necessary. Some examples of circumstances in which it may be necessary to seek such an Order in advance of an attempted to inspect or investigate include (but are not limited to):

- (1) When the employer's past practice either implicitly or explicitly puts the Oklahoma Department of Labor on notice that an inspection will not be allowed, absent specific Order of the Commissioner;

(2) When an inspection is scheduled far from the local office and procuring a subpoena or other Order of the Commissioner prior to leaving to conduct the inspection would avoid, in case of refusal of entry, the expenditure of significant time and resources to return to the office, obtain an Order, and return to the work site;

(3) When an inspection includes the use of special equipment or when the presence of an expert or experts is needed in order to properly conduct the inspection, and procuring an Order prior to an attempt to inspect would alleviate the difficulties or costs encountered in coordinating the availability of such equipment or expert.

(c) For purposes of this section, the term "Order of the Commissioner" shall mean the institution of any appropriate action, including subpoena or "ex parte" application for an Emergency Order or its equivalent.

(d) Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. PEOSH Inspectors are not authorized to grant any such waiver.

(d) Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. PEOSH Inspectors are not authorized to grant any such waiver.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99¹; Amended at 18 Ok Reg 3515, eff 9-14-01; Amended at 20 Ok Reg 2700, eff 8-12-03; Amended at 35 Ok Reg 1775, eff 9-15-18]

AGENCY NOTE: ¹In the rule that was added on 7-12-99, two citations were incorrect. The cite to 39-0:40-1-9 should have read 380:40-1-8, and the cite to 280:40-1-8 should have read 380:40-1-12.

380:40-1-10. Advance notice of inspections

(a) Advance notice of inspections may not be given, except in the following situations:

(1) In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible:

(2) in circumstances where the inspection can most effectively be conducted after regular business hours where special preparations are necessary for an inspection;

(3) where necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection; and

(4) in other circumstances where the Director determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the Director, except that in cases of apparent imminent danger, advance notice may be given by the PEOSH Inspector without such authorization if the Director is not immediately available. When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of such representative is known to the employer. Upon the request of the employer, the PEOSH Inspector will inform the authorized representative of employees of the inspection, provided that the employer furnishes the PEOSH Inspector with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. An employer

who fails to comply with obligations under this paragraph promptly to inform the authorized representative of employees of the inspection or to furnish such information as is necessary to enable the PEOSH Inspector promptly to inform such representative of the inspection, may be subject to citation pursuant to the provisions of 40 O.S. § 410 (D).

[Source: Added at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-11. Conduct of inspections

(a) Inspections shall take place at such times and in such places of employment as the Director or the PEOSH Inspector may direct. At the beginning of an inspection, PEOSH Inspectors shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records they wish to review. However, such designation of records shall not preclude access to additional records as necessary.

(b) PEOSH Inspectors shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, operator, agent or employee of an establishment. As used herein, the term "employ other reasonable investigative techniques" includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

(c) In taking photographs and samples, PEOSH Inspectors shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. PEOSH Inspectors shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.

(e) At the conclusion of an inspection, the PEOSH Inspectors shall confer with the employer or representative and informally notify them of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the PEOSH Inspector any pertinent information regarding conditions in the workplace.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-12. Representatives of employers and employees

(a) PEOSH Inspectors shall be in charge of inspections and questioning of persons. A representative of the employer and an authorized employee representative shall be given an opportunity to accompany the PEOSH Inspector during the physical inspection at any workplace for the purpose of aiding such inspection. Different employer and employee representatives may accompany the PEOSH Inspector during each different phase of an inspection provided that it does not interfere with the conduct of the inspection.

(b) The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the PEOSH Inspector, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany them during the inspection.

(c) PEOSH Inspectors are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 35 Ok Reg 1775, eff 9-15-18]

380:40-1-13. Consultation with employees

PEOSH Inspectors may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, employees shall be afforded an opportunity to bring any violation of the Act which they have reason to believe exists in the workplace to the attention of the PEOSH Inspector.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-14. Complaints by employees

(a) Any employee or representative of employees who believe that a violation of the Act exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the alleged violation to the Oklahoma Department of Labor. Any such notice shall be submitted in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided to the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy. Any complaint that is received unsigned or in any other manner, including but not limited to; by telephone, e-mail, or verbally by any other person than that which is listed above, the Oklahoma Department of Labor may determine in what manner it will be addressed. The Oklahoma Department of Labor may determine to conduct an inspection, determine that an inspection is not warranted, or may fax or mail a notification of alleged hazards to the employer.

(b) If upon receipt of such notification, it is determined that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists, the Director shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the complaint.

(c) Prior to or during any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the PEOSH Inspector in writing, of any violation of the Act which they have reason to believe exists in such workplace. Any such notice shall comply with the requirements of paragraph (a) of this section.

(d) If it is determined by the Oklahoma Department of Labor that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint, the complaining party shall be notified in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Commissioner and, at the same time, providing the employer with a copy of such statement by certified mail. The employer may submit an opposing written statement of position to the Commissioner and, at the same time, provide the complaining party with a copy of such statement. Upon the request of the complaining party or the employer, the Commissioner, may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written

and oral views presented, the Commissioner shall affirm, modify, or reverse the determination of the Director and furnish the complaining party and the employer a written notification of this decision and the reasons therefore. The decision of the Commissioner shall be final and not subject to further review.

(e) If it is determined that an inspection is not warranted because the requirements of this section have not been met, the complaining party shall be notified in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of subsection (a) above.

(f) If it is determined by the Oklahoma Department of Labor that an inspection is not warranted due to a non-serious issue in the complaint, a notification of alleged hazards may be faxed or mailed to the employer. The employer shall respond to ODOL in writing within 10 working days of receipt of notification of alleged hazards. The employer is required to post the notification of alleged hazards in a prominent place for employees to see, and notice of the posting shall be signed by the employer and returned to the Oklahoma Department of Labor.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 23 Ok Reg 2771, eff 6-25-06]

380:40-1-15. Imminent danger

Whenever and as soon as a PEOSH Inspector concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act, the affected employees and employers shall be informed of the danger and that a civil action is recommended to restrain such conditions or practices and for other appropriate relief in accordance with the provisions of the Act. Appropriate citations may be issued with respect to an imminent danger when though, after being informed of such danger by the PEOSH Inspector the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99]

380:40-1-16. Citations

(a) Upon determination that the employer has violated a standard, rule or order promulgated pursuant to the Act, or of any substantive rule published in this chapter, the PEOSH Inspector shall issue to the employer a citation.

(b) An appropriate citation shall be issued even though after being informed of an alleged violation by the PEOSH Inspector, the employer immediately abates, or initiates steps to abate, such alleged violation. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(c) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the Act, standard, rule, or regulation, alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(d) No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger.

(e) Violations of the Act shall be classified as follows:

(1) Serious: a condition creating substantial probability that death or serious physical harm could result. The condition is the result of one or more practices, means, methods, operations, or processes that have been adopted

or are in use, unless the employer did not, and could not with the exercise of reasonable diligence, know of the condition that is the basis of the violation.

(2) Other than serious: the most serious injury or illness that would be the likely result of the violation cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to the employees' safety and health.

(3) Willful: a violation in which the employer either knowingly failed to comply with a legal requirement (purposeful disregard) or acted with plain indifference to employee safety.

(4) Repeated: the employer has been cited previously for the same or a substantially similar condition within the past five years.

(5) Regulatory: the violation involves posting requirements or injury and illness recordkeeping requirements.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 34 Ok Reg 1719, eff 9-15-17]

380:40-1-17. Request for extensions of abatement date(s)

(a) An employer may file a request for extension of abatement date(s) when a good faith effort to comply with the abatement requirements of a citation has been attempted, but such abatement has not been completed because of factors beyond the employers reasonable control.

(b) A request for extension of abatement date(s) shall be in writing and shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) available interim steps are being taken to safeguard the employees against the cited hazard during the abatement period.

(c) A request for extension of abatement date(s) shall be filed with the PEOSH Division of the Oklahoma Department of Labor no later than the close of the next working day following the date on which abatement was originally required. A later filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 35 Ok Reg 1775, eff 9-15-18]

380:40-1-18. Failure to correct a violation for which a citation has been issued

(a) If an inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for correction, the employer may be commanded to appear before the Commissioner or her designee for hearing on the citation. The Director shall notify the employer by certified mail of the time and place of such hearing.

(b) At the hearing, the employer will be given an opportunity to show cause why the employer has failed to correct the violation(s), or to show that the citation was invalid, or that the alleged violation(s) do not in fact exist.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 20 Ok Reg 2700, eff 8-12-03]

380:40-1-19. Abatement verification

(a) Abatement certification.

- (1) Within ten (10) calendar days after the abatement date, the employer must certify to the Oklahoma Department of Labor-PEOSH Division that each cited violation has been abated.
- (2) The employer's certification that abatement is complete must include, for each cited violation, the date and method of abatement.

(b) Abatement documentation.

- (1) The Oklahoma Department of Labor may require along with the information on abatement certification, additional documentation demonstrating that abatement is complete.
- (2) Additional documentation may include, but is not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

(c) Abatement plans.

- (1) The Oklahoma Department of Labor may require an employer to submit an abatement plan for each cited violation when the time permitted for abatement is more than ninety (90) calendar days. If an abatement plan is required, the citation must so indicate.
- (2) The employer must submit an abatement plan for each cited violation within twenty-five (25) calendar days from the final date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to be the condition in the interim until abatement is complete.

(d) Progress reports.

- (1) An employer who is required to submit an abatement plan may also be required to submit periodic progress reports for each cited violation. The citation must indicate:
 - (A) That periodic progress reports are required and the citation items for which they are required;
 - (B) The date on which an initial progress report must be submitted, which may be no sooner than thirty (30) calendar days after submission of an abatement plan;
 - (C) Whether additional progress reports are required; and
- (2) The date(s) on which additional progress reports must be submitted.

(e) Transmitting abatement documents.

- (1) The employer must include, in each submission required by this section, the following information:
 - (A) The employer's name and address;
 - (B) The citation and item numbers to which the submission relates;
 - (C) A statement that the information submitted is accurate; and
 - (D) The signature of the employer or the employer's authorized representative.
- (2) The date of postmark is the date of submission for mailed documents. For documents transmitted by other means, the date the Agency receives the document is the date of submission.

380:40-1-20. Consultation procedures for public sector

(a) Experiences with OSHA consultation in the private sector have shown that employers who make a management commitment to safety and health and involve employees in the development and implementation of a safety and health program show far greater results toward the long term reduction of accidents, injuries and illnesses in the workplace. The Oklahoma Department of Labor recognizes that voluntary compliance and a pro-active approach to safety and health with emphasis on a holistic safety and health program is more effective than traditional enforcement methods. Therefore, it is the intent of the PEOSH Division to not only enforce safety standards and regulations, but to assist public employers with voluntarily implementing effective safety and health programs.

(b) PEOSH Inspectors, at the request of the employer, may conduct on-site consultation visits for the purposes of providing information, literature and guidance to the employer on requirement or safety and health standards, implementation of safety and health program elements, record keeping assistance and written program requirements. However, if during a consultation visit, a PEOSH Inspector identifies violation(s) of the referenced federal standards, national consensus standards, or state law, a citation shall be issued in accordance with section 380:40-1-16.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 26 Ok Reg 2259, eff 7-1-09; Amended at 35 Ok Reg 1775, eff 9-15-18]

380:40-1-21. Authority over volunteers

Volunteer fire departments that exist as a subdivision of a larger municipal organization are within Oklahoma Department of Labor jurisdiction if that larger municipal organization employs one or more paid workers. In such cases, the inspection and enforcement jurisdiction of ODOL extends to all duties performed by any worker or volunteer on behalf of the Volunteer Fire Department. For purposes of this Chapter, "fire department" means any duly constituted fire department operating under the authority of Title 11 fire departments or Title 19 fire protection districts meeting the definition of employer. Industrial fire brigades are excluded from this definition. However, fire departments and industrial fire brigades are covered by regulations of other agencies. For purposes of injury and illness recordkeeping and the Public Sector Survey, injuries occurring to those employees who are classified as volunteers are not recordable and are not included in the survey.

[Source: Added at 16 Ok Reg 3023, eff 7-12-99; Amended at 17 Ok Reg 885, eff 8-3-99 (emergency); Amended at 17 Ok Reg 886, eff 12-16-99 (emergency); Amended at 17 Ok Reg 2994, eff 7-14-00; Amended at 26 Ok Reg 2259, eff 7-1-09; Amended at 34 Ok Reg 1719, eff 9-15-17]

380:40-1-22. Safety programs

(a) Definitions

(1) "Safety training" means instruction in safety and/or health and includes, but is not limited to videos, audio tapes, books, brochures, handouts, slides, classroom instruction or lectures, and in-service training such as tailgate sessions.

(2) "Safety coordinator" means an employee who has been designated by an employer to coordinate all safety programs of the employer.

(3) "Safety programs" means those employer activities that:

- (A) Implement management, leadership, and employee involvement;
- (B) Implement procedures for identifying and controlling workplace hazards;
- (C) Develop and communicate safety plans, rules and work procedures; and
- (D) Conduct or provide for training for all employees in safe and healthful work practices.

(4) "Type or class of employee" means the occupation, activity, standard industry designation or other characteristic of employees that has a bearing on the nature or extent of workplace hazards to which they are or may be exposed.

(b) The safety coordinator shall be designated by letter, memorandum, job description or other notice. Duties must include responsibility for the four key elements of a safety program described in 380:40-1-22(3). Employers may designate more than one employee to assist by fulfilling specific functions, but the safety coordinator must have ultimate responsibility for implementing the safety programs. Additionally, this employee may be assigned other job duties deemed necessary by the employer which are not related to being the safety coordinator.

(c) Written safety programs shall be developed which are appropriate to the worksite(s) and the nature of hazards encountered by the employees and which meet requirements of the standards adopted in 380:40. This includes all required program reviews and documentation required by these standards.

(d) Appropriate safety training shall be provided to all employees, including management, no less than quarterly. Documentation of training shall include, but not be limited to, date(s), location, course information, course provider/trainer and a list of employees in attendance. Any additional information required by any specific standard shall also be included. Provisions must be made to arrange for make-up sessions for those employees who were not able to attend the scheduled training.

[Source: Added at 17 Ok Reg 2994, eff 7-14-00]

380:40-1-23. Safety Pays OSHA Consultation Services-Private Sector

(a) **Purpose.** Pursuant to 40 O.S. § 414 et seq., the Occupational Safety and Health Consultation Program for private employers is designed to provide comprehensive safety and health services to Oklahoma employers in accordance with Title 29 of the U.S. Code of Federal Regulations, Part 1908, Consultation Agreements, the current U.S. DOL, OSHA Consultation Policies and Procedures Manual ("CPPM"), and in compliance with Section (6) of Public Law 91-596, also known as the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C.A. § 655), and the Consultation and Cooperative Agreements pursuant to Section 21(d) of 29 U.S.C. § 656. This Consultation Program is independent of federal enforcement, and the services are provided at no cost to the employer. The program services are supported by Federal and State Funds. ODOL is able to provide this consultation service in accordance with 29 CFR 1908 through the Cooperative Agreement to further the goal of preventing the occurrence of injuries and illnesses which may result from exposure to hazardous workplace conditions and from hazardous work practices. Private employers who qualify and successfully complete the Safety Pays OSHA Consultation Services may be eligible for a tax exemption of One Thousand Dollars (\$1,000.00) for the tax year in which the program is successfully completed.

(b) **Program Eligibility.** An employer must meet the employer eligibility criteria pursuant to the CPPM in order to qualify for certain recognition and incentive programs in connection with the consultation services. These programs are geared for small businesses, in high-hazard industries. Due to frequent Federal updates and revisions, it is best to contact ODOL OSHA Consultation Division to verify the most up-to-date specific eligibility requirements.

(c) **On-Site Consultation Services.** Consultation visits will be performed in accordance with 29 CFR 1908 and the current US DOL Consultation Policies and Procedures Manual. Onsite consultation visits will be performed based on the scope of the employers request for services. The employer may limit, expand the scope of, or terminate the visit at anytime. The visit shall be followed by a written report to the employer with evaluations and recommendations to improve the health and safety of the employees. A follow-up consultation visit may be required in some cases, depending on the identified hazard and/or the particular recognition and incentive program being followed. The on-site consultation visits have a structured format which include:

- (1) an opening conference;
- (2) a survey of the physical workplace;
- (3) safety and health program assessment;
- (4) an employee exposure monitoring as necessary; and
- (5) a closing conference.

(d) **Confidentiality.** Information obtained as a result of a consultation visit shall be confidential. The identity of employers requesting onsite consultation, as well as the file of the consultant's visit shall not be provided to anyone except the employer for whom it was prepared, and the limited exceptions listed in 29 CFR 1908.7.

(e) **Recognition and Incentive Programs.** By participating and successfully completing the requirements of the applicable recognition and/or incentive program, employers may be eligible to qualify for the following beneficial programs:

- (1) **SHARP.** ODOL administers the Safety and Health Achievement Recognition Program ("SHARP") in accordance with the 21(d) Consultation Cooperative Agreement, as stated in the OSHA Act, and as outlined in the current CPPM. Employers who meet the eligibility criteria and on-going program requirements may be removed from Federal OSHA's Programmed Inspection Schedule for a period of not less than one year.
- (2) **WCPR.** ODOL administers the state sponsored Worker's Compensation Premium Reduction Program ("WCPR") pursuant to the provisions of Title 40 O.S. § 414(H) and Title 36 O.S. § 924.2. For further explanation of WCPR and the specific eligibility requirements, see 80:41.

(f) **Tax Exemption.** Title 68 O.S. § 2358 provides for an exemption from taxable income in the amount of One Thousand Dollars (\$1,000.00) for the tax year in which eligible employers successfully complete the Safety Pays OSHA Consultation Services provided by ODOL. Oklahoma employers meeting the eligibility requirements for consultation services prescribed by the current CPPM, that request and successfully complete a full-service consultation visit (safety, health, or both) and meet the conditions of the opening conference agreement may be eligible for the \$1,000.00 tax exemption for the physical location covered by the request for consultation services. The tax exemption will be awarded for the year the full-service consultation service was successfully completed. Upon this successful completion a letter will be provided from the ODOL Consultation Division to the employer confirming this successful completion. This letter will

serve as the official notification that the employer has met the requirements for the full-service consultation service and is eligible for the tax exemption through the Oklahoma Tax Commission.

(g) Promoting and Managing Consultation Services. Pursuant to 29 CFR 1908.5(a) ODOL shall be responsible for encouraging employers to request consultative assistance and shall publicize the availability of its consultation service and the scope of the services available. The agency will promote the availability of consultation services to employers through a variety of methods and techniques, including broad-based media campaigns. Outreach activities will be designed to recognize and target unique circumstances relevant to Oklahoma and reach those employers who will benefit most from the consultation service. Outreach methods may include, but are not limited to the following:

- (1) Speeches or presentations;
- (2) Direct solicitation of employers;
- (3) Public presentations (trade shows, association meetings, etc.);
- (4) Television and Radio talk shows;
- (5) Cooperative training seminars;
- (6) Roundtable discussions;
- (7) Safety and health conferences and conventions;
- (8) Participation in association meetings;
- (9) Publications;
- (10) Websites.

[Source: Added at 23 Ok Reg 2771, eff 6-25-06; Amended at 26 Ok Reg 2259, eff 7-1-09]

380:40-1-24. Fines

(a) In addition to citations issued under OAC 380:40-1-16, the Commissioner of Labor, or his or her designee, may issue an administrative fine for any and all violations of the Oklahoma Occupational Health and Safety Standards Act. All monies collected for violations of the Oklahoma Occupational Health and Safety Standards Act shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund. The following schedule of fines shall apply on a per-violation, per-day basis:

- (1) Serious: up to \$1,000.00
- (2) Other than serious: up to \$500.00
- (3) Willful: up to \$5,000.00
- (4) Repeated: up to \$5,000.00
- (5) Regulatory: up to \$500.00

(b) Payment for the fines set forth in subsection (a) of this section shall be due within thirty (30) days of issuance of a citation by the Commissioner or designee. Any person wishing to contest any of the aforementioned fines shall, within thirty (30) days of issuance of the fine or fines, petition the Commissioner or designee, in writing, for an administrative hearing. If requested, the hearing shall then be scheduled by the Commissioner or designee as provided in the Administrative Procedures Act.

(c) Employers who voluntarily request an onsite inspection shall not be subject to monetary penalties for hazards identified during the course of the voluntary inspection, provided that such hazards are corrected within the timeframes established during the consultation visit.

(d) Funds collected as payment from a violator for administrative fines imposed for violation of the Oklahoma Occupational Health and Safety Standards Act shall not be retained by the Department of Labor, but shall be deposited to the Department of

Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.

[Source: Added at 34 Ok Reg 1719, eff 9-15-17; Amended at 35 Ok Reg 1775, eff 9-15-18]

CHAPTER 41. WORKERS COMPENSATION PREMIUM REDUCTION PROGRAM

[Authority: Authority: 36 O.S., § 924.2; 40 O.S., §§ 401 et. seq.]

[Source: Codified 7-12-99]

SUBCHAPTER 1. GENERAL PROVISIONS

380:41-1-1. Purpose

Pursuant to 40 O.S. § 401 et seq. and 36 O.S. § 924.2, this program is designed to provide an incentive for Oklahoma public and private sector employers to reduce workers' compensation claims by the development, implementation, and continuous improvement of an effective workplace safety and health program.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-1-2. Program eligibility

(a) An employer requesting to pursue the process leading to Workers Compensation Premium Reduction (WCPR) must meet the following criteria:

(1) Private sector employers must:

(A) Employ not more than 250 employees at a single site and not more than 500 total employees at all sites controlled nationwide.

(B) Secure a Workers' Compensation Insurance Policy from a private insurance carrier or the Oklahoma State Insurance Fund, or be self insured. Note: employers who secure their workers' compensation insurance through a group self insurance program are not eligible to participate.

(C) Have an experience modifier of greater than 1.0 attached to their current workers' compensation insurance policy.

(2) Public sector employers must:

(A) Secure a Workers' Compensation Insurance Policy from a private insurance carrier or the Oklahoma State Insurance Fund, or be self insured;

(B) Have an experience modifier of greater than 1.0 attached to their current workers' compensation insurance policy.

(b) All locations covered by the workers' compensation policy must participate in the program.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-1-3. Program requirements

(a) **Employer responsibilities.** Employers requesting initial pursuit of WCPR Certification must agree to the following requirements for each facility covered by the workers' compensation policy:

(1) 60 days prior to the Workers' Compensation Policy Renewal Date, the employer must request a full service survey from the Oklahoma Department of Labor (ODOL) OSHA Division for each facility covered by the workers' compensation policy.

(2) The employer must work with ODOL program for a period of at least one year (participation year) from the date of the initial visit, during which time the employer must:

(A) Correct all identified safety and health hazards and provide the ODOL with written confirmation that all hazards have been corrected.

(B) Implement all elements of an effective safety and health program.

(C) Involve employees in the development, operation, and improvement of all elements of the workplace safety and health program and in the decisions that affect their safety and health.

(D) Experience zero lost workday claims for the participation year or reduce dollar amount or severity of claims by 10% as compared to the claims incurred during the preceding year.

(E) Reduce Lost Work Day Injury (LWDI) rate to at or below the National Average for their industry or reduce by 1/3 the amount the national average was exceeded during the comparison year.

(3) During the Participation year, the employer must consult in advance with the ODOL OSHA Division on any changes in working conditions or work processes which might introduce new hazards into the workplace.

(4) In the last quarter of the participation year, the employer must request a second full service visit from the OSHA Division.

(b) OSHA program responsibilities.

(1) It is the responsibility of the Commissioner of Labor to ensure that all of the requirements for certification have been met by the employer prior to issuing a Workers Compensation Premium Reduction (WCPR) certificate.

(2) During the participation period while the employer is working toward WCPR certification, the OSHA Director or his/her designee may schedule additional training and assistance visits to the site to provide assistance in meeting requirements.

(A) Where verification of serious hazard correction is not satisfactory or timely, a follow-up visit must be conducted.

(B) Follow-up visits will also be conducted when a consultant has reason to question the veracity of the employer's assurance that identified serious hazards have been corrected.

(3) Onsite verification that all WCPR requirements have been met will take place in the second full service visit, normally at least one year following the date of the initial visit. At the time of this visit, all elements of an effective safety and health program must be in place and operating.

(4) If new hazards identified in the second initial visit reflect significant deficiencies in the safety and health program, the employer cannot be recommended for final WCPR approval until the deficiencies have been corrected and the consultant(s) are confident that the program will operate effectively thereafter.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

SUBCHAPTER 3. PROGRAM CERTIFICATION PROCEDURES

380:41-3-1. Initial qualification procedures

(a) Employers will be informed that in order to pursue WCPR they must undergo a comprehensive safety and health visit and work with the OSHA Division over at

least a one year period to meet the program requirements listed in 380:41-1-3.

(b) All private sector visits related to WCPR will operate in accord with 29 CFR 1908, Consultation Agreements, the Consultation Policies and Procedures Manual and the approved Cooperation Agreement between the U.S. Department of Labor and the State of Oklahoma Department of Labor.

(c) All public sector visits related to WCPR will operate in accord with OAC 380:40-1-20.

(d) Establishments pursuing WCPR approval will receive a comprehensive survey covering all conditions and operations at each establishment covered by the workers' compensation policy.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-3-2. Onsite visits

(a) **Opening Conference.** In the opening conference, the consultant will review the employer's request for participation in the WCPR program. The consultant will review the program requirements with the employer to ensure that the employer understands the commitment necessary to pursue WCPR.

(b) **Full service visit.** A full service visit will include a survey of each facility covered by the workers' compensation policy covering all operations, including a complete safety and health program review. The consultant will discuss with the employer the elements of an effective program.

(c) **Closing requirements.** In the closing conference, the consultant will:

- (1) Describe the hazards identified during the survey;
- (2) Discuss possible methods of correction;
- (3) Describe the adequacies and deficiencies of the employer's workplace safety and health program;
- (4) Discuss with the employer the extent to which additional onsite visits may be needed during the participation period prior to the comprehensive review to provide additional assistance;
- (5) Develop a schedule for one or more such visits, as needed;
- (6) The employer will also be reminded that, at the end of the participation year (or longer) period, the employer is responsible for requesting a second full service visit for final, onsite evaluation of WCPR approval.

(d) The consultant will work with the employer to develop an action plan that addresses the employer's progress in meeting the requirements for WCPR.

(e) **Written report.** After the consultant conducts the comprehensive survey, the employer will be advised that a written report explaining the findings of the visit and confirming and agreed on correction periods will be provided at a later date. The written report will reflect the consultant's findings and recommendations for hazard correction and safety and health program improvements and the action plan to which the employer agreed to meet WCPR requirements.

(f) During the participation year, the employer shall notify the Oklahoma Department of Labor of any changes regarding their workers' compensation insurance coverage (i.e. change in carriers or change to self-insured status). In the event the company changes insurance carriers, upon receipt of notification, the Oklahoma Department of Labor will notify the new carrier of the company's WCPR participation.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-3-3. Administrative and documentation procedures

- (a) Upon review of the initial application, a letter confirming participation will be sent to the employer. A letter is sent notifying the carrier and a case file and record is established.
- (b) Once all cases are closed (all hazards are corrected and all program indicators are in place), a letter is sent notifying the company of the completion of the consultation phase and the waiting period preceding the performance review.
- (c) Claims and injury/illness data are requested from the employer approximately 6 months after the close of the participation year.
- (d) Unit statistical data are requested for the comparison and participation years from National Council on Compensation Insurance (NCCI). This information is generally not available until 9 months after the close of the participation year.
- (e) Performance review is conducted and certificate or letter of ineligibility is sent to the employer and the carrier.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-3-4. Submission of WCPR requests for approval and certificate issuance

- (a) When the employer has met all requirements for final approval, the OSHA Division will submit the employer's request to the Commissioner of Labor.
- (b) On receipt of written verification that the employer has met all of the requirements for WCPR approval, the Commissioner of Labor will issue a signed WCPR certificate to the employer, which will reflect the company's successful participation year.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-3-5. Workers' compensation insurance premium reduction

- (a) The Oklahoma Department of Labor will mail a copy of the certificate to the employer's insurance carrier so that the appropriate premium reduction is applied to their next policy year.
- (b) The premium reduction schedule shall be as follows:
 - (1) \$1 to \$5000 premium rate: 15% reduction
 - (2) \$5001 to \$29,000 premium rate: 14% reduction
 - (3) \$29,001 to \$53,000 premium rate: 13% reduction
 - (4) \$53,001 to \$77,000 premium rate: 12% reduction
 - (5) \$77,001 to \$101,000 premium rate: 11% reduction
 - (6) \$101,001 and up premium rate: 10% reduction

[Source: Added at 16 Ok Reg 3029, eff 7-12-99]

SUBCHAPTER 5. FOLLOW-UP PROCEDURES

380:41-5-1. Renewal of program certification

Employers granted initial WCPR approval may apply for renewal during the last quarter of the one year approval period. At the time that the renewal comes up, consultants must conduct a complete onsite safety and health survey to ensure that the employer meets all the requirements for WCPR approval.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99]

380:41-5-2. Failure to meet or maintain requirements

- (a) An employer's WCPR certification may be terminated if the ODOL determines that the employer's failure to meet or maintain requirements represents a lack of

good faith in relation to those requirements and/or a significant reduction in worker protection. Except in egregious cases, the employer should be given the opportunity to withdraw from the program, rather than be terminated.

(b) The following are some specific situations in which an employer may be terminated from the WCPR program:

(1) The employer fails to maintain the elements of the safety and health program in a way that significantly reduces worker protection and/or reflects an inadequate commitment to the program.

(2) A work-related fatality or catastrophe investigation results in the issuance of a citation for a violation that directly contributed to the cause of the fatality/catastrophe.

(3) The employer does not provide complete and timely written verification of serious hazard correction, or an onsite visit verifies that a serious hazards continue to go uncorrected.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-5-3. Automatic termination from WCPR program

(a) At unionized work-sites, if the union representatives object to the site's involvement in WCPR, the employer will be advised that WCPR certification cannot be pursued or must be terminated until such time as a labor-management agreement is reached on the matter.

(b) Establishments that are physically relocated will be automatically dropped from the program. Employers must return the WCPR Certificate and reapply at their new location.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

380:41-5-4. Termination Procedures

(a) The employer will be notified in writing of the agency's final decision to terminate WCPR certification, the reason(s) for the decision, and the requirements for re-certification.

(b) If the reason for termination is the employer's failure to correct serious hazards or standards violations, appropriate referral to the authority having jurisdiction may be made.

[Source: Added at 16 Ok Reg 3029, eff 7-12-99; Amended at 18 Ok Reg 3517, eff 9-14-01]

CHAPTER 45. OKLAHOMA HAZARD COMMUNICATION STANDARD [REVOKED]

[Authority: 40 O.S., §§ 401 et seq.]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

380:45-1-1. Purpose [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-1-2. Definitions [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-1-3. Findings of the Commissioner of Labor [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-1-4. Provisions of these regulations [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Amended at 18 Ok Reg 3520, eff 9-14-01; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-1-5. Exclusions [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-1-6. Applicable national standards [REVOKED]

[Source: Added at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 2. HAZARD DETERMINATION [REVOKED]

380:45-2-1. Applicability [REVOKED]

[Source: Added at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-2-2. Hazard determination methods [REVOKED]

[Source: Added at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 3. EMPLOYER RESPONSIBILITIES [REVOKED]

380:45-3-1. Chemical inventory lists [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-2. Material safety data sheets [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-3. MSDS and labeling chemicals provided by research laboratories to other employers [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-4. CIL and MSDS review [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-3-5. Access to written records: availability [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-6. Labeling [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Amended at 18 Ok Reg 3520, eff 9-14-01; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-7. Training and information program [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-3-8. Written hazard communication program [REVOKED]

[Source: Added at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 5. FIRE SAFETY [REVOKED]

380:45-5-1. List of work areas: facility map [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-5-2. Supply of information [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-5-3. Confidentiality of information [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-5-4. Research laboratory [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-5-5. Placarding [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Amended at 18 Ok Reg 3520, eff 9-14-01; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-5-6. Procedure for non-compliance [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 7. EMPLOYEE RIGHTS AND RESPONSIBILITIES [REVOKED]

380:45-7-1. Employee protection [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-7-2. Disciplinary action [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-7-3. Hazardous exposure [REVOKED]

[Source: Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 9. TRADE SECRETS [REVOKED]

380:45-9-1. Chemical manufacturer trade secret [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-9-2. Information provided to purchaser [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-9-3. Physician information [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-9-4. MSDS [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

SUBCHAPTER 11. ENFORCEMENT [REVOKED]

380:45-11-1. Enforcement [REVOKED]

[Source: Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 13. EFFECTIVE DATES [REVOKED]

380:45-13-1. Hazardous material containers [REVOKED]

[Source: Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-13-2. Employer compliance [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-13-3. Political subdivision [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

SUBCHAPTER 15. ASBESTOS NOTICE AND LABELING [REVOKED]

380:45-15-1. Labeling [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-15-2. Asbestos notice [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

380:45-15-3. School inspections [REVOKED]

[Source: Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 17. RESOURCE INFORMATION [REVOKED]

380:45-17-1. Data sources [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-17-2. Organization standards [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-17-3. Library depositories [REVOKED]

[Source: Revoked at 17 Ok Reg 3143, eff 7-27-00]

SUBCHAPTER 19. HAZARD COMMUNICATION COMMITTEE [REVOKED]

380:45-19-1. Establishing a committee [REVOKED]

[Source: Amended at 17 Ok Reg 3143, eff 7-27-00; Revoked at 27 Ok Reg 1878, eff 7-1-10]

SUBCHAPTER 21. SAFETY PROGRAMS [REVOKED]

380:45-21-1. Definitions [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-21-2. Designation and duties of safety coordinator [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-21-3. Designation of type or class of employee [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-21-4. Safety classes [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-21-5. Enforcement [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

380:45-21-6. Review and resources [REVOKED]

[Source: Added at 11 Ok Reg 4213, eff 7-25-94; Revoked at 17 Ok Reg 3143, eff 7-27-00]

CHAPTER 50. ABATEMENT OF FRIABLE ASBESTOS MATERIALS RULES

[Authority: 40 O.S., §§ 451 et seq.]

[Source: Codified 12-13-91]

SUBCHAPTER 1. GENERAL PROVISIONS

380:50-1-2. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"**Abatement crew**" means the workers on an asbestos abatement project at any given time.

"**ACBM**" means asbestos-containing building material.

"**ACM**" means asbestos-containing material.

"**Accredited or accreditation**" means, when referring to a person or a laboratory, that such a person or laboratory has met the training, experience, and/or quality control requirements to perform work in accordance with **AHERA**.

"**Aggressive method**" means removal or disturbance of building material by sanding, abrading, grinding or other method that breaks, crumbles, or disintegrates intact ACM.

"**AHERA**" means the Asbestos Hazard Emergency Response Act, 15 U.S.C. Chapter 53, Subchapter II, Sections 2641 et seq., as amended, and 40 CFR Chapter I, Subchapter R, Part 763, Subpart E - Asbestos-Containing Materials in Schools, as amended, including appendices.

"**AHERA abatement project designer**" means a person who develops plans and specifications for the abatement of asbestos. For the purposes of this Chapter, abatement project designers will be considered to be a category of contractors.

"**AHERA inspector**" means a person trained to do on-site inspections for local education authorities to comply with **AHERA**. For purposes of this Chapter,

AHERA inspectors will be considered to be a category of asbestos workers.

"AHERA management planner" means a person who develops management plans for local education authorities to comply with **AHERA**. For the purposes of this Chapter, management planners will be considered a category of contractors.

"AIHA" means the American Industrial Hygiene Association.

"Amended water" means water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate ACM.

"Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that has been chemically treated and/or altered. For purposes of this Chapter, "asbestos" includes presumed asbestos containing material (PACM).

"Asbestos-containing material (ACM)" means any material containing more than one percent (1%) asbestos.

"Asbestos-containing building material (ACBM)" means any friable ACM that is in or on interior structural members or other parts of a school, or public or commercial facility.

"Asbestos fiber" means any fiber of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite five micrometers or longer, and with an aspect ratio of greater than three-to-one.

"Asbestos hauler" means a person who transports asbestos containing materials from abatement projects for hire. For purposes of this Chapter, asbestos haulers will be considered to be asbestos abatement contractors, and their employees to be asbestos abatement workers, and shall be required to be licensed as such.

"Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

"Category II nonfriable ACM" means any material, excluding Category I non-friable ACM, containing more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy that, when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Class III asbestos work" means repair and maintenance operations where ACM, including TSI and surfacing ACM and PACM, is likely to be disturbed. For the purposes of this Chapter, Class III asbestos work shall be considered the same as small scale, short duration (SSSD) and O&M work activities.

"Clean room" means an asbestos-free section of a decontamination facility which is intended for workers to change from street clothes to protective clothing prior to asbestos abatement activities.

"Closely resemble" means that the major workplace conditions which have contributed to the level of historic asbestos exposure, are no more protective than conditions of the current workplace.

"Commissioner", as used herein, means the Commissioner of Labor, or employees of the Oklahoma State Department of Labor appointed to act on behalf of the Commissioner.

"Competent person" means, in addition to the definition in 29 CFR 1926.32(f), one who is capable of identifying existing asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, who

has the authority to take prompt corrective measure to eliminate them, as specified in 29 CFR 1926.32(f). In addition, for Class I and Class II work who is specially trained in a training course which meets the criteria of EPA's Model Accreditation Plan (40 CFR 763) for asbestos supervisor, or its equivalent and, for Class III and Class IV work, who is trained in a manner consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2).

"Containment" means an area which has been isolated from the environment through negative air pressure, physical barriers, and/or other means, and in which asbestos abatement is intended to take place.

"Critical barrier" means a temporary closure, usually of polyethylene sheeting or other impervious material, and excluding wall, floor, or ceiling covering, of any opening that would otherwise allow the transfer of asbestos fibers from the containment to the outside environment.

"Demolition" means the wrecking or taking out of any load-supporting structural member of a facility and any related razing, removing, or stripping of asbestos products.

"Dirty room" means a chamber of a decontamination unit connecting the asbestos abatement area to the shower. The dirty room is for removal of contaminated or potentially contaminated protective clothing prior to entering the shower. The dirty room shall be a minimum of twelve (12) square feet and shall be built large enough to accommodate the decontamination of work equipment.

"Disturbance" means activities that disrupt the matrix of ACM or PACM, crumble or pulverize ACM or PACM, or generate visible debris from ACM or PACM. Disturbance includes cutting away small amounts of ACM and PACM, no greater than the amount which can be contained in one standard sized glovebag or waste bag in order to access a building component. In no event shall the amount of ACM or PACM so disturbed exceed that which can be contained in one glovebag or waste bag which shall not exceed 60 inches in length and width.

"DOL" means the Oklahoma State Department of Labor.

"DOT" means the Oklahoma State Department of Transportation.

"EPA" means the United States Environmental Protection Agency.

"Enclosure" means an airtight, impermeable, permanent barrier around asbestos-containing materials to prevent the release of asbestos fibers into the air.

"Facility" means something that is built, installed, or established to serve a particular purpose.

"Friable asbestos-containing material (ACM)" means any material containing more than one percent (1%) asbestos which has been applied on ceilings, walls, structural members, piping, duct work, or any other part of a building, which when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"GFI" means electrical ground fault circuit interrupter.

"Glovebag" means a commercially prepared device that is not more than a 60 x 60 inch impervious plastic bag-like enclosure affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled and which, when attached and used in a proper manner, will prevent the release of asbestos fibers. For purposes of these Rules, a rigid box with armholes and attached sleeves will be considered to be the same as a glovebag, and the use of such a box in a single location will be considered to be equivalent of the

use of one glovebag.

"Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

"HEPA" means high-efficiency particulate air.

"Inspection" Those activities undertaken to specifically determine the presence or location, or to assess the condition of, friable or non-friable ACM whether by visual or physical examination, or by collecting samples of suspect material.

"Load-out" means two chambers of a containment area which are used to decontaminate disposal bags, barrels, and equipment prior to removal from containment.

"Major fiber release episodes" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than 3 square or linear feet of friable ACM.

"Mini-containment" means a small enclosure intended to isolate a small-scale abatement procedure from the environment through negative air pressure, physical barriers, and/or other means. Mini containments will ordinarily not have an attached decontamination system.

"Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACM.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants, EPA regulation 40 CFR part 61, latest edition.

"NIOSH" means the National Institute for Occupational Safety and Health.

"OAP" means Oklahoma Accreditation Plan.

"Operation and maintenance" means a program of work practices to maintain friable ACM in good condition, ensure clean up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACM disturbance or damage. The scope of operations and maintenance activities shall be defined in a program for a specific school facility, and shall be approved by the Commissioner. In no case shall operations and maintenance exceed the amount of ACM or PACM which can be contained in one (1) glovebag or waste bag which shall not exceed 60 inches in length and width. For the purposes of this Chapter, operation and maintenance work shall be considered the same as small-scale short duration (SSSD) asbestos activities and Class III asbestos work.

"OSHA" means the Occupational Safety and Health Administration of the United States Department of Labor.

"PACM" means presumed asbestos-containing material.

"PEL" means permissible exposure level. For the purposes of this Chapter, the PEL is .01 fibers per cubic centimeter (f/cc).

"Poly" means polyethylene sheeting.

"Private contractor" means an asbestos abatement contractor, AHERA asbestos management planner, or AHERA project designer who is a proprietorship, partnership, or corporation operating for profit, or employed by and on behalf of a private, non-profit corporation, trust, charity, or religious organization.

"Proprietary contractor" means an owner or operator who holds an asbestos abatement contractor's license for use strictly on the owned or operated property.

"Public and commercial facility" means the interior space of any building which is not a school building, except that the term does not include any residential

apartment building of fewer than four (4) units or detached single-family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of four (4) or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, preschools, stores, warehouses and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

"Public contractor" means an asbestos abatement contractor, **AHERA** management planner, or **AHERA** project designer working specifically for, and on behalf of, a political subdivision of the State of Oklahoma.

"RACM" means regulated asbestos-containing materials.

"Regulated area" means a demarcated area where asbestos work or response actions are conducted, any adjoining area where debris and waste from such asbestos work or response actions accumulate, and a work area within which airborne concentrations of asbestos exceed or there is a reasonable possibility they may exceed the permissible exposure limit.

"Regulated asbestos-containing materials (RACM)" means friable asbestos-containing material, Category I nonfriable **ACM** that has become friable, Category I nonfriable **ACM** that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II nonfriable **ACM** that has a high probability of becoming, or has become crumbled, pulverized, or reduced to powder by forces expected to act on the material in the course of demolition, renovation, or abatement operations regulated by the Rules.

"Reinforced poly" means polyethylene sheeting reinforced with nylon strands.

"Response action" means a method, including removal, encapsulation, enclosure, repair, and operations and maintenance, that protects human health and the environment from friable asbestos-containing materials.

"School building" means:

- (A) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;
- (B) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;
- (C) Any other facility used for the instruction or housing of students or for the administration of educational or research programs;
- (D) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under paragraphs (A), (B), or (C);
- (E) Any portico or covered exterior hallway or walkway; or
- (F) Any exterior portion of a mechanical system used to condition interior space.

"Shift" means a scheduled period of work by a given group of workers, usually, but not limited to, eight (8) hours.

"Small-scale, short duration (SSSD) activities" means tasks such as, but not limited to removal of asbestos-containing insulation material on pipes, removal of small quantities of asbestos-containing insulation on beams or above ceilings, replacement of asbestos-containing gaskets on valves, installation or removal of a small section of drywall, installation of wiring or electrical conduits through or proximate to asbestos-containing materials, removal of small quantities of **ACM**

only if required in the performance of another maintenance activity not intended as asbestos abatement, removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glovebag, minor repairs to damaged thermal system insulation which do not require removal, repairs to a piece of asbestos-containing wallboard, or repairs, involving encapsulation, enclosure, or removal, to small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure. Such an enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function. For the purposes of this Chapter, SSSD asbestos activities shall be considered the same as Class III asbestos work and O&M work.

"Supervisor" means a person or persons at an abatement site with project oversight and worker management responsibilities. For purposes of this Chapter, supervisors will be considered to be a category of abatement worker.

"Third party air monitor" means an air monitoring laboratory which shares no partners or owners, if a proprietorship, or officers if a corporation, with the contractor for whom monitoring is being performed.

"Wetted" means the application of amended water solution to asbestos-containing materials in sufficient quantities to minimize fiber release. The ACM need not be saturated.

"Worker" means any employee of a contractor, consultant, or air monitoring company, engaged in the abatement of asbestos, or performing a task within an asbestos abatement containment in which direct contact with asbestos is likely.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 15 Ok Reg 3247, eff 7-13-98; Amended at 15 Ok Reg 4228, eff 7-15-98 (emergency); Amended at 16 Ok Reg 3032, eff 7-12-99; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

SUBCHAPTER 3. ADOPTION OF STANDARDS

380:50-3-1. Adoption of national standards

The following National Standards are hereby adopted as they pertain to friable asbestos material abatement. In any instance where adopted standards are in conflict with each other, or with Chapter 380:50, the most stringent shall apply:

- (1) 29 CFR 1910, General Industry Standards, latest edition, except for Section 1001(c) and (d).
- (2) 29 CFR 1926, Construction Industry Standards, latest edition, except for Section 1101 (c)(1) and (2).
- (3) 40 CFR part 61, **NESHAP**, latest edition.
- (4) ANSI Z88.2, latest edition.
- (5) American Conference of Governmental Industrial Hygienists' Adopted Threshold Limit Value for Heat Stress.
- (6) 15 U.S.C. Chapter 53, Subchapter II - Asbestos Hazard Emergency Response, Sections 2641 et seq., as amended, and 40 CFR Chapter I, Subchapter R, Part 763, Subpart E - Asbestos-Containing Materials in Schools, as amended, including appendices.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-3-2. Other contractor requirements

Contractors will abide by all other applicable laws, rules, and regulations, including but not limited to those relating to:

- (1) Workers' compensation;
- (2) Prevailing wage rates;
- (3) Public contracts;
- (4) Liability Insurance;
- (5) **EPA, OSHA, DOT, and DOL** rules and regulations;
- (6) Contractors shall abide by the project design, as approved by **DOL**.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-3-3. Supremacy of conflicting requirements

In case of any conflict between this Chapter, adopted standards, or owner's specifications, the most stringent shall apply.

SUBCHAPTER 4. PROJECT DESIGN REQUIREMENTS

380:50-4-1. General requirements

- (a) No asbestos abatement may begin until a project design for that project, if required, has been approved by **DOL**.
- (b) Project designs shall contain at a minimum:
 - (1) A statement that **DOL** Abatement of Friable Asbestos Materials Rules apply.
 - (2) Sequencing and phasing of work.
 - (3) Identification of means of egress, a fire protection plan and a diagram for emergency escape routes, and fire extinguisher placements.
 - (4) The quantity, type, percentage with bulk analysis unless presumed and a diagrammed location of asbestos materials to be abated.
 - (5) Abatement methods, and techniques, and numbers of containments, glovebags or mini-containments.
 - (6) Details of personal and area air monitoring samples.
 - (7) Numbers and locations of Clean Test samples and type of analysis to be employed.
 - (8) Numbers, capacities, a diagram to identify the locations, and discharge points, if any, of negative air machines.
 - (9) Details of the project containment(s), glovebag or mini-containments, including drawings. Details shall include all applicable subchapters of the Oklahoma Asbestos Control Act, including but not limited to scaffolding requirements and live electric isolation.
 - (10) Details of the decontamination system(s).
 - (11) The extent to which asbestos-contaminated soils, if any, must be removed, and the sampling methods of determining the efficacy of such removal.
 - (12) Special materials or methods required to protect objects in the work area should be detailed, (e.g., plywood over carpeting or hardwood floors to prevent damage from scaffolds and falling material).
 - (13) Any variances from the Abatement of Friable Asbestos Materials Rules.
- (c) Project designs for enclosure or encapsulation may provide for alternate methods to section 380:50-17-4, with the approval for such alternate methods at the discretion of **DOL**.

(d) Project designs for industrial sites may be generally performance based specifications, subject to approval by **DOL**.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-4-2. AHERA project design requirements

Any abatement or response action that takes place in a school which falls under the **AHERA** regulations, other than small scale-short duration projects, shall have been designed by a licensed Project Designer.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-4-3. Non-AHERA project design requirements

Any abatement that takes place in an area not under the **AHERA** regulations other than small-scale short duration (SSSD) activities, shall have been designed by a licensed project designer.

[Source: Reserved at 9 Ok Reg 3309, eff 7-27-92; Added at 9 Ok Reg 3333, eff 10-1-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-4-4. O&M project design requirements

Any **O&M** program to be utilized under Subchapter 380:50-14 of these rules, shall have been approved by a licensed project designer.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 5. CONTRACTOR, SUPERVISOR, AND WORKER LICENSING REQUIREMENTS

380:50-5-1. Applications [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-5-2. Licensing of contractors and asbestos abatement workers [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-5-3. Requirements for an operation and maintenance (O&M) license [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-5-4. AHERA licensing requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-5-5. Licensing of asbestos abatement contractors

Licensing requirements for asbestos abatement contractors are as follows:

- (1) Applications shall be submitted on forms prescribed by the Commissioner. Submission of such application shall include a non-refundable one thousand five hundred dollar (\$1,500.00) processing fee.
- (2) If a contractor's application is accepted, the contractor will be notified by the Commissioner and required to submit at that time the seven hundred fifty dollar (\$750.00) license fee. If a contractor fails to provide all required documentation, the application will be denied.

(3) The applicant shall designate a minimum of one, or a maximum of two, responsible parties to be named on the license. Such responsible parties shall have and maintain the training credentials required for licensing. Documentation of satisfactory completion of the required training and all subsequent refresher training shall accompany the application.

(A) In the absence of such responsible party in the employee of the contractor, the contractor will not be allowed to perform asbestos abatement work in the State of Oklahoma.

(B) The responsible party shall have successfully completed and shall have documentation provided for not fewer than two asbestos training courses. One such course shall be an asbestos abatement supervisor's course which fully meets the requirements of Section 380:50-6-3 and 380:50-6-8. The Commissioner shall maintain updated lists of additional training courses acceptable for licensing.

(C) Responsible parties may be changed or added to the license at any time, by paying a fee of seventy-five dollars (\$75.00) per change or addition. Documentation of satisfactory completion of required training and all applicable subsequent refresher training shall be submitted.

(4) Prior to issuance of the license, the contractor must have a respirator program meeting all requirements of OSHA or DOL, whichever is most stringent.

(5) Licenses shall be issued for a period of one year.

(6) No contractor may perform any asbestos abatement after expiration of the license.

(7) License applicants must be of good character. Conviction for a felony by an applicant, if a proprietor or partner; by an officer, if a corporation; or by a responsible party, shall be grounds for denial of, or revocation of, a contractor's license.

(8) The Commissioner may refuse to issue an asbestos abatement contractor's license to any applicant, if there are records of Notice of Violation (NOV) of NESHAPS regulations by the applicant, or any principal, partner, or officer of the applicant's firm or associated firms, as maintained by EPA.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 30 Ok Reg 848, eff 7-1-13; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-6. Licensing of operation and maintenance (O&M) contractors

[REVOKED]

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Revoked at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-7. Licensing of operation and maintenance (O&M) workers

[REVOKED]

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Revoked at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-8. Licensing of asbestos abatement supervisors

Licensing requirements for asbestos abatement supervisors are as follows:

(1) Applications shall be submitted on forms prescribed by the Commissioner.

- (2) The license fee shall be fifty dollars (\$50.00) per year.
- (3) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein a supervisor will be allowed to work with an expired license.
- (4) Asbestos abatement supervisors shall have successfully completed and shall provide documentation for:
 - (A) an asbestos abatement supervisor's course and all subsequent supervisor refresher training which fully meets the requirements of Section 380:50-6-3 and 380:50-6-8.
 - (B) a two day, or equivalent, course in confined space entry following the NIOSH curriculum in confined space entry.
 - (C) the NIOSH 582 course in Analysis of Airborne Asbestos Dust, or equivalent, or a minimum of a two day course in air monitoring techniques.
 - (D) current cardiopulmonary resuscitation (CPR) training, which may be provided by The National Heart Association, The American Red Cross, or other approved training provider.
 - (E) current first aid training, which may be provided by The National Heart Association, The American Red Cross, or other approved training provider.
 - (F) six (6) months experience as an asbestos abatement worker on job sites that have been inspected by DOL, including a minimum of six (6) different abatement projects or containments, or one year experience as an asbestos abatement worker and six months as an asbestos abatement supervisor on projects which have not been inspected by DOL.
- (5) Licenses shall be issued in the name of the applicant and shall be valid only when working for a licensed contractor.
- (6) License cards shall be available at the job site for inspection by the Department of Labor.

[Source: Reserved at 9 Ok Reg 3309, eff 7-27-92; Added at 9 Ok Reg 3335, eff 1-1-93; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-9. Licensing of asbestos abatement workers

Licensing requirements for asbestos abatement workers are as follows:

- (1) Applications shall be submitted on forms prescribed by the Commissioner.
- (2) The license fee shall be twenty five dollars (\$25.00) per year.
- (3) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein a worker will be allowed to work with an expired license.
- (4) Any worker who has not taken the required refresher course within two years of the previous asbestos worker training or refresher course, shall repeat the asbestos worker training requirements of Sections 380:50-6-2 and 380:50-6-7.
- (5) Asbestos abatement workers shall have successfully completed and shall provide documentation for an asbestos abatement worker's course and all subsequent worker refresher training which fully meets the requirements of Sections 380:50-6-2 and 380:50-6-7.

- (6) The licenses shall be issued in the name of the individual applicant and shall be valid only when working for a licensed contractor.
- (7) License cards shall be available at the job site for inspection by the Department of Labor.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-5-10. Licensing of AHERA asbestos inspectors

Licensing requirements for AHERA asbestos inspectors are as follows:

- (1) Inspection for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA inspectors by the Oklahoma Department of Labor.
- (2) AHERA inspectors shall be licensed as a special category of asbestos worker and shall have completed a 24-class-hour course for AHERA Inspectors and all subsequent asbestos inspector refresher training which fully meet the requirements of Sections 380:50-6-4 and 380:50-6-9.
- (3) Applications shall be submitted on forms prescribed by the Commissioner.
- (4) The license fee shall be fifty dollars (\$50.00) per year.
- (5) The license shall be issued in the name of the individual applicant.
- (6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein an inspector will be allowed to work with an expired license.
- (7) Any inspector who has not taken the required AHERA inspector refresher training course within two years of the previous Inspector training or refresher course, shall repeat the AHERA inspector training requirements of Sections 380:50-6-4 and 380:50-6-9.
- (8) License cards shall be available at the job site for inspection by the Department of Labor.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-11. Licensing of AHERA asbestos management planners

Licensing requirements for AHERA asbestos management planners are as follows:

- (1) Preparation of management plans specifying response actions for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA management planners by the Oklahoma Department of Labor.
- (2) AHERA Management Planners shall be licensed as a special category of asbestos contractor, shall have a bachelor's degree in a technical subject, or equivalent, and, in addition to the AHERA Inspector training outlined in Section 380:50-5-10(2), shall have completed a 16-hour course for AHERA Asbestos Management Planners which fully meets the requirements of Sections 380:50-6-5 and 380:50-6-10.
- (3) Applications shall be submitted on forms prescribed by the Commissioner.
- (4) The license fee shall be seven hundred fifty dollars (\$750.00) per year. If the applicant holds a current AHERA project designer license, there shall

be no additional fee charged.

(5) The license shall be issued in the name of the individual applicant.

(6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the initial management planner training and subsequent management planner refresher training.

(7) Any management planner who has not taken the required AHERA management planner refresher training course within two years of the previous management planner training or refresher course, shall repeat the AHERA inspector training requirements of Sections 380:50-6-4 and 380:50-6-9.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-12. Licensing of AHERA project designers

Licensing requirements for AHERA project designers are as follows:

(1) Preparation of plans and/or specifications for response actions for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA project designers by the Oklahoma Department of Labor.

(2) AHERA project designers shall have met all requirements for accreditation for asbestos abatement contractor or project designer, and in addition, shall have a bachelor's or advanced degree in architecture, engineering, or industrial hygiene, or an equivalent combination of education, training, and experience as determined by the Commissioner.

(3) Applications shall be submitted on forms prescribed by the Commissioner.

(4) The license fee shall be seven hundred fifty dollars (\$750.00) per year. If the applicant holds a current AHERA management planner license, there shall be no additional fee charged.

(5) The license shall be issued in the name of the individual applicant.

(6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the initial asbestos contractor or project designer training and subsequent project designer refresher training. There will be no grace period wherein a project designer will be allowed to work with an expired license.

(7) Any project designer who has not taken the required AHERA project designer refresher training course within two years of the previous initial contractor or project designer training or project designer refresher course, shall repeat the initial project designer training requirements of Sections 380:50-6-6 and 380:50-6-11.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-5-13. Training requirements [REVOKED]

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Revoked at 15 Ok Reg 3247, eff 7-13-98]

SUBCHAPTER 6. TRAINING REQUIREMENTS

380:50-6-1. Applicability

The Oklahoma Accreditation Plan (**OAP**) specifies separate accreditation requirements for Inspectors, Management Planners, Project Designers, Contractor/Supervisors and Abatement Workers. A person must be accredited as a worker who engages in response actions, or performing a task within an asbestos containment in which direct contact with asbestos is likely. A contractor, whether public or private entity, engaging in response actions must be accredited. A person must be accredited who supervises any activity with respect to response actions. All persons who inspect for **ACBM** in schools or public and commercial buildings must be accredited. All persons who prepare management plans for asbestos containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be accredited. All persons who prepare plans, specifications, and/or project designs for response actions for asbestos containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be accredited. The Oklahoma Rules for the Abatement of Friable Materials has provisions for all levels of licensure covered under this **OAP**. In addition to the requirements of this section, the licensing provisions in Subchapter 5 apply to all persons, except those covered under the industrial exemption of 380:50-27-1.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-2. Initial training for asbestos workers

(a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.

(b) Such institutions, labor unions or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met:

- (1) The training for asbestos abatement worker shall be specific to the discipline and shall not be combined with training for any other discipline.
- (2) The Worker's course shall be no less than four days in length and shall include: lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review and an examination. Hands on training must permit workers to have actual experience performing tasks associated with asbestos abatement. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
- (3) Course instruction must be provided by EPA or State approved instructors. EPA or State approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
- (4) The training course for Asbestos Abatement Worker shall adequately address the following topics:
 - (A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options.
 - (B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency

periods for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.

(C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection; donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.) the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing; regulations covering personal protective equipment.

(D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper work techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust equipment; use of high-efficiency particulate air (HEPA) vacuums; proper clean-up, load-out and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures and recommended and prohibited work practices.

(E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, chewing gum or tobacco, or applying cosmetics in the work area; and potential exposures, such as family exposures.

(F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat/cold stress, air contaminants other than asbestos, fire and explosion hazards, scaffolds and ladder hazards, slips, trips and falls and confined spaces.

(G) Medical monitoring. OSHA Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.

(H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

(I) Relevant Federal, State and Local regulatory requirements, procedures and standards. With particular attention directed at relevant EPA, OSHA and Oklahoma Regulations concerning asbestos abatement workers.

(J) Establishment of respiratory protection programs.

(K) Course review. A review of key aspects of the training course.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98; Amended at 30 Ok Reg 848, eff 7-1-13]

380:50-6-3. Initial training for asbestos contractors and supervisors

(a) In the State of Oklahoma, anyone seeking accreditation of licensure from the Department of Labor, must obtain their training from an EPA or DOL accredited training provider, including but not limited to education institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.

(b) Such institutions, labor unions or government agencies may receive their DOL approval through the Oklahoma Accreditation Plan providing the following criteria are met:

(1) The training for asbestos contractor/supervisor shall be specific to the discipline and shall not be combined with training for any other discipline.

(2) The contractors/supervisor's course shall be no less than five days in length and shall include: lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review and an written examination. Hands on training must permit contractor/supervisors to have actual experience performing tasks associated with asbestos abatement. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.

(3) Course instruction must be provided by EPA or State approved instructors. EPA or State approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.

(4) The training course for Contractors/Supervisors shall adequately address the following topics:

(A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance; review of hazard assessment considerations and a summary of abatement control options.

(B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.

(C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection; donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.) the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing; regulations covering personal protective equipment.

(D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of

electrical and ventilation systems; proper work techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; (HEPA)-vacuums; proper clean-up, load-out and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures and recommended and prohibited work practices.

(E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, chewing gum or tobacco, or applying cosmetics in the work area. Potential exposures, such as family exposures, shall also be included.

(F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat/cold stress, air contaminants other than asbestos, fire and explosion hazards, scaffolds and ladder hazards, slips, trips and falls and confined spaces.

(G) Medical monitoring. OSHA Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.

(H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including description of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of sampling and interpretation of results.

(I) Relevant Federal, State and local regulatory requirements and standards, including: requirements of TSCA Title II; requirements of NESHAP (40 CFR Part 61), Subpart A (General Provisions) and M (National Emission Standard for Asbestos); OSHA standards for permissible exposure levels and respiratory protection; Oklahoma Requirements for permissible exposure levels; OSHA Asbestos Construction Standards.

(J) Respiratory Protection Programs and Medical Monitoring Programs.

(K) Insurance and Liability issues and Contractor issues. Workers' compensation coverage and exclusions; third party liability and defenses, insurance coverage and exclusions; environmental impairment insurance.

(L) Record keeping for asbestos abatement projects. Records required by Federal, State and Local regulations; records recommended for legal purposes.

(M) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(N) Contract specifications. Discussions of key elements that are included in contract specifications.

(O) Course review. A review of key aspects of the training course.

(c) In addition to the five day contractor/supervisor's course, anyone seeking licensure from the State of Oklahoma will be required to show current certification of the following additional training:

(1) Cardio-Pulmonary Resuscitation from the American Heart Association, American Red Cross or other DOL approved provider

- (2) First Aid from the American Heart Association, American Red Cross or other DOL approved provider
- (3) NIOSH 582 or equivalent or a two day course in air monitoring practices and procedures
- (4) OSHA Confined Space Entry
- (5) Six months of experience on projects inspected by the DOL, including a minimum of six (6) different abatement projects or containments or one year of experience as an asbestos worker and six months as an asbestos supervisor on projects which have not been inspected by the DOL.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98; Amended at 27 Ok Reg 1887, eff 7-1-10; Amended at 30 Ok Reg 848, eff 7-1-13]

380:50-6-4. Initial training for asbestos inspectors

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor must obtain their training from an **EPA** or **DOL** accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by **EPA** or an **EPA** approved governmental agency.
- (b) Such institutions, labor unions or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met:

- (1) The training for **AHERA** Inspectors shall be specific to the discipline and shall not be combined with training for any other discipline.
- (2) The **AHERA** Inspector's course shall be no less than three days in length and shall include: lectures, demonstrations, and at least 4 hours of hands-on training, individual respirator fit testing, course review and an written examination. Hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing. The **OAP** also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
- (3) Course instruction must be provided by **EPA** or State approved shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
- (4) The training course for **AHERA** Inspectors shall adequately address the following topics:
 - (A) Background information on asbestos. Identification of asbestos and example and discussions of the uses and locations of asbestos in buildings; physical appearance of asbestos.
 - (B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.
 - (C) Functions/qualifications and role of inspectors. Discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner; discussion

of the inspection process including inventory of ACM and physical assessment.

(D) Legal liabilities and defenses. Responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability possibility clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability.

(E) Understanding building systems. The interrelationship between building systems, including: an overview of common building plan layout; heat, ventilation and air conditioning (HVAC) system types, physical organization and where to look for asbestos on such systems; inspecting electrical systems including appropriate safety precautions.

(F) Public/employee/building occupant relations. Notifying employee organizations about the inspections; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and education of building occupants about actions being taken.

(G) Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultations with maintenance or building personnel; review of previous inspection, sampling and abatement records of a building; the role of the inspector in exclusions for previously performed inspections.

(H) Inspecting for friable and non-friable ACM and assessing the condition of friable ACM. Procedures to following in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; accessing damage, significant damage and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factor.

(I) Bulk sampling/documentation of asbestos. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85030a October 1985)"; techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of non-friable materials; techniques for bulk sampling; inspector's sampling and repair equipment; patching or repair of damage from sampling; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures; EPA's recommendation that all bulk samples collected from school or public and commercial buildings be analyzed by laboratory accredited under the NVLAP administered by NIST.

(J) Inspector respiratory protection and personal protective equipment. Classes and characteristics of respirator types;

limitations of respirators; proper selection, inspection; donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece- to -face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.); the components of a proper respiratory protection program; selection and use of personal protective equipment; selection and use of personal protective clothing; use storage and handling of non-disposable clothing.

(K) Recordkeeping and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and samples of ACM condition; information required for including in the management plan required for school buildings under TSCA Title II, Section 203(i)(1).

(L) Regulatory review. The following topic should be covered: NESHAP, (40CFR part 61 Subparts A and M); EPA Worker Protection Rule; OSHA Construction Industry Standard; OSHA respiratory protection requirements; AHERA; applicable Oklahoma Rules; and the differences between state and federal rules.

(M) Field trip. This includes a field exercise, including a walk-through inspection; on-site discussion about information gathering and the determination of sampling locations; on-site practice in physical assessment; classroom discussion or field exercise.

(N) Course review. A review of key aspects of the training course.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98; Amended at 30 Ok Reg 848, eff 7-1-13]

380:50-6-5. Initial training for asbestos management planners

(a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an **EPA** or **DOL** accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and approved by EPA or an EPA approved governmental agency.

(b) Such institutions, labor unions, or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Program providing the following criteria are met:

(1) The training for AHERA Management Planners shall be specific to the discipline and shall not be combined with training for any other discipline.

(2) The AHERA Management Planner's course shall be no less than two days in length and shall include lectures, demonstrations, course review and a written examination. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.

(3) All persons seeking accreditation as a management planner shall complete a three-day inspector training course and accreditation, as a prerequisite to the two-day management planners course.

(4) Course instruction must be provided by EPA or State Approved instructors. EPA or State Instructor approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos

abatement.

(5) The training course for AHERA Management Planners shall adequately address the following.

(A) Course overview. The role and responsibilities of the management planner, operations and maintenance programs, setting work priorities, protection of building occupants.

(B) Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in section 203(i) (1) of TSCA Title 11; interpretation of field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey.

(C) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description {or decision tree} code for assessment of ACM; relationships of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.

(D) Legal Implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal, use of results from previously performed inspections.

(E) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site. (29 CFR 1926.1101)

(F) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method, response actions described via a decision tree or other appropriate method work practice for each response action, staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.

(G) Role of other professionals. Use of industrial hygienists, engineering and architects in developing technical specifications for response actions; any requiring that may exist for architect sign-off of plans; team approach to designs of high-quality job specifications.

(H) Developing an operations and maintenance (O&M) plan. Purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures, steam cleaning and HEPA vacuuming; reducing disturbance of ACM; scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM- bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas and wet wraps; muslin with straps, fiber mesh cloth; mineral wool and insulating cement; discussion of employee protection programs and staff training; case study in developing an O & M plan (development, implementation process, and problems that have been experienced).

(I) Regulatory review. Focusing on the OSHA Asbestos Construction Standard, the NESHAP, the EPA Worker Protection Rule and applicable State regulations.

(J) Recordkeeping for the management planner. Use of field inspector's data sheet along with laboratory results; on-going record keeping as a means to track asbestos disturbance; procedures for record keeping.

(K) Assembling and submitting the management plan. Plan requires for schools in TSCA Title II section 203(i) (1); the management plan as a planning tool.

(L) Financing abatement actions. Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos Hazard School Abatement Act grants and loans.

(M) Course review. A review of key aspects of the training course.

(6) In addition to the training required for an AHERA Management Planner, persons seeking licensure in the state of Oklahoma shall also have a minimum of a bachelor's degree in engineering, industrial hygiene or other advanced fields, or an equivalent combination of experience, education and training as determined by the Commissioner of Labor.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98; Amended at 30 Ok Reg 848, eff 7-1-13]

380:50-6-6. Initial training for asbestos project designers

(a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL approved training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.

(b) Such institutions, labor unions, or government agencies, may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met:

(1) The training for AHERA Project Designers shall be specific to the discipline and shall not be combined with training for any other discipline.

(2) The AHERA Project Designer's course shall be no less than three days in length and shall include: lectures, demonstrations, a field trip, course review and a written examination. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.

(3) Course instruction must be provided by EPA or State approved instructors. EPA or State Instructor approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.

(4) The training course for AHERA Project Designer shall adequately address the following topics:

(A) Background information. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

(B) Potential health effects related to asbestos exposure. Nature of asbestos-related disease; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic

effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and cancers of other organs.

(C) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site.

(D) Safety system design specifications. Design, construction and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning use of negative-pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practice as they apply to encapsulation, enclosure and repair; use of glovebags and a demonstration of glovebag use.

(E) Field Trip. A visit to an abatement site or other suitable building site, including on site discussions of abatement design and building walk-through inspection. Include discussion of rationale for the concept of functional spaces during the walk-through.

(F) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance and storage procedures for respirators, methods of field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory fit (e.g., facial hair, etc.); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing.

(G) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.

(H) Fiber aerodynamic and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

(I) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal.

(J) Final clearance process. Discussion of the need for written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance.

(K) Budgeting/cost estimating. Developing of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs.

(L) Writing abatement specifications. Preparation of and need for a written project design; means and methods specifications versus

performance specifications; design of abatement in occupied buildings; modifications of guide specifications for a particular building' worker and building occupant health/medical considerations; replacement of ACM with non-asbestos substitutes.

(M) Preparing abatement drawings. Significance and need for drawings; use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings.

(N) Contract preparation and administration.

(O) Legal/liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; claims-made versus occurrence policies.

(P) Replacement. Replacement of asbestos with asbestos-free substitutes.

(Q) Role of other consultants. Development of technical specifications sections by industrial hygienists or engineering; the multi-disciplinary team approach to approach to abatement design.

(R) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.

(S) Relevant State, Federal and local regulatory requirements, procedures and standards. Including but not limited to: TSCA Title II, NESHAP, OSHA Respirator Standard, EPA Worker Protection Rule, Oklahoma Rules for the Abatement of Friable Materials, OSHA Asbestos Construction Standards, Hazard Communications Standards, etc.

(T) Course Review. A review of key aspects of the training course.

(5) In addition to the training required for an AHERA Project Designer, persons seeking accreditation or licensure must also have a minimum of a bachelor's or advanced degree in architecture, engineering or industrial hygiene or an equivalent combination of education, training and experience as determined by the Commissioner of Labor.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98; Amended at 30 Ok Reg 848, eff 7-1-13]

380:50-6-7. Examinations for asbestos workers

(a) At the completion of each Worker Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:

- (1) Examinations must be closed-book.
- (2) Should adequately cover the topics included in the training course for that discipline.
- (3) Must be no less than 50 multiple choice questions.
- (4) Requires a passing score of no less than 70% correct.

(b) Each certificate issued to an accredited person must contain the following information:

- (1) A unique certificate number
- (2) Name of accredited person
- (3) Discipline of the training course completed

- (4) Dates of the training course
- (5) Date of the examination
- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-8. Examinations for asbestos supervisors

(a) At the completion of each Supervisor Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:

- (1) Examinations must be closed-book.
- (2) Should adequately cover the topics included in the training course for that discipline.
- (3) Must be no less than 100 multiple choice questions.
- (4) Requires a passing score of no less than 70% correct.

(b) Each certificate issued to an accredited person must contain the following information:

- (1) A unique certificate number
- (2) Name of accredited person
- (3) Discipline of the training course completed
- (4) Dates of the training course
- (5) Date of the examination
- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-9. Examinations for asbestos inspectors

(a) At the completion of each Inspector Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:

- (1) Examinations must be closed-book.
- (2) Should adequately cover the topics included in the training course for that discipline.
- (3) Must be no less than 50 multiple choice questions.
- (4) Requires a passing score of no less than 70% correct.

(b) Each certificate issued to an accredited person must contain the following information:

- (1) A unique certificate number
- (2) Name of accredited person
- (3) Discipline of the training course completed
- (4) Dates of the training course
- (5) Date of the examination

- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-10. Examinations for asbestos management planners

(a) At the completion of each Management Planner Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:

- (1) Examinations must be closed-book.
- (2) Should adequately cover the topics included in the training course for that discipline.
- (3) Must be no less than 50 multiple choice questions.
- (4) Requires a passing score of no less than 70% correct.

(b) Each certificate issued to an accredited person must contain the following information:

- (1) A unique certificate number
- (2) Name of accredited person
- (3) Discipline of the training course completed
- (4) Dates of the training course
- (5) Date of the examination
- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-11. Examinations for asbestos project designers

(a) At the completion of each Project Designer Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:

- (1) Examinations must be closed-book.
- (2) Should adequately cover the topics included in the training course for that discipline.
- (3) Must be no less than 100 multiple choice questions.
- (4) Requires a passing score of no less than 70% correct.

(b) Each certificate issued to an accredited person must contain the following information:

- (1) A unique certificate number
- (2) Name of accredited person
- (3) Discipline of the training course completed
- (4) Dates of the training course
- (5) Date of the examination
- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.

(7) The name, address and telephone number of the training provider that issued the certificate.

(8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-12. Refresher training

(a) All persons seeking to maintain accreditation as an Asbestos Abatement Worker must complete an annual refresher training course. The Worker's refresher course must be a minimum of one day in length and must adequately cover topics relevant to asbestos abatement workers, including, but not limited to:

- (1) Changes in State and Federal Regulations
- (2) An overview of abatement procedures
- (3) Updates on state of the art techniques and methods
- (4) A review in the use of personal protective equipment
- (5) An examination

(b) All persons seeking to maintain accreditation as an Asbestos Abatement Contractor/Supervisor must complete an annual refresher training course. The Contractor/Supervisor's refresher course must be a minimum of one day in length and must cover topics relevant to Asbestos Abatement Contractor/Supervisors, including, but not limited to:

- (1) Changes in State and Federal Regulations Review
- (2) An overview of abatement procedures
- (3) Updates on state of the art techniques and methods
- (4) A review on relevant legal requirements and legal updates
- (5) A Review in the use of personal protective equipment
- (6) An examination

(c) All persons seeking to maintain accreditation as an AHERA Inspector must complete an annual refresher training course. The Inspector's refresher course must be a minimum of one-half day in length and must cover topics relevant to the AHERA Inspector, including, but not limited to:

- (1) Changes in State and Federal Regulations
- (2) Review of sampling procedures
- (3) Review in the use of personal protective equipment
- (4) Methods of identifying homogeneous areas
- (5) An examination

(d) All persons seeking to maintain accreditation as an AHERA Management Planner must complete an annual refresher training course. The Management Planner's refresher course must be a minimum of one half day of inspector refresher training and one-half day management planner's refresher training and must cover topics relevant to AHERA Management Planners, including, but not limited to:

- (1) Changes in State and Federal Regulations
- (2) Review of sampling procedures
- (3) Review in the use of personal protective equipment
- (4) Methods of identifying homogeneous areas
- (5) Review of methods for developing response actions
- (6) Review of record keeping methods
- (7) An Examination.

(e) All persons seeking to maintain accreditation as an AHERA Project Designer must complete an annual refresher training course. The Project Designer's course

must be a minimum of one day in length and must cover topics relevant to the Project Designer, including, but not limited to:

- (1) Changes in State and Federal Regulations
- (2) Review of safety system design specifications
- (3) Review in the use of personal protective equipment
- (4) Review of abatement construction projects
- (5) Review of budgeting and cost estimating
- (6) Review of contract preparation and administration
- (7) Review of legal liabilities and defenses
- (8) An examination

(f) All refresher training must be completed within 12 months from the expiration date of the initial training. Accredited persons who fail to receive their refresher training within the 12 month grace period shall be required to complete the initial training again. No licensee may perform abatement work if training has expired, until either initial or refresher training has been satisfactorily completed. Refresher courses shall be specific to each discipline. They shall be conducted as separate and distinct courses and not combined with other training during the period of the refresher.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-13. Approval of asbestos training courses

Individuals or groups wishing to sponsor training courses for disciplines required to be accredited under this section shall apply for approval from DOL or from a state that has accreditation program requirements that are at least as stringent as this OAP. For a course to receive approval, it must meet the requirements for the course as outlined in this OAP, and any other requirements imposed by the State from which approval is being sought. Courses that have been approved by a State with an accreditation program at least as stringent as this OAP are approved under this section.

(1) **Initial training course approval.** A training provider must submit the following minimum information to a State as part of its application for the approval of each training course:

- (A) The course provider's name, address, and telephone number.
- (B) A list of any other States that currently approve the training course.
- (C) The course curriculum.
- (D) A letter from the provider of the training course that clearly indicates how training course meets the OAP requirements for:
 - (i) Length of training in days.
 - (ii) Amount and type of hands-on training.
 - (iii) Examination (length, format, and passing score).
 - (iv) Topics covered in the course.
- (E) A copy of all course materials (student manuals, instructor notebooks, handouts, etc).
- (F) A detailed statement about the development of the examination used in course.
- (G) Names and qualifications of all course instructors. Instructors must have academic and/or field experience in asbestos abatement.
- (H) A description of and an example of the numbered certificates issued to students who attend the course and pass the examination.

(2) **Refresher training course approval.** The following minimum information is required for approval of refresher training courses by States:

- (A) The length of training in days or half-days.
- (B) The topics covered in the course.
- (C) A copy of all course materials (student manuals, instructors notebooks, handouts, etc.)
- (D) The names and qualifications of all course instructors. Instructors must have academic and/or field experience in asbestos abatement.
- (E) A description of and an example of the numbered certificates issued to students who complete the refresher course and pass the examination, if required.

(3) **Withdrawal of training course approval.**

(A) Criteria and procedures for suspending or withdrawing approval of training shall include:

- (i) Misrepresentation of the extent of a training course's approval by a State or EPA.
- (ii) Failure to submit required information or notifications in a timely manner.
- (iii) Failure to maintain requisite records.
- (iv) Falsification of accreditation records, instructor qualifications, or other accreditation information.
- (v) Failure to adhere to the training standards and requirements of the EPA MAP or Oklahoma Accreditation Program, as appropriate.

(B) In addition to the criteria listed above, DOL may also suspend or withdraw a training course's approval where an approved training course instructor, or other person with supervisory authority over the delivery of training has been found in violation of other asbestos regulations administered by EPA, an administrative or judicial finding of violation, or execution of a consent agreement and order under 40 CFR 22.18, constitutes evidence of a failure to comply with relevant statutes or regulations.

(C) Training course providers shall permit representatives of EPA or DOL to attend, evaluate, and monitor any training course without charge. EPA or DOL compliance inspection staff are not required to give advanced notice of their inspections. EPA may suspend or withdraw DOL or EPA approval of a training course based upon the criteria specified in Unit III.C of the EPA Model Accreditation Plan.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-14. Reciprocity

The State of Oklahoma will accept accreditation given in other states provided the following are met:

(1) The training provider must have EPA approval or approval by a State that has an approved MAP program that is as stringent or exceeds the minimum requirements of the EPA MAP; and in addition, must be one of the following:

- (A) An educational institution, such as a state college or vocational-technical school, or;
- (B) A government agency, or;

- (C) An organized labor union, or;
 - (D) Licensed or accredited as vocational training providers in the state where training is given.
- (2) Workers, accredited by EPA continuously for past two years, and in good standing in the state now employed, and if applicable, currently licensed in that state, could, by taking a one day review course and examination, with the curriculum approved by DOL and administered by Oklahoma educational providers, as designated by the Commissioner of Labor, could be granted a license.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-15. Foreign language courses

Training facilities who provide worker courses in languages other than English will be accepted provided the accreditation criteria meets the minimum requirements of the EPA Model Accreditation Program, the facility is an established training provider, and all course materials, including the course examination is presented in the same foreign language. Only the worker course will be approved to be taught in a language other than English

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-6-16. Recordkeeping requirements

All approved providers of accredited asbestos training courses must comply with the following minimum record keeping requirements:

- (1) Training course materials. A training provider must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.
- (2) Instructor qualifications. A training provider must retain copies of all instructor's resumes, and the documents approving each instructor issued by either the state or **EPA**. Instructors must be approved by either **EPA** or **DOL** before teaching courses for accreditation purposes. A training provider must notify **DOL** in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.
- (3) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate. These same requirements apply to examinations for refresher training courses.
- (4) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The provider and **DOL** shall maintain the records in a manner that allows verification by telephone of the required information.
- (5) Verification of certificate information. **DOL** requires providers of refresher training courses confirm that their students possess valid

accreditation before granting course admission. **DOL** also requires that training providers offering the initial management planner training verify that students have met the prerequisite of possessing valid inspector accreditation at the time of course admission.

(6) Records retention and access.

(A) The training provider shall maintain all required records for a minimum of 3 years. The provider, however, may find it advantageous to retain these records for a longer period of time.

(B) The provider must allow reasonable access to all of the records required by the **OAP**, and to any other records which may be required by States for the approval of asbestos training providers or the accreditation of asbestos training courses, to both **EPA** and to State Agencies, on request. **OAP** encourages providers to make this information equally accessible to the general public.

(C) If a provider ceases to conduct training, the training provider shall notify the **DOL** and give it the opportunity to take possession of that provider's asbestos training records.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

SUBCHAPTER 7. VIOLATIONS

380:50-7-1. Violations

(a) The **DOL** may issue violations to persons performing work under these rules. Serious violations may be assessed against a Contractor/Supervisor, Worker, Inspector, Management Planner or Project Designer if they perform an act in violation of these Rules and the standards adopted herein, or if they fail to perform an act required by the Rules, when such an act has the potential to cause serious bodily harm, property damage, or environmental damage. Non-serious violations may be assessed for violations of procedural rules.

(b) If the specified number of violations are found to exist, the Commissioner of Labor shall have the authority to suspend, revoke or deny the renewal of any license held by that specific licensee.

(c) A record of violations will be kept by the **DOL** to review performance on abatement jobs.

(1) This record will be used by the Commissioner to review Contractors' and Workers' performances before renewal of asbestos abatement licenses.

(2) Violations will be removed from the record after a period of five years unless settlement is reached by a civil action.

(d) In order to be consistent in the application of the above stated provisions of the Act and the Rules, the following policies will be applied to the issuance of violations and the review of violations relative to any disciplinary act taken against any Contractor/Supervisor, Worker, Inspector, Management Planner or Project Designer by the Oklahoma State Department of Labor (**DOL**).

(1) Violations may be issued by **DOL**/Asbestos Inspectors during the performance of on-site inspections when those violations are directly observed by the Inspectors, or by the Director of the Asbestos Division when Rules violations are discovered during project review. If, during the course of an inspection, an inspector observes a violation that creates an imminent threat to the health or safety of abatement workers, or to public health or safety, the inspector may immediately issue a cease and desist order on the project or facility. Such order will take the form of a "red tag."

Following the issuance of a "red tag," no person shall be allowed into the tagged area unless accompanied by a Department of Labor asbestos inspector.

(2) Upon issuance of a serious violation(s), the entity in violation shall have an opportunity for an administrative hearing, at which time the entity may protest the validity of the violation(s), or appeal to have the serious violation(s) reduced in accordance with Rule 380:50-7-1(c).

(A) Such hearing shall be held within 3 working days if an asbestos abatement project is shut down because of the violation(s) or within 10 working days if the project is allowed to continue.

(B) Such hearing shall be before a DOL appointed hearing officer in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 309 et seq.

(C) Violations of record will be those violations which have been upheld by a hearing officer after a hearing held by the Department of Labor for such purposes, in accordance with DOL rules and the Oklahoma Administrative Procedures Act, or those which are assessed by agreement of the parties.

(3) For purposes of disciplinary action, each five non-serious violations of record shall be considered by the DOL to be equivalent to one serious violation of record.

(4) At any time an Asbestos Abatement Contractor, Management Planner, Inspector, or Project Designer has accumulated five or more serious violations of record, (three for Workers or Supervisors) or serious violations of record equal in number to twenty percent of the number of separate areas of all asbestos abatement projects undertaken within the previous two years, whichever is greater, then the licensee in question will be subject to disciplinary action in accordance with 40 O.S. § 454. For the purpose of determining the number of separate containment areas undertaken by a Contractor, any Operation and Maintenance (O&M) program undertaken by a Contractor for a single owner at a single site, shall be considered to be equivalent to one containment area.

(5) At any time an Asbestos Contractor has accumulated two or more NESHAP Notices of Violation, the Contractor will be subject to disciplinary action in accordance with 40 O.S. § 454.

(6) At such time that a Contractor has accumulated the specified number of violations to be subject to disciplinary action in accordance with these Rules, the Contractor will be notified by certified mail, and afforded the opportunity for a hearing in accordance with the Administrative Procedures Act.

(7) Factors to be taken into account by the DOL when determining what, if any disciplinary action will be taken against a Contractor will be:

(A) The severity of the violations in terms of threat or potential threat to Worker or public health and/or safety, and to the environment.

(B) The steps which have been taken by the Contractor to avoid a repetition of the violations.

(8) In cases where a Contractor's serious violation was caused by a Worker or Supervisor, DOL may issue violations against all persons involved, in addition to the Contractor. Issuance of a violation to a Worker does not relieve the Contractor of liability for any violations, and the consequences

thereof.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 14 Ok Reg 2974, eff 7-13-97; Amended at 15 Ok Reg 3247, eff 7-13-98; Amended at 17 Ok Reg 3157, eff 7-27-00]

380:50-7-2. Violations and revocation of accreditation

If the specified number of violations are found to exist, the Commissioner shall have authority to suspend, revoke or deny renewal of accreditation to that specific worker, supervisor/contractor, inspector, management planner or project designer.

- (1) Prior to the suspension, revocation or denial of recertification of accreditation of training, the accredited persons shall be afforded the rights of an Administrative Hearing under the Oklahoma Administrative Procedures Act, as described above.
- (2) The following actions shall also be considered grounds for revocation of accreditation:
 - (A) Performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates.
 - (B) Permitting the duplication or use of one's own accreditation certificate by another.
 - (C) Performing work for which accreditation has not been received
 - (D) Obtaining accreditation from training provider that does not have approval to offer training for the particular discipline from either EPA or from a State that has a contractor accreditation plan at least as stringent as the EPA MAP.
- (3) The following persons are not accredited or licensed under the OAP and are in violation of the Oklahoma Asbestos Control Act.
 - (A) Any person who obtains accreditation through fraudulent representation of training or examination documents;
 - (B) Any person who obtains training documentation through fraudulent means;
 - (C) Any person who gains admission and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or
 - (D) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.
- (4) Procedures for Revocation of Accreditation will comply with the EPA Procedures for Suspension of Revocation of Accreditation or Training Course Approval as outlined in the EPA Model Accreditation Program.

[Source: Added at 15 Ok Reg 3247, eff 7-13-98]

380:50-7-3. Fines

(a) In addition to violations issued under OAC 380:50-7-1, the Commissioner of Labor, or his or her designee, may issue an administrative fine for any and all violations of the Oklahoma Asbestos Control Act. All monies collected for violations of the Oklahoma Asbestos Control Act shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund. The following schedule of fines shall apply to violations of the Oklahoma Asbestos Control Act, per violation per day.

- (1) Serious violations up to \$1000.00

- (2) Non-serious violations up to \$200.00
 - (3) Unauthorized performance of the work of an asbestos abatement contractor in violation of 40 O.S. § 452(A) up to \$5000.00
- (b) Payment for the fines set forth in subsection (a) of this section shall be due within thirty (30) days of issuance of a citation by the Commissioner or designee. Any person wishing to contest any of the aforementioned fines shall, within thirty (30) days of issuance of the fine or fines, petition the Commissioner or designee, in writing, for an administrative hearing. If requested, the hearing shall then be scheduled by the Commissioner or designee as provided in the Administrative Procedures Act.
- (c) Funds collected as payment from a violator for administrative fines imposed for violation of the Oklahoma Occupational Health and Safety Standards Act shall not be retained by the Department of Labor, but shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.

[Source: Added at 34 Ok Reg 1721, eff 9-15-17]

SUBCHAPTER 9. CONTRACTOR PROCEDURES

380:50-9-1. Contractor notification

- (a) For projects involving any asbestos abatement or response action other than emergencies, O&M for schools, SSSD or Class III for facilities and public and commercial facilities:
- (1) Notifications shall be submitted in accordance with the following schedule:
 - (A) A notification is required ten (10) days prior to performing asbestos abatement or response actions for projects involving more than one glovebag and less than 160 square feet or 260 linear feet of asbestos-containing materials.
 - (B) A notification is required ten (10) days prior to performing asbestos abatement or response actions for projects involving 160 square feet or 260 linear feet or more of asbestos-containing materials.
 - (C) Projects shall not be divided into small sequential segments for the purpose of avoiding the requirements of this Chapter.
 - (2) Asbestos contractors shall notify the Commissioner in writing, and on forms prescribed by the Commissioner. Notification shall include:
 - (A) Asbestos contractor's name, address, and phone number.
 - (B) Owner's name, address, and phone number.
 - (C) Location of job site.
 - (D) Projected starting date.
 - (E) Projected ending date.
 - (F) Abatement technique.
 - (G) Amount of asbestos to be abated as linear feet and/or square feet.
 - (H) Names and addresses of all consultants, industrial hygienists, testing laboratories, or other subcontractors to be utilized during the project.
 - (I) Name and address of landfill to be used for asbestos disposal.
 - (J) Plans for decontamination facilities.
 - (K) Copies of project documents, including:

(i) Bonds and insurance certificates as applied to public projects.

(ii) NESHAPS notification.

(L) Written permission from the owners of all vehicles and/or trailers not owned by the contractor that will be used to transport asbestos-containing articles or containers.

(M) Names and addresses of haulers of asbestos for hire, who shall be licensed asbestos abatement contractors.

(N) A certificate of vehicle liability insurance specifically covering any vehicles or trailers used to transport asbestos-containing or contaminated waste, equipment, or materials. The limits of liability shall not be less than one million dollars (\$1,000,000).

(O) The project design.

(b) For O&M for schools and Class III for facilities and public and commercial facilities:

(1) Asbestos contractors shall notify the Commissioner in writing by fax or email, and on submittal forms prescribed by the Commissioner, prior to performing any O&M for schools or SSSD or Class III for public and commercial facilities. Notification shall include:

(A) Asbestos contractor's name, address, and phone number.

(B) Owner's name, address, and phone number.

(C) Location of job site.

(D) Projected starting date.

(E) Projected ending date.

(F) Abatement technique.

(G) Amount of asbestos to be abated as linear feet and/or square feet.

(H) Names and addresses of all consultants, industrial hygienists, testing laboratories, or other subcontractors to be utilized during the project.

(I) Name and address of landfill to be used for asbestos disposal.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-9-2. Emergency notification

(a) Notification by phone, email or fax is permitted in the case of an emergency involving protection of limb, life and property. Notification shall include the information contained in Section 380:50-9-1(a)(2) and the date of the contract. The written notification items in Section 380:50-9-1(a)(2) above shall be submitted to the Commissioner within twenty-four (24) hours after the start of abatement.

(b) The Contractor shall immediately notify the Commissioner of any changes in the information provided under Section 380:50-9-1(a)(2).

(c) In case of an emergency, as determined by the Commissioner, the project design will be waived.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-9-3. Authorization to proceed

Contractors shall not start to abate any asbestos-containing materials until:

(1) An authorization to begin abatement activity has been received by the contractor from the Commissioner. The authorization to proceed will state whether or not the site preparation must be approved by the Department of Labor prior to gross removal of asbestos-containing material.

(2) Documentation and required materials for prior abatement projects have been received by the Commissioner. This includes but is not limited to outstanding daily air sample test results, physical examinations, and correction of prior violations.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-9-4. Respirator program requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-9-5. Notifications of hazards

The contractor or supervisor shall immediately inform and follow up with the owner and the Commissioner by phone, fax or email of health hazards created during abatement. This will include, but is not limited to, such occurrences as breaching the containment area, loss of negative pressure to a negative pressure containment, air monitoring tests indicating airborne asbestos above acceptable levels, recordable injuries, loss of power, etc.

[Source: Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-9-6. Re-notification requirements

If a contractor fails to meet the project start date without advising the Asbestos Division in advance, a new notification 10 days in advance shall be required.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-9-7. Waste shipment records

Upon completion of abatement projects, the contractor shall submit waste shipment records which fully meet the requirements of 40 CFR Part 61 (NESHAPS) and shall include:

- (1) Work site name and mailing address.
- (2) Owner's name and telephone number.
- (3) Contractor's name, mailing address, and phone number.
- (4) Waste disposal site name, mailing address, physical site location, and phone number.
- (5) Description and quantity of materials, in cubic yards, and numbers and types of containers.
- (6) Special handling instructions.
- (7) A signed certification that the contents of the load covered under the manifest are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.
- (8) Name, title, address, phone number, and signature of each hauler, and the date hauled.
- (9) A discrepancy indication space.
- (10) Certification of receipt of the load with the signature of a responsible disposal site employee and date.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 11. LABORATORY REQUIREMENTS

380:50-11-1. Daily air monitoring requirements

Daily air monitoring requirements shall consist of the following:

(1) Personal monitoring.

(A) One (1) personal air sample for every four workers, but a minimum of two (2) personal air samples collected from within the work area, and a minimum of two (2) personal air samples per abatement crew, by a method to be determined by the Commissioner. One (1) of these personal air samples must be from a worker collecting and bagging asbestos, and one must be from a worker in the loadout area, where applicable.

(B) All personal monitoring results shall be reported with the type of respirator worn by the worker and the license number of each worker.

(C) The exposure to airborne fiber concentrations by workers on abatement projects shall be limited to a maximum value of 0.01 fibers per cubic centimeter within the assigned respirator, as determined by dividing the airborne fiber concentration by the respirator protection factor.

(2) Inside area monitoring.

(A) A minimum of one (1) area sample in the vicinity of each abatement crew.

(B) One (1) sample from the load-out area during load-out activities.

(3) Outside area monitoring.

(A) Minimum of, but not limited to, one (1) air sample from each independent exit area collected directly outside and adjacent to the work area as designated in the project design.

(B) One (1) sample per shift from the exhaust of each negative air machine, or common exhaust duct of multiple machines, which discharges from the containment area. Such discharge shall not be permitted to exceed 0.01 fibers/cc.

(C) One (1) sample immediately outside the clean room. Air monitoring in the clean-room of the decontamination system is not a requirement of these Rules.

(D) Minimum of, not limited to, one (1) additional air sample as designated in the project design.

(4) Calibration shall be accomplished prior to, and at the conclusion of sampling. The average flow rate shall be utilized for all calculations of airborne concentrations relating to asbestos.

(A) All non-primary type flow measuring devices shall be routinely calibrated by using a primary standard once per month, and shall be accompanied with calibration records and/or charts which shall contain:

(i) Date of calibration.

(ii) Individual accomplishing calibration.

(iii) Identification of referenced primary standard including serial number.

(iv) Number of calibration points with accompanying table reflecting indicated flow versus actual flow.

(B) Floating ball type flow meters shall be non-adjustable, or shall be sealed and the seal must not be broken. A wax ring is an appropriate seal.

(5) No airborne fiber count shall be reported to the Department of Labor or any other entity as a numerical value if the count is less than the minimum level of detectability for the method used for analysis. The value shall be reported as less than the detectable limit, with that limit so stated.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-11-2. Clean-test requirements

(a) After all abatement and cleanup procedures are concluded, a Clean Test shall be conducted to ensure cleanliness of the abatement area prior to re-occupancy of the abatement area.

(b) Clean Test samples shall not be conducted until a visual inspection is performed by Oklahoma Department of Labor personnel.

(c) Clean Test samples shall be by aggressive sampling techniques, the number and method of such tests to be specified by the project design.

(1) For all projects, other than O&M, SSSD, or Class III, where less than 160 square feet or 260 linear feet of ACM or PACM has been removed:

(A) A minimum of five (5) samples shall be run in a regulated area located in a public or commercial facility. Samples shall be analyzed by Phase Contrast Microscopy (PCM).

(B) A minimum of five (5) samples shall be run in a regulated area located in a school facility as defined by AHERA. Samples shall be analyzed by Phase Contrast Microscopy (PCM).

(2) For all projects, other than O&M, SSSD, or Class III, where 160 square feet or 260 linear feet or more of ACM or PACM has been removed:

(A) A minimum of five (5) samples shall be run in a regulated area located in a public or commercial facility. Samples shall be analyzed by Phase Contrast Microscopy (PCM).

(B) A minimum of five (5) samples shall be run in a regulated area located in a school facility as defined by AHERA. Samples shall be analyzed by Transmission Electron Microscopy (TEM).

(3) Sample flow rates shall be limited to ten (10) liters per minute for 25-millimeter cassettes.

(4) The minimum volume of air drawn for each Clean Test sample shall be 1,200 liters for a 25-millimeter cassette.

(d) For the Clean Test to be approved using PCM analysis, the upper confidence limit of the airborne fiber concentration shall be less than 0.01 fibers per cubic centimeter.

(e) For any PCM analysis exceeding the allowed Clean Test level for any cassette on a project not covered under **AHERA** regulations, the contractor may have such cassettes analyzed by **TEM** utilizing **NIOSH** Method 7402, in which case the asbestos fiber level shall be less than 0.01 fibers/cc for those fibers greater than five (5) micrometers.

(f) For Clean Tests to be approved using **TEM** analysis, the average concentration of the five (5) air samples collected within the regulated area, shall be less than 70 structures per square millimeter.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-11-3. Sampling and monitoring requirements

(a) Airborne fiber analysis shall be in accordance with the NIOSH Manual of Analytical Methods, No. 7400, "Asbestos and Other Fibers by **PCM**", as amended.

- (1) No airborne fiber count shall be reported to DOL or any other entity as a numerical value if the count is less than the minimum level of detectability for the method used for analysis. The value shall be reported as less than the detectable limit, with limit so stated.
- (2) Upper and lower confidence limits shall be reported for all air samples.
- (3) If the actual number of fibers counted is less than the limit of detection, the limit of detection shall be used to calculate the upper and lower confidence limits.

(b) All asbestos analyses shall be performed by laboratories which have quality control programs approved in advance by, and at the discretion of the Commissioner using a set of published guidelines, or which utilize only laboratory technicians who have successfully completed **DOL**-approved courses in the type analyses performed by the technician, and which:

- (1) For bulk asbestos analysis:
 - (A) Are certified by the National Voluntary Laboratory Accreditation Program, for laboratories providing bulk sample analyses, or
 - (B) Participate in the **AIHA** Bulk Asbestos Proficiency Testing Program, latest round, and be rated proficient for the latest round.
- (2) For **NIOSH** Method 7400 fiber counting analysis:
 - (A) Participate in the **AIHA** Proficiency Analytical Testing (**PAT**) Program, latest round, and are proficient for the round, or
 - (B) Have all individual analysts participate in the **AIHA** Asbestos Analyst Registry (**AAR**) program and are rated as proficient for each analyst.
- (3) The National Voluntary Laboratory Accreditation Program, for laboratories providing fiber counting analyses using **TEM**.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-11-4. Microscope requirements

Laboratories shall certify that phase contrast microscopes used for fiber counting meet the specifications of **NIOSH** Method 7400, including verification of the microscope-resolving power by means of an **HSE/NPL** phase-shift test slide. All microscopes shall have been checked with a phase-shift test slide. All microscopes shall have been checked with a phase-ring centering telescope after having been moved.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-11-5. Technician's requirements

(a) All reports of analyses shall be signed by the technician performing the analysis.

(b) All technicians performing on-site air monitoring shall have:

- (1) The **NIOSH** course No. 582 on "Sampling and Analysis of Airborne Asbestos Dust", or equivalent. Such course shall have been provided by a government agency or educational institution except, any person with training recognized by **DOL** prior to the effective date of these rules shall continue to be recognized.

- (2) A valid asbestos worker, asbestos supervisor, asbestos inspector, asbestos management planner, or asbestos project designer license.
- (c) All technicians performing PCM analysis shall have The NIOSH course No. 582 on "ASampling and Analysis of Airborne Asbestos Dust", or equivalent. Such course shall have been provided by a government agency or educational institution except, any person with training recognized by DOL prior to the effective date of these rules shall continue to be recognized.
- (d) All technicians performing bulk analyses must have a four-day course, or equivalent, in the bulk analysis of asbestos-containing materials.
- (e) All technicians performing on-site air monitoring must follow the sampling procedures identified in 380:50-11-1, 380:50-11-2, and where applicable, the approved project design.
- (f) All technicians performing on-site air monitoring shall maintain an on-site daily activity log. The log shall include:
 - (1) Time of on-site arrival and departure.
 - (2) Times of entrance into the regulated area to ensure sample integrity.
 - (3) Signature of on-site asbestos supervisor.
 - (4) All cassettes must be properly labeled as they are placed for sample collection.
- (g) At least one technician performing on-site air monitoring shall be present on the job site at all times while asbestos abatement work is being performed.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-11-6. Cassett retention [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-11-7. Third party monitoring requirements for private contractors

- (a) Air monitoring done for private abatement contractors to fulfill the requirements of Section 380:50-11-1-(1) through (6) and Section 380:50-11-2 shall be done by an independent third party, except:
 - (1) When the quantity of asbestos to be removed is less than 160 square feet or 260 linear feet, or
 - (2) When the abatement is performed under the terms of an approved **O&M** program.
- (b) Contractors will not be issued violations for laboratory deficiencies.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

SUBCHAPTER 13. GLOVEBAG OPERATIONS

380:50-13-1. General requirements

- (a) Except as noted in this Subchapter, glovebag operations which shall include drop cloths and critical barrier(s) for the purpose of abatement shall be treated the same as other abatement procedures. Therefore,
 - (1) Air sampling shall be consistent with Subchapter 11 of this Chapter.
 - (2) **HEPA** vacuum system shall be utilized during all glovebagging operations.
 - (3) Glovebags shall be maintained under negative air pressure, when feasible, but the use of a negative pressure measuring system shall not be required. The inward bulging of the glove bag due to negative pressure

inside the glove bag shall be sufficient indication of adequate pressure drop. In the event it is not feasible to maintain the glovebag under negative air conditions, each such glovebag shall be smoke-tested.

(4) Pipe and/or fixtures from which asbestos has been removed within a glove bag shall be coated with a suitable lockdown encapsulant prior to removal of the glovebag.

(5) A glove bag may not be used for more than one application and may not be modified.

(6) Electrical equipment below the level of the glovebag or within arm's reach of the glovebag must be de-activated. All electrical equipment used by the workers must be provided **GFI** protection.

(7) Personnel involved in glovebag abatement shall be required to:

(A) Wear appropriate personal protective equipment (e.g., proper respiratory protection and full-body protection of Section 380:50-15-2 and Section 380:50-15-6, respectively).

(B) Fully utilize a decontamination shower which has at a minimum:

(i) A location which may be reached by using a clean protective suit over the potentially contaminated work suit.

(ii) The requirements of Section 380:50-15-12(c).

(b) A minimum of two (2) workers shall be used on any glovebag activity.

(c) Glovebags used within a containment, for convenience, shall not be subject to the provisions of this Subchapter.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-13-2. Operation and maintenance limitations [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-13-3. Personal protective equipment requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-13-4. Hepa vacuum requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 14. OPERATION AND MAINTENANCE PROCEDURES

380:50-14-1. General operation and maintenance requirements

Small scale, short duration asbestos abatement procedures for the purpose of maintenance, repair, or service of piping, valves, fittings, or surfaces, will be exempt from the prior notice requirement of Section 380:50-9-1, provided:

(1) The owner, or contractor on behalf of the owner, has on file with **DOL** an approved **O&M** program which shall:

(A) Meet the specific needs of the facility for which the **O&M** program is intended, or be of a general nature which includes all circumstances under which **O&M** projects may be taken in the facility.

(B) Provide procedures to be followed for worker protection.

(C) Specify equipment to be used.

(D) Provide means of isolating the work area from occupants of the facility and the environment.

(E) Require sufficient air monitoring to protect the workers, occupants of the facility, and the environment.

(F) Provide methods and procedures for ensuring that records are kept on each project which shall include:

(i) Location and date of work.

(ii) Brief description of work.

(iii) Names of workers involved, for AHERA school programs, only.

(iv) Air monitoring results, for AHERA school programs, only.

(2) The owner reports the information included in 380:50-14(1)(F)(i) through(iv) above, to **DOL** during the month following that in which **O&M** work was done.

(3) The air monitoring provisions of Section 380:50-11-1, providing all proper measures to protect the workers and public from the potential hazards of asbestos are taken, and providing the contractor has on file with the Commissioner an **O&M** program approved by the Commissioner.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92]

380:50-14-2. Approval procedures

Approval of **O&M** programs shall be at the discretion of the Commissioner, based on guidelines published by, and available at, the **DOL**.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 15. WORKER AND WORK AREA PROTECTION

380:50-15-1. Contractor responsibility

The contractor shall maintain work area conditions and procedures to protect workers and the environment from the hazards of asbestos and the removal of asbestos.

380:50-15-2. Respirator requirements

(a) The contractor shall provide workers with respirators in accordance with the approved respirator program, a copy of which shall be available to workers at the job site.

(b) Workers shall wear suitable respiratory protection when working within arm's reach of friable asbestos during construction of the containment, or after a fiber release episode, or if there is visible asbestos debris in the area.

(c) Workers shall wear, at a minimum, a fullface air-purifying respirator (**APR**) when removing asbestos, except when the provisions of Section 380:50-15-5 apply.

(d) The contractor shall provide a sufficient quantity of filters approved for asbestos so workers can change filters during the workday.

(1) Filters shall not be used any longer than one (1) workday, nor after the respirator has entered the decontamination shower, nor after a worker has requested a new cartridge(s) when required, except: respirator cartridges with **NIOSH** approved, factory supplied, waterproof seals which may be taken through the decontamination shower without wetting the cartridge may be reused, provided:

- (A) There is an on-site respirator cartridge flow measurement device which can determine the need for changing the filters, and
- (B) Workers shall obtain new cartridges when required.
- (2) The respirator filters shall be stored at the job site in the clean room and shall be totally protected from exposure to asbestos prior to their use.
- (3) Single use, disposable respirators will not be approved.
- (4) Protection factors of up to 50 for the full face-piece respirators may be used provided these protection factors have been verified by a quantitative fit test for each worker.
- (e) Contractors shall instruct and train workers in proper respirator use and maintenance, and shall abide by their own respirator programs.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 15 Ok Reg 3247, eff 7-13-98; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-15-3. Worker respirator requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-4. Respirator training requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-5. Pressure-demand supplied-air respirators

- (a) Pressure-demand supplied-air respirators or Powered Air Purifying Respirators shall be worn for all gross asbestos removal, excluding glovebag operations, if:
 - (1) Air-monitoring results from the previous work shift are not available at the job site.
 - (2) Any of the personal or area air samples indicate airborne fiber concentrations are at a level above which respirators with a lower protection factor would not be adequate, (29 CFR 1926.1101 Table 1, with the Permissible Exposure Limit changed to 0.01 fibers per cubic centimeter), provided the initial shift used to justify respirator downgrading shall be a minimum of seven hours of work involving the actual removal of asbestos.
 - (3) An incident occurs with the potential for raising the airborne fiber concentrations to such a level.
- (b) Pressure-demand supplied-air respirators shall consist only of parts related to the **MSHA/NIOSH**-approved number. The contractor shall have on site manufacturer's specifications for supplied-air respirators.
- (c) Pressure-demand supplied-air respirators shall be provided by the contractor with a pressure gauge down-stream of the supply regulators to permit Department of Labor inspectors to determine whether pressure requirements are being met.
- (d) Pressure-demand supplied-air respirators shall be provided Grade "D" air that has been processed through a filtration apparatus to ensure that the following levels of contaminants are not exceeded:
 - (1) Carbon monoxide, less than 10 parts per million. The contractor, at all times supplied air is being used, shall daily and at other times requested by **DOL** Inspectors, test the carbon monoxide alarm with 10 parts per million carbon monoxide test gas.
 - (2) Hydrocarbons less than five milligrams per cubic meter. The supplied air shall be free of tastes, odors, smoke, and the ability to produce an oily film within the respirator face-piece.

- (3) Carbon dioxide, less than 1000 parts per million.
- (e) Pressure-demand supplied-air respirators must be provided with automatically engaging **HEPA** filter cartridges for emergency egress in addition to the required reserve air supply.
- (f) Pressure-demand supplied-air respirators shall not be required on subsequent containments of a single abatement project, provided:
 - (1) The asbestos-containing materials are identical to previous containments of the same abatement project.
 - (2) All of the personal and area air samples indicate airborne fiber concentrations are below levels at which respirators with a lower protection factor would be adequate, (29 CFR 1926.1101 Table 1, with the Permissible Exposure Limit changed to 0.01 fibers per cubic centimeter).
 - (3) The abatement crews are substantially the same.
 - (4) The number of workers on the crew have not increased by more than fifty (50) percent.
 - (5) The contractor assumes responsibility for downgrading to a lesser protective respirator, and is subject to citation for serious violations if workers are exposed to greater concentrations than are allowed by Section 380:50-15-5(a)(2), based on the lower confidence limits of the personal monitoring results. It is not necessary to notify **DOL** of such downgrading.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 15 Ok Reg 3247, eff 7-13-98; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-15-6. Body covering requirements

Workers shall, at all times, wear full-body coveralls, head covers, and appropriate footwear in the work area. Footwear may be disposable, provided foot protection is adequate. Non-disposable footwear shall be left in the work area at all times until disposal, decontamination, or placement in a suitable container for transport at job completion. Launderable single use cloth suits may be used provided:

- (1) For contractor provided on-site laundry facilities.
 - (A) Suits must be laundered in such a location, and in such a manner, that there is no possibility of asbestos exposure to unprotected personnel, or to the environment.
 - (B) The wash water must be filtered through five-micron filters. The filter residue and filters shall be disposed of as contaminated materials.
 - (C) The contractor must take care that the suits are used only on asbestos abatement projects, that the suits are properly laundered prior to re-use, including the use of a disinfectant and sufficient heat for sterilization.
 - (D) Since it is possible some residual asbestos may remain on the suits, the suits must be transported between job sites in properly sealed and marked containers.
- (2) For off-site professional laundry services the above requirements shall apply, and in addition:
 - (A) A report from an independent environmental consultant must be submitted to the Oklahoma Department of Labor showing the cleaning process is effective, to the degree that suits leaving the laundry for use may be considered asbestos-free.

(B) A report from the laundry service must be submitted to the State Department of Labor detailing the laundry process, with particular emphasis on the protection of the laundry Workers from asbestos exposure and including all information on how all applicable federal, state, and local laws, regulations, and ordinances are to be met. The State Labor Department regulates any amount of asbestos material removed in the State, including that which may be on launderable suits. Therefore, such laundries shall be required to utilize only licensed Asbestos Abatement Workers in the handling of such suits.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-15-7. Clean room requirements

The contractor shall provide a clean room to put on the disposable coveralls, respirators, and head covers before entering the work area. The clean room shall have, as a minimum, except in instances which must be approved by **DOL** in advance:

- (1) A minimum 12 square feet of free floor space.
- (2) A locker for each employee, large enough to contain all articles of personal clothing, personal effects, and shoes.
- (3) A locker for DOL inspectors, large enough to contain all articles of personal clothing, personal effects, shoes and equipment.
- (4) The clean room shall be kept clean and sanitary at all times.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-8. Decontamination procedures

All workers exiting the containment area without exception shall:

- (1) Remove the footwear, coveralls, and head covers in the work area before leaving the work area dirty room.
- (2) Still wearing their respirators, proceed to the showers. After thoroughly washing with soap and water, remove respirators and wash respirator.
- (3) Shower thoroughly the skin and hair before entering the clean room to change into street clothes.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-15-9. Worker activity prohibition

Workers shall not eat, drink, smoke, chew gum, or chew tobacco in the containment area.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-10. Protective equipment for visitors [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-11. Foot and hand protection requirements [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-12. Decontamination facility preparation

(a) On projects of 10 square feet or 25 linear feet and greater, the contractor shall set up a decontamination facility attached to the work area which shall consist of a

clean room, shower area, and dirty room. The facility shall be constructed so as to permit use by either sex without embarrassment or harassment. The decontamination facility shall be subject to the approval of the Commissioner.

(b) All shower water waste shall be equipped with 5 micron filters. The shower filter and residue shall be disposed of as contaminated material.

(c) All decontamination shower facilities shall have:

- (1) Functioning hot water storage capacity of five gallons per on-site Worker at 130 degrees Fahrenheit, or;
- (2) A functioning in-line water heater capable of delivering a continuous supply of water at a temperature of 100 degrees Fahrenheit.
- (3) Means of dispensing liquid cleaning agent in a safe, sanitary manner. Use of bar soap will not be permitted. Cleaning agents supplied should be suitable for use on skin and hair.
- (4) Ten foot-candles of illumination in all areas of the decontamination unit.
- (5) Showers shall be stable, free of sharp edges, and trip or fall hazards.
- (6) Shower grates shall be constructed of non-porous materials. If wooden, the shower grate shall be varnished or painted with non-skid, non-porous paint.
- (7) Negative pressure created by an externally vented negative air machine, equipped with HEPA filter, primary filter and secondary filter and a flow of make-up air from the clean room through the shower to the dirty room. In the case of decontamination showers which are not directly between the clean room and the dirty room, a source of make-up air must be provided directly to the shower chamber.
- (8) The temperature of the clean room and shower shall be maintained above fifty degrees Fahrenheit (50° F).

(d) Centralized decontamination facilities shall follow the same requirements.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-15-13. Emergency exits

The contractor shall establish visible and illuminated emergency and fire exits from the work area. Emergency procedures shall have priority. Emergency lighting shall have:

- (1) Battery back-up.
- (2) Sufficient power to illuminate obstructions between all areas of the containment and the exits.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-14. Fire extinguishers

(a) The work area shall have a dry-charge ammonium phosphate fire extinguisher with an Underwriters Laboratories, Inc. rating of at least 10A:B:C, with a valid inspection tag, and which must be decontaminated upon removal.

(b) A minimum of one 10A:B:C fire extinguisher shall be provided for each 3,000 square feet of the work area, or major fraction thereof. Travel distance from any point of the work area to the nearest fire extinguisher shall not exceed 75 linear feet.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-15-15. Clothing disposal [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-15-16. Smoking prohibition

Because of fire hazard presented by poly and protective suits, smoking in any work area in which such materials are exposed is strictly prohibited. Smoking in these areas shall constitute a serious violation for the worker and contractor.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 17. MINIMUM ABATEMENT STANDARDS

380:50-17-1. Contractor's scope of work

- (a) The contractor shall meet the following staffing requirements:
- (1) An asbestos abatement supervisor shall be on-site at all times abatement work is being performed, except for glovebag **O&M** projects, unless such glovebag projects are for **AHERA** regulated schools. Such supervisors shall be prepared at any time to enter the containment as required.
 - (2) A licensed asbestos worker, supervisor, or responsible party shall be stationed outside the containment at all times, except for short term excursions in the containment.
 - (3) Any person working within the demarcated work area shall hold a current worker, supervisor, or contractor license, except for:
 - (A) Professional scaffolding erectors,
 - (B) Licensed electricians, or
 - (C) Owners or owners representatives, provided their work does not entail contact with **ACM**.
- (b) The contractor shall be responsible for all labor, material, services, insurance as required, and equipment necessary to carry out the abatement operation in accordance with regulations and job specifications.
- (c) The contractor shall be responsible for obtaining approval for a waste disposal site in compliance with the Oklahoma State Department of Health.
- (d) Contractors shall post the **EPA** and **OSHA** regulations (and any applicable state and local government regulations) at the job site, including where applicable:
 - (1) Minimum or prevailing wage notices.
 - (2) Emergency numbers.
- (e) All air-monitoring results shall be posted at the site as they are obtained by the contractor. If the air monitoring results are being used to justify using other than supplied air respirators, the posted air monitoring results must be from the preceding shift prior to the beginning of the succeeding shift.
- (f) Contractors shall have available at the job site, workers' respirator fit test records, for projects subject to scheduled inspections by **DOL**.
- (g) Contractors shall have a copy of all Material Safety Data Sheets (MSDS) available and on-site for all material.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-2. Materials requirements for asbestos abatement

Materials requirements for asbestos abatement are as follows:

- (1) **Poly** for walls and stationary objects shall be a minimum of 4-mil thickness. For floors and all other uses, sheeting of at least 6-mil thickness shall be used.
 - (A) All **poly** exposed to the elements shall be 6-mil nylon reinforced.

(B) Black **poly** may not be used in any area within the containment except for decontamination units, for privacy.

(C) Fire retardant **poly** shall be required:

(i) In areas with active, exposed, steam lines or hot process lines or vessels with surface temperatures greater than 160 degrees Fahrenheit (160 OF.).

(ii) When flammable or combustible solvents are being used on the project.

(iii) If so specified in the project design.

(2) Disposal bags shall be of 6-mil polyethylene, with labels to meet **EPA** or **OSHA** requirements.

(3) Disposal drums shall be metal or fiberboard with locking ring tops, with labels to meet **EPA** or **OSHA** requirements.

(4) Surfactant (wetting agent) shall be a 50/50 mixture of polyoxyethylene ether and polyoxyethylene ester, or equivalent, mixed in a proportion of one fluid ounce to five gallons of water or as specified by the manufacturer.

(A) Any surfactant substituted shall have a manufacturer's provided material safety data sheet (MSDS) showing the material is not potentially harmful to the Workers and to the environment, when used and disposed of in the manner for which the material was intended.

(B) Under no circumstances may ethylene glycol be used.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 9 Ok Reg 3335, eff 1-1-93; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-17-3. Equipment requirements for asbestos abatement.

Equipment requirements for asbestos abatement are as follows:

(1) The Contractor shall utilize a sufficient number of functioning negative air machines equipped with **HEPA** filters, and which shall:

(A) Be capable of providing one work-place air change every 15 minutes.

(B) Be capable of producing a reduced pressure of 0.02 inches of water in containment, which shall be verified by instrumentation available at the work site.

(i) Such instrumentation shall record a permanent paper record of the differential pressure, which shall be available for inspection by DOL.

(ii) Manometer inlet tube placement shall be such that a representative reading of the pressure drop within the containment is obtained.

(C) Not all of the above negative air machines need be discharged from the containment, provided the requirements of Sections 380:50-17-3(1)(A) and (B) above are satisfied.

(D) Operate continuously from the start of removal of asbestos until clean-test requirements are met under the requirements of Section 380:50-11-2, except when the lock-down encapsulant is being sprayed.

(2) A sufficient amount of equipment and supplies for work area decontamination shall be available.

(3) A sufficient supply of scaffolds, ladders, lifts and hand tools (e.g., scrapers, wire cutters, brushes, utility knives, wire saws, etc.) shall be

provided as needed.

- (4) Sprayers for spraying amended water shall be provided as needed.
- (5) Rubber dustpans and rubber squeegees shall be provided for cleanup.
- (6) A sufficient supply of **HEPA** filtered vacuum systems shall be available during cleanup.
- (7) Powered hand tools shall be equipped with **HEPA** filtered, local exhaust ventilation systems.
- (8) Removal of asbestos by means of high-pressure water jets is prohibited, unless:
 - (A) The building in which the water jets to be used is unoccupied, or absolutely isolated from occupied areas.
 - (B) Measures have been taken by the contractor to guarantee water will not escape from containment.
 - (C) Any water escaping from a containment in which water jets have been used will be assumed to contain asbestos, and unless proved otherwise, could result in a serious violation.
- (9) No asbestos contaminated equipment shall be brought to an asbestos abatement site. Visible residue on such equipment shall be assumed by **DOL** to contain asbestos.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-17-4. Preparation of asbestos abatement work areas

Preparation of asbestos abatement work areas shall be as follows:

- (1) Shut down and lock out electric power to the work area. Provide temporary power and lighting to ensure safe installation (including ground fault interruption) of temporary power sources and equipment by compliance with all applicable electrical code requirements and **OSHA** requirements for temporary electrical systems.
 - (A) All electrical power entering the containment must be fed from **GFI** protected circuits.
 - (B) All **GFI** protected circuits shall trip at or below seven (7) milliamps of electrical current.
 - (C) There may be some occasions when it is not possible to shut down all electrical power to the asbestos work area. In this case, a request for variance is required along with a written procedure, approved by a licensed electrician or an electrical engineer, outlining steps to be taken to ensure asbestos worker safety which shall include at a minimum:
 - (i) Identify in advance all electrical power 24 volts and above, which is to be left active.
 - (ii) Mark the wiring, conduit, panels or equipment in such a way that is readily apparent to the asbestos contractor and to **DOL** asbestos inspectors.
 - (iii) Provide details of all steps to be taken by asbestos contractors to protect the wiring, conduit, panels or equipment from intrusion of water and wetting agents used by the asbestos contractor. Rigid steel conduit with collars need not be addressed in the written procedures.
 - (iv) Provide details of all procedures to be taken by asbestos workers to prevent electrical hazards under abatement conditions.

(v) Sign written procedures and provide license number of electrician or seal of electrical engineer for submittal to the DOL.

(vi) Provide and require all asbestos workers in the work area of activated wiring, conduit, panels or equipment to wear rubber boots, properly rated rubber gloves with current inspection and non-conducting hats.

(2) Shut down and lock out all heating, cooling and air conditioning system (**HVAC**) components that are in, supply, or pass through the work area.

Seal all intake and exhaust vents in the work area with tape and 6-mil **poly**. Also seal any seams in system components that pass through the work area.

(3) The Contractor shall provide sanitary facilities for abatement personnel outside the enclosed work area and maintain them in a clean and sanitary condition throughout the project.

(4) Clean all movable objects within the work area using a **HEPA** filtered vacuum and/or wet-cleaning methods as appropriate. After cleaning, these objects shall be removed from the work area and stored in an uncontaminated location. Carpeting, drapes, clothing, upholstered furniture and other fabric items shall be properly decontaminated or disposed of as contaminated waste.

(5) Clean all fixed objects in the work area using **HEPA** filtered vacuums and/or wet-cleaning techniques as appropriate. Careful attention must be paid to machinery behind grills or gratings where access may be difficult but contamination significant. Also pay particular attention to wall, floor, and ceiling penetrations behind fixed items. After cleaning, enclose fixed objects in a minimum of 4-mil poly sheeting and seal securely in place with tape.

(6) Clean all surfaces in the work area using **HEPA** filtered vacuums and/or wet-cleaning methods as appropriate. Do not use any methods that would raise dust such as dry sweeping or vacuuming with equipment not equipped with **HEPA** filters. Do not disturb asbestos-containing materials during the initial cleaning phase.

(7) Floors shall be covered with two layers of 6-mil (minimum) sheeting. Additional layers of sheeting may be utilized as drop cloths to aid in cleanup of bulk materials.

(A) Floor sheeting shall extend at least 12 inches up the sidewalls of the work area.

(B) Sheeting shall be installed in a fashion to prevent slippage between successive layers of material.

(8) Walls shall be covered with a minimum of two layers of 4-mil **poly**, except if fire retardant, nylon reinforced **poly** is used throughout an interior abatement project, the walls shall be covered with a minimum of one layer.

(A) Wall sheeting shall overlap floor sheeting by at least 12 inches beyond the wall/floor joint to provide a better seal against water damage. Wall sheeting shall be securely attached to the floor sheeting.

(B) Wall sheeting shall be secured adequately to prevent it from falling away from the walls. This will require additional support/attachment when negative pressure ventilation systems are utilized.

(9) Strippable, latex-based, sprayed-on wall and floor films may be used in conjunction with, or in lieu of **poly** when appropriate, and when applied in accordance with manufacturer's recommendations.

(10) Any cleaning activities, prior to construction of the containment, which has the potential for contact with **ACM** shall require:

(A) Workers wear protective clothing in accordance with Section 380:50-15-6.

(B) Workers wear, at a minimum, a full-face air purifying respirator.

(C) Air monitoring be performed in accordance with Section 380:50-11-1.

(D) The construction and use of a decontamination facility in accordance with Sections 380:50-15-8 and 380-50:15-12.

(E) The construction and use of a load out facility as defined by Section 380:50-1-2.

(F) Project design must identify this work activity.

(G) Decontamination unit, and demarcation of the job site shall be subject to DOL inspection(s) prior to any cleaning activities.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-5. Asbestos removal procedures

Asbestos removal procedures are as follows:

(1) Isolate and clean the work area.

(2) Wet all asbestos-containing material with an amended water solution using equipment capable of providing a fine spray mist. Saturate the material to the substrate. However, do not allow excessive water to accumulate in the work area. Keep all removed material wet enough to prevent fiber release until it can be placed in containers for disposal.

(3) Wetted asbestos-containing material shall be removed in manageable sections. If removal procedure uses a mechanical vacuum system, the container the material deposits in shall be in a secured area with hard walls at least eight (8) feet in height and shall be monitored to ensure no exposure to the operator or ambient air. Removed material shall be placed in containers before moving to a new location for continuance of work. Surrounding areas shall be periodically sprayed and maintained in a wet condition until visible material is cleaned up.

(4) Material removed from building structures or components shall not be dropped or thrown to the floor.

(5) Containers (6-mil polyethylene bags or drums) shall be sealed when full. Bags shall not be overfilled. They shall be securely sealed to prevent accidental opening and leakage by tying tops of bags in an overhand knot or by taping in a goose-neck fashion. Do not seal bags with wire or cord. Bagged material may be stored in containment if space allows, or in the first air-lock of the loadout facility. Bags may be placed in drums for staging and transportation to the landfill. Bags shall be decontaminated on exterior surfaces by wet cleaning and **HEPA** vacuuming before being placed in clean drums.

(6) For transport to the landfill and when not exposed to the elements, components removed intact shall be wrapped in a minimum two layers of 6-mil **poly** secured with tape.

- (7) Asbestos-containing waste with sharp-edged components (e.g. nails, screws, metal lath, tin sheeting) may tear the polyethylene bags or sheeting and shall be placed into drums, or boxes wrapped in a minimum of two layers of 6-mil **poly**, secured with tape.
- (8) After completion of all stripping work, surfaces from which asbestos-containing materials have been removed shall be wet brushed and sponged or cleaned by some equivalent method to remove all visible residue.
- (9) Cleanup shall proceed in accordance with Section 380:50-17-8.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-6. Asbestos encapsulation procedures

Asbestos encapsulation procedures are as follows:

- (1) Isolate and clean the work area in accordance with Section 380:50-17-4.
- (2) Repair damaged and missing areas of existing materials with non-asbestos-containing substitutes. Material must adhere adequately to existing surfaces and provide an adequate base for application of encapsulating agents. Filler material shall be applied in accordance with manufacturer's recommendations.
- (3) Remove loose or hanging asbestos-containing materials in accordance with the requirements of Section 380:50-17-5.
- (4) Bridging-type encapsulants.
 - (A) Apply bridging-type encapsulants according to manufacturer's recommendations.
 - (B) When using a bridging-type encapsulant, use a different color for each successive coat.
- (5) Penetrating-type encapsulants.
 - (A) Apply penetrating-type encapsulant according to manufacturer's recommendations.
 - (B) Apply penetrating-type encapsulant to penetrate existing sprayed asbestos materials uniformly down to substrate.
 - (C) During treatment with a penetrating-type encapsulant, the contractor shall remove selected core samples of the asbestos-containing materials to check the depth of penetration.
- (6) Apply encapsulants using airless spray equipment.
- (7) Cleanup shall be in accordance with the requirements of Section 380:50-17-8.
- (8) Encapsulated asbestos-containing materials shall be provided with caution labels printed in letters of sufficient size and contrast as to be readily visible and legible. Each room or area where the conditions requiring such labels exist shall have a minimum of one (1) such label, and such additional labels as may be necessary to ensure ready visibility and legibility. Piping shall have labeling or marking as specified in the project design. The label shall read:
**CAUTION:CONTAINS ASBESTOS FIBERS; AVOID CREATING DUST
ASBESTOS IS A CANCER AND LUNG DISEASE HAZARD**
- (9) Encapsulants shall not be applied to asbestos surfaces which have been water damaged, or which are subject to water or physical damage after encapsulation, or which exhibit signs of delamination.
- (10) Encapsulants shall not be applied to any asbestos surface unless:

- (A) The asbestos surface has first been tested for substrate adhesion and/or encapsulant penetration in locations to be determined by **DOL** and by a method determined by **DOL**, and
- (B) The encapsulant has been certified by Underwriters Laboratories to be a rated component of the fireproofing system.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-17-7. Asbestos abatement enclosure procedures

Asbestos abatement enclosure procedures are as follows:

- (1) Isolate and clean the work area in accordance with Section 380:50-17-4.
- (2) Spray areas that will be disturbed during the installation of hangers or other support/framing materials for the enclosure with water containing the specified surfactant. Keep these areas damp to reduce airborne fiber concentrations.
- (3) Remove loose or hanging asbestos-containing materials in accordance with the requirements of Section 380:50-17-5.
- (4) After installation of hangers and other fixing devices and before installation of enclosure, repair damaged areas of fire-proofing/thermal insulation materials as required using a non-asbestos-containing replacement material. Prepare surfaces and apply replacement material in accordance with manufacturer's recommendations.
- (5) Use hand tools equipped with **HEPA** filtered local exhaust ventilation to drill, cut into, or otherwise disturb asbestos-containing materials during the installation of support systems for the enclosures. (Alternatively, these areas of material could be removed prior to installation of supports.)
- (6) Use materials that are impact resistant and that will provide an airtight barrier once construction is complete.
- (7) Move utilities as necessary and reinstall in a manner which permits proper utilization and does not disturb the integrity of the enclosures.
- (8) Enclosed asbestos-containing materials shall be designated in accordance with Section 380:50-17-6(8) in order to warn building maintenance personnel in the event they are required to disturb the enclosure.

380:50-17-8. Asbestos abatement cleanup procedures

Asbestos abatement cleanup procedures are as follows:

- (1) Remove and place in containers all visible accumulations of asbestos-containing material and asbestos-contaminated debris, utilizing rubber dust pans and rubber squeegees to move material about. Do not use metal shovels to pick up or move accumulated waste. Special care shall be taken to minimize damage to floor sheeting.
- (2) Wet clean all surfaces in the work area using rags, mops and sponges as appropriate.
- (3) Remove the cleaned outer layer of plastic sheeting from walls and floors prior to receiving the visual inspection. Windows, doors, **HVAC** system vents and all other openings shall remain sealed. The negative air machines shall remain in continuous operation. Decontamination enclosure systems shall remain in place and be utilized.
- (4) After cleaning the work area, wait for all surfaces to dry, then **HEPA** vacuum and wet clean all objects and surfaces in the work area again.

- (5) Remove all containers of waste from the work area through the load-out airlock, prior to the visual inspection required in Section 380:50-17-10(1).
- (6) Decontaminate all tools, equipment, and miscellaneous items and remove at the appropriate time in the cleaning sequence.
- (7) Inspect the work area for visible residue. If any accumulation of residue is observed, it will be assumed to be asbestos-containing and the cleaning cycle shall be repeated.
- (8) After the work area has been rendered free of visible residue, a visible coat of a satisfactory lock-down agent shall be applied to all surfaces in the work area including structural members, building components and plastic sheeting on walls, floors, and covering non-removable items, to seal in non-visible residue. The lock-down agent shall be:
 - (A) Tinted to ensure full coverage.
 - (B) Tested as-tinted, and certified by Underwriters Laboratories, to have a fire rating compatible with the area in which it is being used.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-9. Asbestos disposal procedures

Asbestos abatement disposal procedures are as follows:

- (1) As the work progresses, to prevent exceeding available storage capacity on site, sealed and labeled containers of asbestos waste shall be removed and transported to the disposal location.
- (2) Disposal must occur at an authorized site in accordance with regulatory requirements of EPA and applicable state and local guidelines and regulations.
- (3) Transportation to the landfill.
 - (A) Once drums, bags, and wrapped components have been removed from the work area, they shall be loaded into a vehicle for transportation.
 - (B) Asbestos shall be transported only in enclosed trucks or trailers, except when components containing asbestos to be hauled to a disposal or re-use site are of such a size and/or shape that transport in an enclosed truck or trailer is not feasible.
 - (C) The cargo area of the truck shall be free of debris and lined with 6-mil poly to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall be overlapped and taped into place.
 - (D) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall be secured to prevent shifting and bags placed on top. Do not throw containers into truck cargo area.
 - (E) Personnel loading asbestos-containing waste, not in secured containers, shall be protected by disposable clothing including head, body and foot protection and at a minimum, half face-piece, air-purifying, dual-cartridge respirators equipped with high-efficiency filters. Plastic bags and paper drums shall not be considered secured containers.
 - (F) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA filtered vacuum equipment

and/or wet methods as appropriate.

(G) All contractors' vehicles being used at an asbestos abatement site, including trucks and/or trailers used to haul asbestos shall be required to have current vehicle licensing as required by state law.

(H) Trucks and/or trailers used to haul asbestos from an abatement site are subject to inspection by DOL prior to use, unless such inspection is waived.

(I) Any time asbestos-containing materials are being loaded or unloaded, transportation vehicles or trailers shall have warning signs visible from all sides of the vehicle or trailer. Such signs shall be a minimum 20 inches by 14 inches upright format and shall contain the legend set forth in Appendix A of this Chapter.

(J) Anytime asbestos-containing materials are being transported on public roadways in quantities greater than three disposal bags, one disposal barrel, or any amount as wrapped bulk material, the vehicle or trailer shall display U.S. Department of Transportation CLASS 9 placards on each side and each end. No such placard shall be displayed by any vehicle or trailer which does not contain asbestos materials.

(K) Components exposed to the elements must be wrapped with at least two layers of reinforced 6-mil poly secured with tape.

(L) Elongate wrapped components shall be wrapped with a spiral winding of duct tape or other securing medium.

(M) Bulk wrapped components shall be sufficiently wrapped with duct tape or other securing medium as to prevent dislodging of the wrapping.

(4) Disposal at the landfill.

(A) Upon reaching the landfill, trucks are to approach the dump location as closely as possible for unloading of the asbestos-containing waste.

(B) Bags, drums and components shall be examined as they are off-loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags as necessary. (Local requirements may not allow the disposal of asbestos waste in drums. Check with appropriate agency and institute appropriate alternative procedures.)

(C) Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks, unless bulk containers, designed and manufactured to be mechanically unloaded are utilized, provided:

(i) Such containers are handled in accordance with manufacturers specifications.

(ii) Care is taken to prevent puncture or rupture of such containers.

(D) Personnel off-loading containers at the disposal site shall wear protective equipment consisting of head, body and foot protection and, at a minimum, half face-piece, air-purifying, dual-cartridge respirators equipped with high-efficiency filters.

(E) Following the removal of all containerized waste, the truck cargo area shall be decontaminated using HEPA vacuums and/or wet methods to meet the no-visible-residue criterion. Poly shall be removed and discarded along with contaminated cleaning materials

and protective clothing, in bags or drums at the disposal site.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-17-10. Re-establishment of the work area and systems

Re-establishment of the work area shall occur only after the following sequence of procedures has been performed and documented to the satisfaction of the Commissioner:

- (1) After satisfactory completion of the required visual inspection by **DOL**, clearance testing according to Section 380:50-11-2 shall be conducted.
- (2) Remaining **poly** shall be removed from walls and floors and disposed of as ACM, maintaining decontamination enclosure systems and critical barriers as required.
- (3) The contractor shall notify the Commissioner for an inspection of the work area for any remaining visible residue, if such inspection was not waived by the Inspector at the time of the visual inspection. Evidence of contamination will necessitate additional cleaning requirements in accordance with Section 380:50-17-8.
- (4) Additional air monitoring shall be performed if additional cleanup is necessary.
- (5) Critical barriers may be removed and disposed of as asbestos-contaminated waste.
- (6) Replace all items or equipment removed in accordance with Section 380:50-17-4(4), as appropriate.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-11. Salvaged equipment and material

Items to be salvaged must be properly decontaminated.

380:50-17-12. Abatement activities in occupied areas

No abatement activity shall take place in occupied areas or buildings unless the contractor has taken sufficient measures to protect the health and safety of occupants of the building or area.

- (1) Contaminated areas shall be sufficiently secure as to prevent escape of asbestos fibers into occupied areas.
- (2) The job site shall be sufficiently secured to prevent entry in to unsafe or contaminated areas. Taped plastic or warning ribbon shall be deemed insufficient for site security when the job site is unoccupied.
- (3) There must be sufficient routes of escape during abatement activities in occupied buildings to meet applicable local and state fire codes.
- (4) No abatement activity shall take place in any occupied building or area during normal operating hours unless the abatement activities can be isolated and secured from the activities of the building or area, and from intrusion by occupants of the building or area.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92]

380:50-17-13. Industrial applications of rules

Subchapter 19 of this Chapter is intended primarily for interior, non-industrial settings and may not be suitable in particular instances of industrial applications. In such cases, an industry or contractor may submit, in advance, an

alternate plan of action to accomplish abatement in:

- (1) A unique circumstance, or
- (2) A plan to cover typical and repetitive circumstances.
- (3) Any abatement in containments not totally enclosed, or in glovebags, may take place only when a containment or wind wall at least three (3) feet above the highest removal point has been constructed and measures have been taken by the contractor to keep wind velocities within the containment or glovebag area below fifteen (15) miles per hour, as measured by an anemometer to be available at the job site at all times.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-17-14. Demolition procedures

For structures to be demolished and for which there is no probability of occupancy, the Department of Labor will, upon application, generally relax some procedures, including:

- (1) Sections 380:50-11-1(1) and (2) on personal and area monitoring, providing workers are in pressure-demand, supplied-air respirators.
- (2) Section 380:50-11-1(3) on outside sampling, provided there are no adjacent occupied areas.
- (3) Section 380:50-11-2 on clearance monitoring and Sections 380:50-17-4(7) through 380:50-17-4(9), and Sections 380:50-17-8(2) through 380:50-17-8(4), on contractor procedures, providing all surfaces are thoroughly sprayed with a lock-down encapsulant after cleanup.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

SUBCHAPTER 19. VARIANCES

380:50-19-1. Request for variance

Any request for variance from this Chapter shall be in writing. The basis for the variance must be included in the request, as well as steps to be taken by the asbestos contractor to ensure that the intent of the regulations will be fully complied with. Any variance granted will be on its own merits and may not be used to justify any future similar variance.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-19-2. Basis for variance [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

380:50-19-3. Inability to use variance [REVOKED]

[Source: Revoked at 9 Ok Reg 3309, eff 7-27-92]

SUBCHAPTER 21. NON-FRIABLE ASBESTOS-CONTAINING MATERIAL PROCEDURES [REVOKED]

380:50-21-1. Non-regulated, non-friable asbestos procedures [REVOKED]

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Revoked at 27 Ok Reg 1887, eff 7-1-10]

380:50-21-2. Regulated, non-friable asbestos procedures [REVOKED]

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

SUBCHAPTER 23. MISCELLANEOUS FRIABLE ASBESTOS MATERIAL ABATEMENT PROCEDURES

380:50-23-1. Vinyl-asbestos floor tile and sheet flooring abatement requirements

Removal of vinyl asbestos floor tile which has been classified as **RACM** and sheet flooring may be done using the following procedures:

- (1) Removal shall be done only by licensed Asbestos Abatement Contractors, using only Asbestos Abatement Workers.
- (2) The Department of Labor shall be notified of all such removals, in accordance with Section 380:50-9-1 of these rules.
- (3) Workers shall wear, at a minimum, a full-face air purifying respirator with **HEPA** filters. If organic solvents are used, both **HEPA** and organic filters shall be utilized, as required.
- (4) Air monitoring shall be in conformance with Subchapter 11 of these Rules.
- (5) There shall be a decontamination shower adjacent to the work area, or in a location convenient to the work area, protected from the public. If the shower is not adjacent to the work area, workers shall put on a clean protective suit to walk to the shower, keeping the respirator in place.
- (6) The work area shall be properly secured and marked.
- (7) All air handlers effecting the work area shall be disabled.
- (8) All electrical power within arms reach of the floor shall be locked out or securely covered to prevent water intrusion or contact by workers.
- (9) Critical barriers shall be erected.
- (10) There shall be a minimum of one layer of 4-mil **poly** covering the walls.
- (11) There shall be sufficient negative air machines in the work area to provide 4 air changes per hour. The negative air machines need not be externally vented.
- (12) Asbestos-containing adhesive may be removed by manually scraping, or with the use of non-toxic, low flammability solvents, provided necessary precautions are taken.
- (13) Any water escaping from the work area shall be considered to have created a breach of containment, and shall be handled accordingly, including immediately contacting **DOL**.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-23-2. Asbestos-containing duct tape abatement requirements

Because of the low potential hazard of removing asbestos-containing duct tape while wet, removal of this tape may be done using the following procedures:

- (1) The tape may be removed only by a licensed asbestos abatement contractor, using only licensed asbestos abatement workers.
- (2) Workers shall wear a protective suit, gloves, and at a minimum, a full-face air purifying respirator. Workers may put on a clean disposable suit over the one being worn, and walk to the next area of tape to be removed. The outer suit may be removed during the work, and used repeatedly for walking either to other tape removal areas, or to a convenient shower at the end of the work period.

- (3) Tape on air handling equipment or ductwork may be removed only while the air handlers are off.
- (4) The tape may be removed only from areas that are unoccupied at the time and have critical barriers established.
- (5) The area under the tape is to be covered with a 6-mil **poly** drop cloth.
- (6) The tape is to be saturated with a wetting agent. Detergent-based residential type cleaning agents may be used.
- (7) The tape is to be peeled away and dropped into a properly labeled asbestos disposal bag.
- (8) The surface under the tape is to be cleaned with a cloth soaked in wetting agent, and the cloth then placed in the asbestos disposal bag.
- (9) The drop cloth is to be rolled or folded and placed in the asbestos disposal bag.
- (10) After drying, the area under the tape is to be sprayed or brushed with paint, varnish, shellac, or other sealant. Care should be taken with flammable sprays.
- (11) Passive air monitoring in the area after tape removal shall be done. Clearance levels shall be 0.01 fibers per cubic centimeter, or the background level, whichever is higher.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-23-3. Asbestos-containing ceiling tile abatement procedures

Removal of friable asbestos-containing ceiling tile may be done using the following procedures.

- (1) All required Department of Labor notices and State Department of Environmental Quality **NESHAPS** notices must be filed with those agencies.
- (2) Prior to the start of the ceiling tile removal project, the Department of Labor must make an on-site inspection of the area to determine the applicability of these procedures. The inspector will determine at that time if electrical power above the ceiling grid must be de-activated.
- (3) All air handler units (heaters, air-conditioners, blowers) must be turned off.
- (4) The ceiling tile removal may only be done when the work area is not occupied.
- (5) All movable items must be removed from the room.
- (6) Decontamination facilities must be established, but need not be contiguous with the tile removal area provided:
 - (A) Workers can travel to the facilities without endangering the general public or the environment.
 - (B) Workers are thoroughly **HEPA** vacuumed and wear a clean protective suit over the existing suit.
- (7) Critical barriers must be erected.
- (8) Workers must wear protective full body coveralls and full-face respirators.
- (9) Negative air machines in the tile removal area must be installed, vented internally, and provide a minimum of one air change each 30 minutes. A 6-mil **poly** drop cloth must be used under the work teams, in case a tile falls.
- (10) Workers shall work in teams, with one worker removing and bagging tiles, and one worker holding a **HEPA** vacuum near the grid.

- (11) Tiles must be placed in 6-mil asbestos-marked bags, sealed with duct tape. This bag must be placed in a second bag for transport.
- (12) The tiles must be disposed of in an approved asbestos landfill, and copies of waste shipment records provided to the Department of Labor.
- (13) The grid shall be **HEPA** vacuumed and wet wiped.
- (14) Air monitoring tests must be run in accordance with Subchapter 11 of these rules.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01; Amended at 27 Ok Reg 1887, eff 7-1-10]

380:50-23-4. Asbestos-containing ceiling texturing procedures

Many ceilings of schools, office buildings, and homes have been constructed of gypsum board covered with a thin layer of texturing compound, and then painted. Much of this texturing compound contains small asbestos particles to provide the textured surface. This type ceiling, when in place and undamaged does not constitute a significant health risk. The Labor Department does not consider the painting of such a ceiling to be an asbestos encapsulation, and therefore does not require such painting to be done by an asbestos contractor, and no special precautions related to asbestos need be taken. If the texturing material is seriously damaged or de-laminates, an individual determination of the potential risk must be made. Removal of this material constitutes an asbestos abatement project and may be done using the following procedures:

- (1) All required Department of Labor notices and State Department of Environmental Quality **NESHAPS** notices must be filed with those agencies.
- (2) All air handler units (heaters, air-conditioners, blowers) must be turned off.
- (3) The ceiling texturing removal may only be done when the work area is not occupied.
- (4) All movable items must be removed from the room.
- (5) Decontamination facilities must be established, but need not be contiguous with the ceiling texturing removal area if workers can travel to the facilities without endangering the general public or the environment.
- (6) Critical barriers must be erected.
- (7) A single layer of wall and floor **poly** must be erected in compliance with the requirements of Section 380:50-17-4 of these Rules.
- (8) Workers must wear protective full body coveralls and full-face respirators.
- (9) Negative air machines must be installed in the removal area, vented internally, and provide a minimum of one air change each 30 minutes.
- (10) Air monitoring tests must be run in accordance with Subchapter 11 of these rules.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

SUBCHAPTER 25. CONTRACTOR WORK FEE

380:50-25-1. Contractor fee

Contractors shall pay to the Department of Labor a fee of:

- (1) One thousand dollars (\$1000.00) for each separate containment area of any asbestos abatement project.

(2) For projects which are not a part of a definite containment area, or are performed with multiple glovebags or miniature containments, a fee of Three Hundred Fifty Dollars (\$350.00), plus Ten Dollars (\$10.00) per such glovebag or miniature containment, shall be paid.

(3) Abatement projects which are undertaken by an owner or agent of an owner as a part of an operation and maintenance program under Section 380:50-14 shall be charged a fee of Two hundred fifty dollars (\$250.00) per month for any month in which abatement took place. Failure to pay the required fee will void the operation and maintenance program, making subsequent abatement fall under the full scope of this Chapter.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-25-2. Payment requirements

Payment shall be made to the Department of Labor as billed to the contractor according to the following:

(1) Payments shall be due 60 days after billing.

(2) Contractors who have not paid the fee within 90 days of billing may be barred from further abatement work, whether public or private, as long as the fee is past due.

(3) Contractors with accounts 120 days past due may have license revocation proceedings filed against them.

(4) Fees for **O&M** procedures under Section 380:50-14-1 shall be paid on a monthly basis, along with submittal of the monthly report.

[Source: Amended at 9 Ok Reg 3309, eff 7-27-92; Amended at 18 Ok Reg 3523, eff 9-14-01]

380:50-25-3. Public entity exemption from fees

Asbestos abatement projects on property owned by any political subdivision of the State of Oklahoma are not exempt from the contractor's work fee.

[Source: Amended at 34 Ok Reg 1721, eff 9-15-17]

380:50-25-4. Industrial exemption from fees

Asbestos abatement projects done under the industrial exemption provision of these rules are exempt from the contractor's work fee.

SUBCHAPTER 27. INDUSTRIAL EXEMPTIONS

380:50-27-1. Industrial Exemption

(a) Private entities engaged in removal, encapsulation, or enclosure, within their own facilities and with their own employees, of friable asbestos containing materials related to industrial functions in areas not accessible to the general public, shall be exempt from the provisions of these rules except:

(1) Any transportation of asbestos-containing material shall be done by a contractor fully meeting the requirements for the definition of "asbestos hauler" in Section 380:50-1-1.

(2) Such asbestos hauler must provide **DOL** with the waste shipment record requirements of Section 380:50-9-7.

(3) Such employees shall be subject to accreditation requirements of the **OAP**.

(4) Exempt facilities shall be subject to inspections by **DOL** for the purpose of verifying such accreditation

(b) This exemption does not apply to asbestos abatement undertaken during demolition of industrial facilities due to plant closures.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92; Amended at 15 Ok Reg 3247, eff 7-13-98; Amended at 18 Ok Reg 3523, eff 9-14-01]

SUBCHAPTER 29. IMPLEMENTATION DATE

380:50-29-1. Implementation date

These rules shall become effective on July 1, 1992 except:

- (1) The provisions of Section 380:50-4-3 shall become effective October 1, 1992.
- (2) The provisions of Section 380:50-5-8 shall become effective January 1, 1993.
- (3) The provisions of Section 380:50-17-2(a) requiring nylon reinforced and/or, fire retardant **poly** shall become effective January 1, 1993.

[Source: Added at 9 Ok Reg 3309, eff 7-27-92]

APPENDIX A. VEHICLE WARNING SIGNS

Figure 1

DANGER ASBESTOS DUST HAZARD CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only Notation
1 inch Sans Serif, Gothic, or Block
1 inch Sans Serif, Gothic, or Block
3/4 inch Sans Serif, Gothic, or Block
14 Point Gothic

[Source: Added at 34 Ok Reg 1721, eff 9-15-17]

CHAPTER 55. AMUSEMENT RIDE SAFETY RULES

Editor's Note: Effective 8-26-09, the law requiring the Department of Labor to promulgate rules necessary for certification of amusement ride operators [40 O.S., §471] was repealed and a new statute was enacted [40 O.S., §472], and any rules promulgated pursuant to 40 O.S., §471 were declared to be null and void [40 O.S., §473]. Prior to this legislation, the Department of Labor had promulgated amendments to OAC 380:55-1-2 and OAC 380:55-13-1 [see 26 Ok Reg 1681], pursuant to the earlier statute [40 O.S., §471]. However, because these amendments were not scheduled to become effective until 3-1-10 (after the 8-26-09 effective date of the legislation), the amendments to OAC 380:55-1-2 and OAC 380:55-13-1 were deemed null and void and did not become effective on 3-1-10 as scheduled. The 3-1-10 amendatory action, therefore, has not been cited in the

source notes for these two sections in the Code.

[Authority: 40 O.S., §§ 460 et seq.]

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

380:55-1-1. Purpose

These rules are promulgated as required by Title 40 O.S. Section 460. They are specific as to definitions, adopted national standards, rules, and regulations for the safe installation, repair, maintenance, use, operation, and inspection of amusement rides in Oklahoma.

380:55-1-2. Definitions²

The following words and terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means the Amusement Ride Safety Act, 40 O.S. § 460 *et seq.*

"Actual inspection time" means the time the inspector is at the amusement area include: unloading, erection, relocating, set up, testing, observation, repair maintenance and delays incident hereto.

"Alteration" means any change in either the structural or operational characteristics of the amusement ride which will alter its performance from that specified in the design criteria of the manufacturer. [40 O.S. 460.1]

"Amusement area" means that which is commonly referred to as the midway. An area occupied by an activity, exposition show or amusement ride or rides. It is principally devoted to offering amusement exhibits, or entertainment to the public. All structures that receive electrical power from an independent source, which also serves amusement rides and attractions, are included within the amusement area.

"Fees" mean those fees provided for in the Amusement Ride Safety Act and further defined in Subchapter 5 of this Chapter.

"Inspection" means the process by which inspectors determine the safety status of an amusement ride at the scheduled inspection site. It also means attempted inspections of rides registered with the owner that would have been inspected had the show arrived at the site as scheduled.

"Inspector" means an individual determined qualified by the Commissioner of Labor based upon the inspectors background, training and experience who inspects amusement rides covered by the Act. Inspectors so qualified may be issued an appropriate identification card by the Commissioner of Labor.

"Operator" means the person who is physically operating the ride during that period of time when it is open to the public.

"Owner" includes the term "operator" as that term is defined in the Act.

"Red tag" means a red colored tag affixed to a ride or a part thereof, by an inspector indicating to the public and the owner that the ride is in violation of the Act and therefore shall not be operated.

"Registration number" means a number permanently assigned to each amusement ride. The number tag is to be permanently affixed for identification purposed to a main structural member of the ride and shall not be removed unless so directed by an inspector.

"Scope of inspection" includes: access and egress ramps, steps, walkways, the mechanical or physical ride itself to include foundation, supports, and blocking. Also included within the scope are power sources and amusement area or midways which may become hazardous to the public.

"Show" means a group of rides, the property of one or more owners.

"Written order for the temporary cessation of operation" means a written order will be provided to the onsite owner, manager, or operator. It shall be signed by the inspector, identify the safety violation and the correction necessary. It shall be countersigned by the onsite owner, manager, or operator.

[Source: Amended at 10 Ok Reg 3083, eff 6-25-93; Amended at 11 Ok Reg 4215, eff 7-25-94; Amended at 15 Ok Reg 3263, eff 7-13-98; Amended at 18 Ok Reg 410, eff 12-12-00 through 7-14-01 (emergency)¹; Amended at 18 Ok Reg 3538, eff 9-14-01]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), the text of section 380:55-1-2 reverted back to the text that became effective 7-13-98, as was last published in the 2000 OAC Supplement, and remained as such until amended again by permanent action on 9-14-01.

EDITOR'S NOTE: ²See Editor's Note at beginning of this Chapter 55.

380:55-1-3. Penalties

(a) For any violation of the Oklahoma amusement ride safety statutes or rules, the Commissioner may assess an administrative fine of not more than one thousand dollars (\$1000.00) per violation, per day, which fine may be assessed in addition to any other penalty provided pursuant to this Act. All funds received as payment for administrative fines shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund.

(b) Payment for the fines set forth in subsection (a) of this section shall be due within thirty (30) days of issuance of a citation by the Commissioner or designee. Any person wishing to contest any of the aforementioned fines shall, within thirty (30) days of issuance of the fine or fines, petition the Commissioner or designee, in writing, for an administrative hearing. If requested, the hearing shall then be scheduled by the Commissioner or designee as provided in the Administrative Procedures Act.

(c) Any person failing to comply with a fine assessment or other administrative order of the Department within ninety (90) days of issuance of such assessment or order shall be subject to suspension and/or revocation of all certificates of inspection issued to the person by the Department of Labor. The Department may not renew a certificate of inspection until all outstanding fine assessments have been paid unless timely appeal of the assessment(s) was made and the appeal is still pending.

[Source: Added at 34 Ok Reg 1728, eff 9-15-17]

SUBCHAPTER 3. ELECTRICAL SAFETY REQUIREMENTS

380:55-3-1. General requirement

The National Electrical Code (ANSI/NFPA 70) is adopted as the electrical code. All electrical wiring, equipment, and apparatus used for amusement devices or for lighting shall be properly installed, operated and maintained by trained, competent people. Electrical equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees or to the general public.

380:55-3-2. Generator grounding

Where electrical power is supplied for an amusement device or a temporary structure by a privately operating generating system, the generator and all equipment shall be properly grounded.

380:55-3-3. Grounding of devices

Each electrically powered amusement device shall be effectively grounded. The grounding shall be made effective as to all noncurrent carrying metal parts which may become energized and which are exposed to contact by any person.

380:55-3-4. Master switch

Each electrically operated amusement device not designed to be controlled directly by the passenger shall be provided with a disconnect power switch accessible to the operator.

380:55-3-5. Overcurrent protection (fuse or circuit breaker)

Conductors shall be provided with overcurrent protective devices in accordance with their ability to safely conduct current and according to load. No such device shall be installed in neutral or grounding conductors. Overcurrent protection shall be maintained at all times the electrical system is operated.

380:55-3-6. Overhead power lines

All amusement rides shall be placed or erected in accordance with the most current edition of (ANSI/NFPA 70) Article 525-12 (a)(b) of "The National Electric Code."

[Source: Amended at 19 Ok Reg 2797, eff 7-25-02]

380:55-3-7. Portable power outlets and midway boxes

Portable power outlets and midway boxes shall be constructed of metal or wood not less than 3/4" thick or other materials approved in advance of operation. Distribution within the box shall be provided by properly lugged terminal bars. Boxes shall be rain tight with exterior openings at least six (6) inches above ground level and shall be provided with protective covers, draining eaves or canvas

380:55-3-8. Protection of employees

No employee shall be permitted to work in such proximity to any part of an electrical power circuit that he may contact in the course of his work unless he is protected against shock by de-energizing the circuit, grounding it, or guarding it by effective insulation. If protection is supplied by de-energizing the circuit, the switch controlling the circuit shall be locked out to prevent inadvertent closing.

380:55-3-9. Warning signs

Signs warning of High Voltage shall be posted where other than qualified employees might come in contact with live parts.

SUBCHAPTER 5. FEES

380:55-5-1. Three different fees

(a) There are three different fees effective September 15, 2017:

- (1) A fee is charged for the annual ride registration.
 - (2) A per ride inspection fee is charged for inspection which includes physical inspection of the ride during erection, set up, and/or during operation.
 - (3) An annual safety compliance audit fee may be charged, which includes a review of safety-related processes and documentation.
- (b) In the event that an owner or operator's show will delay the inspection as scheduled, the Department of Labor shall be notified 24 hours in advance otherwise a fee shall be charged for the scheduled inspection of all active rides at \$100.00 per hour.

[Source: Amended at 11 Ok Reg 4215, eff 7-25-94; Amended at 34 Ok Reg 1728, eff 9-15-17]

380:55-5-2. No fee for surveillance

No fee will be charged for ride operation surveillance after a certificate of inspection has been issued at the operating site unless in the judgment of the inspector reinspection is necessary.

380:55-5-3. Fees due within 30 days

Fees are due and payable to the Labor Department within thirty (30) days from the date of the invoice. Make checks payable to the Oklahoma Labor Department.

380:55-5-4. Overdue fee accounts

No ride of an owner who has a fee account more than thirty (30) days past due shall be inspected or permitted to operate until the balance of the fee account is paid in full by cashier's check or money order and received by the Department of Labor.

[Source: Amended at 14 Ok Reg 2975, eff 7-13-97]

380:55-5-5. Criteria for type determination

Criteria for type determination of amusement rides are as follows:

- (1) Permanent amusement device: a device which is used, or intended to be used, as an amusement device that is erected to remain a lasting part of the premises.
- (2) Temporary amusement device: a device which is used as an amusement device that is regularly relocated with or without disassembly.
 - (A) Complex: any temporary amusement device with a setup time of one man-hour or more.
 - (B) Non-complex: any temporary amusement device with a setup time of less than one man-hour.
- (3) Inflatable amusement device: an amusement ride or device consisting of air-filled structures designed for commercial use where the public pays a price to rent or use such a device as specified by the manufacturer, and may include, but not be limited to, bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers and rely upon air pressure to maintain their shape.
- (4) Substantial amusement device: a device which is used as an amusement device and is substantial in its size or complexity, such that an inspection of the device is complex.

(5) Water amusement device: an amusement device that uses water as a means of transport or entertainment and its height exceeds 18 feet or its structure is complex.

(6) Other amusement device: all other amusement devices not classified in paragraphs (1)-(5) of this subsection.

[Source: Added at 11 Ok Reg 4215, eff 7-25-94; Amended at 26 Ok Reg 1681, eff 3-1-10; Amended at 34 Ok Reg 1728, eff 9-15-17]

380:55-5-6. Fees

(a) The annual amusement ride registration fee shall be up to \$100.00.

(b) The annual inflatable registration fee shall be up to \$50.00.

(c) The inspection fee shall be:

(1) up to \$100.00 per amusement ride, per inspection;

(2) up to \$50.00 per inflatable, per inspection, when 1-20 inflatables are inspected at one time;

(3) up to \$35.00 per inflatable, per inspection, when more than 20 inflatables are inspected at one time;

(4) up to \$500.00 per substantial amusement device, per inspection;

(5) up to \$50.00, for one seasonal safety compliance audit;

(6) up to \$100.00 per water park ride, per dry inspection;

(7) up to \$50.00 per water park ride, per wet inspection;

(8) up to \$300.00 per other ride, per inspection;

(d) The licensing fee for third party inspectors shall be \$50.00.

(e) Prior to the beginning of each calendar year, the Commissioner of Labor shall prepare a schedule of fees to be charged during the following year for the registration and inspection, by amusement ride type, of all amusement rides in this state. No fee shall exceed the maximum fee listed in this section for each amusement ride type. The fee schedule shall be posted on the Department of Labor's publicly accessible website and shall be made available at the Department of Labor's office. The schedule of fees shall be accompanied by an explanation of the Amusement Ride Safety Program's revenue and expenses for the preceding fiscal year and the Amusement Ride Safety Program's expected revenue and expenses for the upcoming fiscal year. The schedule of fees shall be designed to generate revenues sufficient to implement and enforce the Department of Labor's Amusement Ride Safety Program but projected fiscal year revenues should not exceed projected fiscal year expenses.

[Source: Added at 34 Ok Reg 1728, eff 9-15-17]

SUBCHAPTER 7. FATALITY OR INJURY REPORTING/INVESTIGATION

380:55-7-1. Reporting ride related fatalities or injuries

The following reporting rules pertain to those ride related fatalities or injuries to the public occurring within the inspection scope of the Amusement Ride Safety Act and this Chapter.

(1) Injuries requiring more medical treatment than "on site" first aid, and fatalities shall be reported by the owner/operator or his designee to the Commissioner of Labor or designee immediately after the protection of life, limb, and property. "On-site" first aid shall be considered that immediate medical attention limited to minor wound dressing, hot or cold compresses, anti-bacterial ointments, etc. which could reasonably be assumed as all treatment needed for an injury.

(2) Injuries requiring "on-site" first aid medical treatment only shall be reported to the Commissioner of Labor or the Commissioner's designee by the end of the next working day.

(3) All injuries shall be recorded and maintained in a log. This log shall be kept on site and available for review by the State ride inspector during normal business hours. Entries into the log shall contain a minimum amount of information, to include:

- (A) Date and time injury occurred,
- (B) Description of injury,
- (C) Name of ride and area of midway where injury occurred,
- (D) Name, age, address, and telephone number of injured person(s),
- (E) Name, age, address, and telephone number of all witnesses to the injury.

[Source: Amended at 19 Ok Reg 2797, eff 7-25-02]

380:55-7-2. Investigation of ride related fatalities or injuries

The Commissioner of Labor shall have authority to investigate all ride related fatalities and injuries as defined in 380:55-7-1. No ride involved in a fatality or injury as described in 380:55-7-1 (1) shall be operated, moved, repaired, or tampered with, except to protect life, limb, and property, until authorized by the Commissioner of Labor or designee. Three (3) work days shall normally be considered sufficient to complete the mechanical inspection portion of the investigation.

[Source: Amended at 19 Ok Reg 2797, eff 7-25-02]

SUBCHAPTER 9. INSPECTION

380:55-9-1. Scheduling inspections

(a) No ride shall be operated without having been first inspected at each operating site; therefore, inspections will be scheduled for owners by date required for inspection on a first come first serve basis within available assigned inspectors.

(b) When owners request inspection services, the following information shall be provided:

- (1) Owner's name,
- (2) Requestor's name,
- (3) Number of rides to be set up,
- (4) City and specific location of set up site,
- (5) Date and hour rides are planned to open for business and length of run.

(c) Late or last minute contract approvals require a minimum of 72 hours (3 working days) advance notice to the Department of Labor. The availability of inspectors may be limited to accommodate short notice set up.

380:55-9-2. Inspection of amusement rides

(a) The Commissioner of Labor or a designee will make onsite inspections of amusement rides. No park or amusement ride owner or employee shall interfere with, obstruct or hinder by threat, force, intimidation or otherwise, the Commissioner of Labor or the Commissioner's designee, or refuse to properly answer questions regarding rides, insurance, etc., or refuse the Commissioner of Labor or the Commissioner's designee admittance to any place where the Amusement Ride Safety Act may apply.

(b) Inspection includes, but is not limited to, a review of any necessary documentation and inspection or observation of ride assembly or set-up. Inspection of the ride shall include: foundation, blocking, power lines, midway boxes, other electrical sources, fuel containers, and safe operation of the ride. Inspection of the ride may also include after set-up surveillance or reinspection. The scope of inspection is defined in 380:55-1-2.

(c) Except as otherwise specified, all amusement ride inspections will be performed or supervised onsite by a Department of Labor inspector or an insurance company inspector who is licensed by the Department of Labor.

(d) Criteria for inspection of rides will be based, at a minimum, upon the ride manufacturer's specifications, industry consensus, common inspection practices, criteria contained in the most current edition of the American Society of Testing of Materials (ASTM) standards, and the Amusement Ride Safety Rules. Alterations to the ride manufacturer's specifications, by using after market products, will be permitted provided that ride safety is maintained. Where no manufacturer exists or the manufacturer does not provide the Department of Labor adequate specifications, the Commissioner of Labor shall develop inspection criteria with input from owners, operators, the amusement ride industry and other jurisdictions.

(e) Owners of certain designated amusement rides which must receive a partial inspection prior to erection or set-up will be notified of the requirement in advance if possible. Under normal conditions a partial inspection should not delay the scheduled opening time of a show.

(f) Amusement ride inspections will not be performed during inclement weather nor after dark unless adequate illumination is provided and, in the judgement of the inspector, a proper inspection can be safely completed.

[Source: Amended at 10 Ok Reg 3083, eff 6-25-93; Amended at 14 Ok Reg 2975, eff 7-13-97; Amended at 19 Ok Reg 2797, eff 7-25-02]

380:55-9-3. General requirements

(a) Blocking.

- (1) All rides shall be placed on a good, sound foundation.
- (2) Concrete, cinder, or other hollow blocks shall not be used.
- (3) Cribbing or crossing shall be required when more than two tiers high.
- (4) To keep certain rides from walking, tipping, etc., they shall be staked or sandbagged.

(b) Carriers.

- (1) Carriers must be in good, serviceable condition.
- (2) Safety restraints (lap bars, safety belts, chains, gates, etc.) shall be installed where there is a possibility of passengers being ejected, falling out, or receiving other injuries.
- (3) Cushions and padding shall be in good condition and free of tacks, nails, screws, etc.
- (4) All carriers shall be individually identified by a number or alpha character.

(c) Safety pins.

- (1) All pins, bolts, etc., when required, must be safety locked with appropriate "R" keys, cotter keys, spring keys, or any other type of locking device to keep the pins, bolts, etc. in its proper place.
- (2) All pins must be in place and of proper size and type.
- (3) Nails or similar devices not designed for the intended purpose shall not be used.

(4) The pins and holes shall be reconditioned to the manufacturer's specifications when necessary.

(5) Load carrying bolts and nuts shall be Industrial Fastener Institute Grade Five (5) or higher unless otherwise specified by the ride manufacturer, industry consensus, or common inspection practices.

(d) Ride support (sweeps, chains, spokes, axles, shafts, etc.).

(1) Such support shall be free of cracks, defects, or rusty, corrosive areas.

(2) Testing of critical areas by nondestructive examination, etc., may be necessary for the safety of a ride.

(3) In those instances where the ride manufacturer requires periodic nondestructive examination, or when determined necessary by justifiable cause (i.e., cracks, bends, ride history, etc.), such examinations shall be performed at the owner's expense. The examinations shall be read by an American Society of Nondestructive Testing Level II qualified individual and the part or parts certified by him free of hazardous faults or defects. This certificate shall be filed with the Department of Labor before the ride is operated in this state.

(4) Additional safety devices such as secondary cable supports, extra bracing, etc. may be required when the inspector determines that such device would enhance the safety of the ride.

(e) Speed and overloading. Rides shall be operated within manufacturers' designed speed or RPM rating. Rides and individual carriers shall not be overloaded. As far as practical, ride loads shall be balanced.

(f) Passenger restrictions. Manufacturers' restrictions to passengers as to height, weight, impaired, or other physical problems shall be complied with. The Commissioner of Labor may require more stringent restrictions.

(g) Brakes, clutches, roll backs, safety trips, etc.

(1) Brakes, clutches, roll backs, safety trips, etc. shall be in good working condition,

(2) Lining and shoes shall be serviceable,

(3) Roll back and safety trips shall be of correct strength and size to hold the load.

(h) Guarding. Moving or hot parts (belts, chains, gears, shafts, knuckle joint, exhaust pipes, etc.) that may be injurious to the ride operator or the public, shall be effectively guarded to prevent contact.

(i) Modifications/Alterations. Minor modifications or alterations may be approved if determined by an inspector that ride safety is not affected and an engineer's evaluation is not necessary. Major modifications or alterations and homemade rides may require the filing of an engineer's evaluation with the Department of Labor.

(j) Removable parts. Any removable part, which may, in the inspector's judgment, become dislodged during operation and thereby fall on a passenger or bystander, shall be safe-tied into position (i.e. fluorescent tubes, mirrors, other functional or decorative parts.)

(k) Ride clearance and fencing.

(1) All rides shall be fenced unless otherwise protected.

(2) Fences shall be constructed to adequately protect the public from hazard.

(3) Fences shall be placed so that a person cannot reach over the fence and make contact with the ride or passengers.

(4) Rides shall be so placed as to provide adequate clearance between adjacent rides and structures.

(5) Rides and other midway structures shall not be placed so as to create a hazard or obstruct fire, medical, or other rescue operations.

(l) **Wire Rope.** Wire rope shall be inspected to ride manufactures' specifications when provided. Where the manufacture does not provide inspection specifications, wire rope shall be inspected to the applicable industry standard. Wire rope found to be damaged shall be replaced with new rope of proper design and capacity or repaired by proper splicing. Connecting ends of wire rope shall be properly clamped or fitted.

(m) **Other Inspections.** Political subdivisions shall provide notice in writing to the Commissioner of Labor on or before February 1st of each year requesting inspection authority. Such subdivisions shall provide evidence of ability to perform inspections. The Commissioner of Labor or designee shall review such requests and reveal his or her findings within thirty (30) days. The Commissioner or designee shall also provide thirty (30) days notice of revocation of such authority.

(n) **Exclusions.** Excluded from this Chapter are school playground and public part rides such as swings, see-saw, sliding boards, climbing bars, etc. and small self-service type rides found in shopping centers.

[Source: Amended at 10 Ok Reg 3083, eff 6-25-93; Amended at 19 Ok Reg 2797, eff 7-25-02]

SUBCHAPTER 11. INSURANCE

380:55-11-1. Insurance coverage

(a) **Permanent parks.** On or before 30 days prior to opening, every permanent park owner or operator shall provide to the Department of Labor a certificate of insurance with inclusive dates, as required by the act. All insurance carriers must be authorized to do business in Oklahoma by the State Insurance Commission. The Oklahoma Labor Department shall be shown as the Certificate Holder and notified of any changes.

(b) **Other than permanent parks.** All insurance carriers must be authorized to do business in Oklahoma by the State Insurance Commission. On or before 30 days prior to the intended operation date within this State, the owner or operator shall provide to the Department of Labor documentation of insurance coverage, with inclusive dates, as required by the Act. The Oklahoma Labor Department shall be shown as the Certificate Holder and notified of any changes.

380:55-11-2. Inspectors

(a) Insurance Inspectors shall be licensed (no fee) by the Labor Commissioner. The requirements to become licensed are as follows:

(1) The inspector shall be a full-time employee of an insurance carrier of loss prevention authorized to do business by the Insurance Commission of Oklahoma.

(2) The inspector must, at a minimum, have a current NAARSO level I certification and must provide the Department of Labor with a copy of the certification.

(3) The application shall be in affidavit form specifying that the inspector will abide by all rules adopted by the Labor Commissioner.

(b) The license shall be issued for one (1) year, and is renewable on or before January 31 each year, accompanied by proof of continued employment by the insurance carrier. The license may be revoked for cause.

(c) Insurance inspectors shall transmit legible copies of inspection reports to the Department of Labor within seven (7) calendar days after inspection.

[Source: Amended at 34 Ok Reg 1728, eff 9-15-17]

SUBCHAPTER 13. MISCELLANEOUS

380:55-13-1. Competent operator¹

All amusement rides or devices must be under the control of a competent operator at all times when the ride or device is in operation. Operators shall be trained in the safe operation of the ride. The minimum requirement for training shall be that contained in the most current edition of the American Society for Testing of Materials (ASTM) standards, entitled "Standard Practice for Operation Procedures for Amusement Rides and Devices".

[Source: Amended at 15 Ok Reg 3263, eff 7-13-98]

EDITOR'S NOTE: ¹See Editor's Note at beginning of this Chapter 55.

380:55-13-2. Sanitation and water quality of rides

- (a) Rides shall be kept clean and trash removed to prevent accidents or injury.
- (b) Water quality shall be tested by the Department of Labor personnel in accordance with standards developed by the Oklahoma Department of Health, OAC 310:320.
- (c) Water parks shall maintain the water quality in accordance with standards developed by the Oklahoma Department of Health, OAC 310:320.

[Source: Amended at 26 Ok Reg 1681, eff 3-1-10]

380:55-13-3. Briefing

Inspectors may brief hiring officials as to the results of the inspection to include all violations.

380:55-13-4. Fire protection

An approved ABC type fire extinguisher shall be in immediate proximity of any internal combustion engine or other area where combustibles are stored or are in use. Additional fire extinguishers shall be placed as needed.

380:55-13-5. Gasoline use/storage

Gasoline or flammable liquid use and storage procedures are as follows:

- (1) Rides using flammable liquids for engines must not be filled while the engine is running or passengers are on the ride.
- (2) Only fuel containers designed and marketed for flammable liquids shall be used.
- (3) Flammable liquid containers must be kept away from the ride while it is operating.
- (4) The container must be kept away from the public.

380:55-13-6. Guarding of machinery

Machinery used in or with an amusement device shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

380:55-13-7. Inclement weather conditions

All park owners, amusement ride owners, and ride operators during time of inclement weather resulting in high winds, lightning, and/or any other condition that would render a park or ride unsafe shall be required to close the park and/or the ride until weather conditions are safe.

380:55-13-8. Wood components

Footings, splices, uprights, track timbers, ledges, sills, laps, bracing, flooring and all other wood components of rides, devices and structures shall be inspected for deterioration, breaks, or fractures. Emphasis shall be given to insuring tight nails, bolts, lag bolts and other fasteners. A minimum of eighteen (18) inches of soil, with respect to grade, may be removed around piling or wood members embedded in dirt for support to check deterioration. When wood piling requires replacement, ground level concrete piers shall be used. Wood members found to be defective shall be replaced with material of equal strength and capacity.

380:55-13-9. Shut down

Owners and Managers shall authorize ride operators to shut down rides or parts thereof, when the operator determines continued operation of the ride is hazardous. Operators shall also be authorized to refuse loading of passengers who are restricted by 380:55-9-3 (f).

380:55-13-10. Maintenance

(a) The owner or operator shall perform periodic service and routine maintenance, as required, or recommended by the manufacturer. Where no manufacturer exists the owner or operator shall perform service and maintenance in an ethical, professional, and workmanlike manner. Persons performing regularly scheduled maintenance shall be trained in the safe maintenance of the ride. The minimum requirement for training shall be that contained in the most current edition of the American Society for Testing of Materials (ASTM) standards, entitled "Standard Practice for Maintenance Procedures for Amusement Rides and Devices".

(b) *The owner of an amusement ride shall maintain up-to-date maintenance, inspection, and repair records between inspection periods for each amusement ride in the manner provided by the Commissioner of Labor. The records shall contain a copy of all inspection reports commencing with the last annual inspection, a description of all maintenance performed, and a description of any mechanical or structural failures or operational breakdowns and the types of actions taken to rectify these conditions.* [40 O.S. 460.2]

[Source: Amended at 15 Ok Reg 3263, eff 7-13-98; Amended at 18 Ok Reg 410, eff 12-12-00 through 7-14-01 (emergency)¹; Amended at 18 Ok Reg 3538, eff 9-14-01]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency amendatory action, the last prior permanent text is reinstated. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), the text of section 380:55-13-10 reverted back to the text that became effective on 7-13-98, as was last published in the 2000 OAC Supplement, and remained as such until amended by permanent action on 9-14-01.

380:55-13-11. Operators [REVOKED]

[Source: Revoked at 15 Ok Reg 3263, eff 7-13-98]

380:55-13-12. Bungee Jumping

(a) Bungee jumping is defined as the practice whereby an individual jumps from a stationary object tethered to such object with an elastic cord.

(b) Bungee jumping from mobile platforms and cranes and hot air balloons is prohibited in Oklahoma.

[Source: Amended at 9 Ok Reg 3285, eff 6-15-92 (emergency); Amended at 10 Ok Reg 3083, eff 6-25-93]

SUBCHAPTER 14. SAFETY-RELATED RESPONSIBILITIES

380:55-14-1. Required signage - amusement ride owners

(a) *An amusement ride owner shall display signs indicating the applicable safety responsibilities of riders as set forth in 380:55-14-2 and the location of stations to report injuries. The signs must be located at:*

- (1) *each station for reporting an injury,*
- (2) *each first aid station, and*
- (3) *at each premises entrance and exit.*

(b) *An amusement ride owner shall post a sign at each amusement ride that includes:*

- (1) *operational instruction, if any,*
- (2) *safety guidelines for rider, if any,*
- (3) *restrictions of the use of the amusement ride, if any,*
- (4) *behavior or activities that are prohibited, if any, and*
- (5) *a legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Failure to comply is punishable by fine and imprisonment."*

(c) *Any sign required by this rule must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design.*

(d) *As used in this rule, "sign" means any symbol or language reasonably calculated to communicate information to a rider or the parent or guardian of a rider, including placards, prerecorded messages, live public address, stickers, pictures, video, verbal information, and visual signals. [40 O.S. 460.3]*

[Source: Added at 18 Ok Reg 410, eff 12-12-00 through 7-14-01 (emergency)¹; Added at 18 Ok Reg 3538, eff 9-14-01]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the 7-14-01 expiration of the emergency action), section 380:55-14-1 was no longer effective, and remained as such until added by permanent action on 9-14-01.

380:55-14-2. Rider responsibility

A rider shall:

(1) *obey the reasonable safety rules posted in accordance with law and oral instructions for an amusement ride issued by the owner or the employee of the owner, unless:*

- (A) *the safety rules are contrary to law or rules, or*
- (B) *the oral instructions are contrary to law or rules or the safety rules, and*

(2) *refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:*

- (A) *exceeding the limits of ability of the rider,*
- (B) *interfering with safe operation of the amusement ride,*
- (C) *not engaging any safety devices that are provided,*
- (D) *disconnecting or disabling a safety device except at the express instruction of the ride operator,*

- (E) *altering or enhancing the intended speed, course, or direction of an amusement ride,*
 - (F) *using the controls of an amusement ride designed solely to operated by the ride operator,*
 - (G) *extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator,*
 - (H) *throwing, dropping, or expelling an object from or toward an amusement ride except as permitted by the ride operator,*
 - (I) *getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency,*
 - (J) *not reasonably controlling the speed or direction of the person of the rider or an amusement ride that requires the rider to control or direct the person of the rider or a device.*
- (3) *A rider may not get on or attempt to get on an amusement ride unless the rider or the parent or guardian of the rider reasonably determines that the rider:*
- (A) *has sufficient knowledge to use, get on, and get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use, and get off safely,*
 - (B) *has located, reviewed, and understood any signs in the vicinity of the ride and has satisfied any posted height, medical, or other restrictions,*
 - (C) *knows the range and limits of the ability of the rider and knows the requirements of the amusement ride will not exceed those limits,*
 - (D) *is not under the influence of alcohol or any drug that affects the ability of the rider to safely use the amusement ride or obey the posted rules or oral instructions, and*
 - (E) *is authorized by the amusement ride owner or the authorized employee of the amusement ride owner to get on the amusement ride; and*
- (4) *As used in this rule, "rider" means any person who is:*
- (A) *waiting in the immediate vicinity to get on an amusement ride,*
 - (B) *getting on an amusement ride,*
 - (C) *using an amusement ride,*
 - (D) *getting off an amusement ride, or*
 - (E) *leaving an amusement ride and still in its immediate vicinity.*

[40 O.S. 460.4]

[Source: Added at 18 Ok Reg 410, eff 12-12-00 through 7-14-01 (emergency)¹; Added at 18 Ok Reg 3538, eff 9-14-01]

EDITOR'S NOTE: ¹This emergency action expired before being superseded by a permanent action. Upon expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, from 7-15-01 (after the expiration of the emergency action) until 9-14-01 (the effective date of the next succeeding permanent action), the text of section 380:55-14-2 did not exist, and remained as such until added by permanent action on 9-14-01.

SUBCHAPTER 15. WAIVER SELF-INSPECTIONS

380:55-15-1. Applicability

The Department of Labor has developed a waiver self-inspection program for companies operating temporary amusement devices in order to decrease inspection burdens on owners and operators of temporary amusement devices.

Waiver self-inspections are only applicable to owners and/or operators who operate in Oklahoma for more than 5 (five) sites/locations within the calendar year.

[Source: Added at 12 Ok Reg 3161, eff 7-28-95; Amended at 34 Ok Reg 1728, eff 9-15-17]

380:55-15-2. Waiver requirements

(a) Waiver self-inspection requirements are as follows:

- (1) Owners/Operators must retain, on each site, manufacturers' ride manuals with all bulletins and changes updated and Department of Labor approved ride inspection checklists. The ride manuals and ride inspection checklists shall be under control of the waiver inspector. Current copies of the ride inspection checklists shall be provided to the Department of Labor to be retained on file. Owners/Operators must also retain, on each site, a current copy of the Oklahoma Amusement Ride Safety Act.
- (2) For homemade or out-of-production rides, the owner/operator shall develop an inspection checklist, to be approved by the Department of Labor. The inspection checklist shall be retained on site, under the control of the waiver inspector. Current copies of the ride inspection checklist shall be provided to the Department of Labor to be retained on file.
- (3) After the initial Department of Labor inspection and waiver approval, the ride owner/operator shall cause the initial pre-opening inspections of all amusement rides at each site, including the generator(s), electrical systems, and general midway safety by the approved waiver inspector. The waiver inspector shall be responsible for inspecting all rides on the midway including booked in rides. Inspection documents shall be provided by the owner/operator. The waiver inspector shall also monitor that all rides are being operated in a safe manner on a daily basis. In the event of an unforeseeable emergency or illness, the approved waiver inspector may appoint a substitute waiver inspector who must be approved by the Commissioner of Labor or the Commissioner's designee prior to the inspection.
- (4) The ride owner/operator shall cause the daily pre-opening inspection of each ride, by the operator. Inspection documents shall be maintained by the owner/operator.
- (5) The waiver inspector shall review the operators' daily pre-opening inspection documents on a daily basis. The waiver inspector shall supervise the operators performing daily pre-opening inspections.
- (6) Waiver inspection reports shall be maintained at each site and held for the remainder of the current operating season or calendar year. They shall then be maintained at winter quarters location for not less than 3 (three) years. The Department of Labor may request copies of waiver inspection reports at no charge.
- (7) Waiver self-inspections shall not apply to the Oklahoma State Fair, the Tulsa State Fair, and any midway sites with over 25 (twenty-five) rides.
- (8) The Department of Labor shall be informed of all show dates and locations within Oklahoma. The ride owner/operator must provide the Department with itinerary updates with new additions, cancellations, or other changes. The Department will also be provided a complete list of all rides owned/operated. The list will include ride name, manufacturer, serial number, and Oklahoma registration number, where possible.
- (9) Waiver requests will be granted on an annual basis.

(10) Department of Labor inspectors may spot check rides and self-inspection documentation at any time, without prior notification.

(11) If the approved waiver inspector is not the actual ride/show owner, he must have on file with the Department of Labor a formal letter from the ride/show owner that said waiver inspector is empowered to order cessation of ride operation due to unsafe conditions (mechanical or operational) to include booked in rides.

(12) Non-compliance with waiver requirements, or public safety violations found at the time of the spot checks may result in any or all of the following:

(A) Shut down of the ride(s).

(B) Department of Labor inspection(s) at next set-up(s).

(C) Formal Department of Labor hearing regarding the cancellation of the waiver request for the remainder of the Oklahoma operating season or a period to be determined by the hearing officer.

(D) Issuance of an administrative penalty.

(13) Only approved Department of Labor waiver inspectors may conduct waiver inspections. The Department shall maintain a list of persons who are approved to act as a waiver inspector. No other person may act as, or perform any part of, the waiver inspection.

(b) In addition to the requirements contained in subsection (a), complex temporary amusement device waiver inspections must meet the following requirements:

(1) All complex temporary amusement devices shall have the initial inspection completed by the Department of Labor prior to final waiver approval or operation. After the Oklahoma Department of Labor completes initial inspection, the Department will conduct one mid-season inspection and an annual safety compliance audit. The dates of state inspections are at the discretion of the Department of Labor. The designated waiver inspector for an owner/operator of complex temporary amusement devices shall be required to perform waiver self-inspections on rides that are included in the initial inspection conducted by Department of Labor.

(2) Owners may add new devices to their current waiver cycle only after they have submitted a revised ride list and have been inspected by the Department of Labor.

(3) Complex temporary amusement device waiver self-inspections are subject to NAARSO inspector certification requirements.

(c) In addition to the requirements contained in subsection (a), non-complex temporary amusement device waiver inspections must meet the following requirements:

(1) Non-complex temporary amusement devices shall have the initial inspection completed by the Department of Labor prior to final waiver approval or operation. After the Department of Labor completes the initial inspection, rides requiring less than one (1) man-hour setup time shall receive one Department of Labor mid-season inspection and a Department of Labor annual safety compliance audit.

(2) Owners may add new devices to their current waiver cycle only after they have submitted a revised ride list and have been inspected by the Department of Labor.

(3) Non-complex temporary amusement device self-inspections are exempt from NAARSO inspector certification requirements and may be inspected by the business owner designee who must maintain all inspection records

and make said records available to the Department of Labor.

(d) Inflatable amusement devices must meet the following requirements:

(1) At the beginning of each year, and any time an owner or operator of inflatable amusement devices adds a new inflatable device for operation, the owner or operator shall provide an inventory to the Department of Labor and shall pay the registration fee for each inflatable. If the inflatable device is set up with temporary amusement devices or permanent amusement devices, the inspection schedule will coincide with the temporary and/or permanent amusement devices.

(2) The Department of Labor shall inspect any and all inflatable devices at least annually. The Department of Labor may inspect any and all inflatable devices at any time upon complaint, or at the request of the owner/operator or the public, or if the Commissioner of Labor determines inspection is necessary for the safety of the public.

(3) An inflatable amusement device is subject to all the other provisions regarding amusement devices included in these rules and the Oklahoma Statutes including requirements for maintaining liability insurance and reporting injuries.

[Source: Added at 12 Ok Reg 3161, eff 7-28-95; Amended at 19 Ok Reg 2797, eff 7-25-02; Amended at 34 Ok Reg 1728, eff 9-15-17; Amended at 37 Ok Reg 1970, eff 9-15-20]

380:55-15-3. Waiver self-inspection frequency [REVOKED]

[Source: Added at 12 Ok Reg 3161, eff 7-28-95; Amended at 15 Ok Reg 3263, eff 7-13-98; Revoked at 34 Ok Reg 1728, eff 9-15-17]

380:55-15-4. Required Department of Labor inspections

The Department of Labor will conduct ride inspections for the following:

(1) At the first set-up of the season for portable rides for inspection and registration.

(2) Any newly designed ride or any ride not familiar to the Department of Labor may require additional inspections after the initial registration and inspection.

(3) After any modifications or alterations to the ride.

(4) When the ride manufacturer or other nationally recognized organization(s) issue safety bulletins or recommend safety checks.

(5) Rides may require additional inspections after reportable accidents.

(6) Rides may require additional inspections when the Department of Labor is notified of an accident within another jurisdiction.

[Source: Added at 12 Ok Reg 3161, eff 7-28-95]

380:55-15-5. Inspector qualifications

Inspector qualifications are as follows:

(1) Political Subdivision Inspector

(A) Must be employed by City, county, or other recognized governmental entity.

(B) Must be empowered to order and enforce cessation of ride operation due to unsafe condition.

(C) Must be National Association of Amusement Ride Safety Officials (NAARSO) certified inspector level I (basic).

(D) Must pass a written examination covering Oklahoma amusement ride laws.

- (2) Insurance Inspector
- (A) Must be employed or contracted by an amusement liability insurance carrier listed with the Insurance Commission to do business in Oklahoma.
 - (B) Must be empowered to revoke insurance coverage on rides and attractions because of safety violations and immediately notify the Department of Labor of revocation and noted safety hazards.
 - (C) Must transmit legible copies of inspection reports to the Department of Labor with 7 (seven) calendar days.
 - (D) Must be NAARSO certified inspector Level I (basic); and Level II (advanced) after March 1, 1995.
- (3) Department of Labor Inspector
- (A) Must be employed by the Oklahoma Department of Labor.
 - (B) Must meet the job qualification as listed by the Office of Personnel Management.
 - (C) Must pass a written examination covering Oklahoma amusement ride laws.
- (4) Waiver Inspector
- (A) Must be a full time employee of the amusement ride owner/operator or the owner/operator themselves.
 - (B) Must be empowered to order cessation of ride operation due to unsafe conditions (mechanical and operational).
 - (C) Must be NAARSO certified inspector Level I (basic), after March 1, 1995.
 - (D) Must pass a written examination covering Oklahoma amusement ride laws.
- (5) All inspectors shall be at least 21 (twenty-one) years of age and be issued a certificate of competency by the Department of Labor attesting that they meet the minimum qualifications.

[Source: Added at 12 Ok Reg 3161, eff 7-28-95]

380:55-15-6. Oklahoma law inspectors examination

- (a) The Oklahoma law inspectors examination will consist of 25 (twenty-five) multiple choice questions covering the Oklahoma amusement ride law and rules. The examination will be the open book type. A passing score will be 90% (ninety percent) correct or better.
- (b) The examination may be administered in the Oklahoma City or Tulsa offices, by Department of Labor field inspector, or transmitted by FAX or mail to the examiner.
- (c) Upon achieving a passing score on the Oklahoma law examination, proof of NAARSO certification, and proof of empowerment, the inspector will be issued a certificate of competency.

[Source: Added at 12 Ok Reg 3161, eff 7-28-95]

CHAPTER 60. WORKERS' COMPENSATION ENFORCEMENT RULES

[Authority: 85 O.S., §§ 63.1 and 353 et seq.]

[Source: Codified 12-31-91]

380:60-1-1. Purpose [REVOKED]

[Source: Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-2. Visitation of businesses [REVOKED]

[Source: Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-3. Civil penalty assessment [REVOKED]

[Source: Amended at 11 Ok Reg 4217, eff 7-25-94; Revoked at 16 Ok Reg 3034, eff 7-12-99]

380:60-1-4. Proof of insurance [REVOKED]

[Source: Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-5. Authority to enter [REVOKED]

[Source: Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-6. Interference of duty [REVOKED]

[Source: Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-7.¹ Certificate of non-coverage [REVOKED]

[Source: Added at 11 Ok Reg 4217, eff 7-25-94; Amended at 14 Ok Reg 2976, eff 7-13-97; Amended at 16 Ok Reg 473, eff 10-6-98 (emergency); Amended at 16 Ok Reg 3034, eff 7-12-99; Amended at 17 Ok Reg 887, eff 12-16-99 (emergency); Amended at 17 Ok Reg 2996, eff 7-14-00 ¹; Revoked at 30 Ok Reg 854, eff 7-1-13]

AGENCY NOTE: Pursuant to Senate Bill 1X of the 2005 Special Session, as signed by the Governor on 6-6-05, Section 415.1 of Title 40 of the Oklahoma Statutes was repealed. Therefore, as of 6-6-05, ODOL no longer had the authority to issue CNC Cards nor enforce Sections 380:60-1-7 or 380:60-1-9.

380:60-1-8. Citation of employer [REVOKED]

[Source: Added at 14 Ok Reg 2976, eff 7-13-97; Amended at 30 Ok Reg 854, eff 7-1-13; Revoked at 39 Ok Reg 1866, eff 9-15-22]

380:60-1-9.¹ 30-day certificate of non-coverage [REVOKED]

[Source: Added at 16 Ok Reg 473, eff 10-6-98 (emergency); Added at 16 Ok Reg 3034, eff 7-12-99; Amended at 17 Ok Reg 887, eff 12-16-99 (emergency); Amended at 17 Ok Reg 2996, eff 7-14-00 ¹; Revoked at 30 Ok Reg 854, eff 7-1-13]

AGENCY NOTE: Pursuant to Senate Bill 1X of the 2005 Special Session, as signed by the Governor on 6-6-05, Section 415.1 of Title 40 of the Oklahoma Statutes was repealed. Therefore, as of 6-6-05, ODOL no longer had the authority to issue CNC Cards nor enforce Sections 380:60-1-7 or 380:60-1-9.

CHAPTER 65. OKLAHOMA PROFESSIONAL BOXING RULES [TRANSFERRED]

Editor's Note: Effective 7-1-99, the rules in this Chapter became the rules of the newly-created Oklahoma Professional Boxing Commission, and continued in effect until the Oklahoma Professional Boxing Commission promulgated new rules at OAC 92, effective 6-26-00. [The name of the Oklahoma Professional Boxing Commission was later changed to the Oklahoma State Athletic Commission, effective 7-1-08.] For additional information about the transfer of rules and rulemaking authority, see 3A O.S.Supp.1999, §§ 603 and 604.2.

[Authority: 3A O.S., §§ 603 et seq.]

[Source: Codified 7-27-95]

SUBCHAPTER 1. GENERAL PROVISIONS [TRANSFERRED]

380:65-1-1. Purpose [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-2. Definitions [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-3. Custodian of public records [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-4. Fees for document search and copying [REVOKED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Revoked at 15 Ok Reg 2718, eff 6-25-98]

380:65-1-5. Licenses [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Amended at 16 Ok Reg 2537, eff 6-25-99; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-6. Sanctioning permits [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-7. Tickets and fees [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Amended at 16 Ok Reg 2537, eff 6-25-99; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-8. Administrative hearing and appeals [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-1-9. Procedures to comply with The Professional Boxing Safety Act of 1996 [TRANSFERRED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98; Amended at 16 Ok Reg 2537, eff 6-25-99; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

SUBCHAPTER 3. INDIVIDUALS INVOLVED IN BOXING [TRANSFERRED]

380:65-3-1. Promoters [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-2. Matchmakers [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-3. Boxing and kickboxing referees [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-4. Physicians for boxing and kickboxing [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-5. Timekeepers [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-6. Announcers [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-7. Cornermen [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-8. Judges for boxing and kickboxing [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-9. Participants [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-10. Inspectors [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-11. Managers [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-12. Matchmakers and promoters; liability for lack of judgment in arranging matches; contract restrictions [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-13. Prohibited activities [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-3-14. Disclosure requirements [TRANSFERRED]

[Source: Added at 16 Ok Reg 2537, eff 6-25-99¹; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

EDITOR'S NOTE: ¹Editorially renumbered from 380:65-3-13 to 380:65-3-14 to avoid a duplication in numbering.

SUBCHAPTER 5. BOXING CONTESTS [TRANSFERRED]

380:65-5-1. Boxing weights and classes [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-2. Weighing in [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-3. Licensing requirements, participants [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-4. Ring; dimensions and construction [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-5. Gloves [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-6. Bandage specification [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-7. Mouthpieces [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-8. Participant use or administration of any substance [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-9. Ringside equipment [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-10. Boxing officials [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-11. Contact during contests [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-12. Stalling or faking [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-13.¹ Injuries and cuts [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 627, eff 10-15-97 (emergency); Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

*EDITOR'S NOTE:*¹ Another rule called "Disclosure requirements" was added by the agency at this number (380:65-3-13) on 6-25-99 [see 16 Ok Reg 2537]. The Section was editorially renumbered as 380:65-3-14 prior to publication in the OAC.

380:65-5-14. Knockouts [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-15. Participant outside of ring ropes [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-16. Scoring [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-17. Fouls [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-18. Penalties for fouling [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-19. Holding of purses [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-20. Physical examination [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-21. Identification; I.D. cards [REVOKED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Revoked at 15 Ok Reg 2718, eff 6-25-98]

380:65-5-22. Dress for participants [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-23. Failure to compete [REVOKED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Revoked at 15 Ok Reg 627, eff 10-15-97 (emergency); Revoked at 15 Ok Reg 2718, eff 6-25-98]

380:65-5-23.1. Lapse Time [TRANSFERRED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-24. Procedure after knockouts or sustained damaging head blows [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-25. Drug testing [TRANSFERRED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Amended at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-26. Ring construction; equipment; safety zone [SUPERSEDED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98]

380:65-5-27. Ringside physician [SUPERSEDED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98]

380:65-5-28. Female participants [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-5-29. Championship Bouts [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

SUBCHAPTER 7. SEMI-PROFESSIONAL ELIMINATION CONTESTS [REVOKED]

380:65-7-1. Semi-professional elimination contests [REVOKED]

[Source: Added at 12 Ok Reg 3165, eff 7-27-95; Revoked at 14 Ok Reg 906, eff 1-13-97 (emergency); Revoked at 14 Ok Reg 2979, eff 7-13-97]

SUBCHAPTER 9. WRESTLING CONTESTS [TRANSFERRED]

380:65-9-1. General provisions [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-9-2. Licensing requirements; provisions [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-9-3. Ring construction; equipment; safety zone [TRANSFERRED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-9-4. Ringside physician [TRANSFERRED]

[Source: Added at 15 Ok Reg 627, eff 10-15-97 (emergency); Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

SUBCHAPTER 11. KICKBOXING CONTESTS [TRANSFERRED]

380:65-11-1. General provisions [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

380:65-11-2. Licensing requirements [TRANSFERRED]

[Source: Added at 15 Ok Reg 2718, eff 6-25-98; Transferred to Oklahoma Professional Boxing Commission (OAC 92), eff 7-1-99 (see Editor's Note at beginning of this Chapter)]

CHAPTER 70. ELEVATOR SAFETY ACT

Editor's Note: Effective 11-1-06, statutes authorizing the Construction Industries Board to promulgate "Elevator Injury Reporting" rules in OAC 158:20 were repealed and a new Elevator Safety Act was enacted, which effectively transferred the Construction Industries Board's rulemaking authority to the Department of Labor [see Laws 2006, c. 206 and 59 O.S., §§ 3020 et seq.]. After issuing emergency rules on 11-1-06, the Department of Labor later superseded the emergency rules with permanent rules in this new Chapter 70 on 6-25-07. For text of the emergency rules that became effective on 11-1-06, see 24 Ok Reg 29. For rules of the Construction Industries Board effective prior to 11-1-06, see OAC 158:20 in the 2006 Edition of the OAC.

[Authority: 59 O.S., §§ 3021 et seq.]

[Source: Codified 6-25-07]

SUBCHAPTER 1. GENERAL PROVISIONS

380:70-1-1. Purpose

These rules are promulgated as required by Title 59 O.S. Section 3020 et seq. They are specific as to definitions, adopted national standards, rules and regulations for the safe construction, installation, inspection, operation, maintenance, repair, alteration and licensing of elevators and conveyances, as defined herein, and the licensing of elevator contractors, elevator mechanics, and elevator inspectors.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Acceptance Test" means a test or a group of tests required by the applicable standard that are performed prior to a conveyance being placed into service or after an approved alteration.

"The Act" means the Oklahoma Elevator Safety Act, Title 59 of the Oklahoma Statutes, Sections 3020 et seq. and the Administrative Rules contained in this Chapter.

"Alteration" means any change, including major repair, made to an existing elevator, escalator, moving walkway or conveyance, its hoistway, enclosure, doors, and controls, other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation. The changing of the speed governor shall be considered an alteration.

"Annually" means a period of twelve (12) calendar months.

"ANSI" means the American National Standards Institute, 1819 L Street NW, 6th Floor, Washington, D.C., 20036.

"ASME" means the American Society of Mechanical Engineers, 3 Park Avenue, New York, NY, 10016-5990.

"ASSE" means the American Society of Safety Engineers, 1800 E. Oakton St., Des Plaines, IL., 60018.

"AWS" means the American Welding Society, 550 N.W. LeJune Road, Miami, Florida 33126.

"Chief Elevator Inspector" means the Chief Elevator Inspector appointed under the Act.

"Commissioner" means the Commissioner of Labor or his/her authorized representative.

"Certificate of Operation" means a document issued by the Commissioner of Labor, affixed to an elevator or conveyance that indicates it has been inspected, tested and found to be in compliance for operation as required by the Act.

"Conveyance" means any elevator, escalator, moving walkway, wheelchair lift or other such device subject to the provisions of the Act.

"Department" means the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

"Deputy Inspector" means an inspector appointed by the Chief Elevator Inspector subject to the approval of the Commissioner under the provisions of the Act.

"Elevator" means any device for lifting or moving people, cargo, or freight within, or adjacent and connected to, a structure or excavation, and includes any escalator, power driven stairway, moving walkway or stairway chair lift. It does not mean any of the following:

(A) Amusement ride or device subject to inspection and regulation under the provisions of Section 460 et seq. of Title 40 of the Oklahoma Statutes;

(B) Mining equipment subject to inspection and regulation by the Department of Mines;

(C) Aircraft, railroad car, boat, barge, ship, truck, or other self-propelled vehicle or component thereof;

(D) Any boiler grate stoker or other similar firing mechanism subject to inspection under the provisions of the Oklahoma Boiler and Pressure Vessel Safety Act; or

(E) A dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar devices used for the primary purpose of elevating or

lowering materials. This list is not exhaustive.

"Elevator Apprentice" means an unlicensed person registered with the Department of Labor who works under the direct supervision of a licensed elevator mechanic, licensed elevator contractor, or licensed elevator inspector.

"Existing Installation" means any elevator, escalator, moving walkway or other conveyance subject to the provisions of this Act in operation before the effective date of this Act.

"Expedited Inspection" means an inspection performed by the Commissioner, Chief Elevator Inspector, or Deputy Inspector that is to be performed during the same calendar month as it is requested.

"Freight Elevator" means an elevator used for carrying freight and on which only the operator and the person(s) necessary for loading and unloading are permitted to ride.

"Installation Permit" means a document issued by the Commissioner to a licensed elevator contractor upon receipt of an application to install or construct an elevator or conveyance which indicates Department approval of the proposed installation or construction project.

"ICC" means the International Code Council, 5360 Workman Mill Road, Whittier, California, 90601-2298.

"Maintenance" means a process of routine examination, lubrication, cleaning, and adjustment of parts, components, and/or subsystems for the purpose of ensuring performance in accordance with the applicable Code requirements.

"May" means that an action or requirement is optional and non-mandatory.

"Mobility Restricted" means a person or persons unable to move freely without the aid of mechanical assistance such as walkers, wheelchairs, crutches or canes, and/or an inability to move freely because of a physical or mental disability, handicap or restriction.

"New Installation/New Construction" means a completely new elevator or conveyance installation or construction occurring on or after the effective date of this Act.

"NFPA" means The National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02169-7471.

"Night Time Inspection" means any inspection that does not occur during "reasonable hours."

"Occurrence" means any event involving an elevator, escalator, moving walkway, wheel chair lift or other conveyance subject to the provisions of this Act, that the operation of which has caused personal injury or property damage.

"Owner-Occupied Private Residence" means a separate dwelling, or a separate apartment in a multiple dwelling/complex, which is occupied by the legal owner and/or his/her family.

"Periodic Test" means a group of tests performed at common time intervals required by the authority having jurisdiction.

"Personnel Hoist" means a mechanism and its hoistway for use in connection with the construction, alteration, ongoing maintenance or demolition of a building, structure or other work. It is used for hoisting and lowering workers or materials or both, and is equipped with a car that moves vertically on guide members

"Professional Engineer" means a mechanical engineer registered as such in one or more states, or the equivalent certification registration if from another country.

"Reasonable Hours" means that period of time beginning one hour prior to normal advertised business hours and ending one hour after normal advertised business hours. For facilities normally open twenty-four (24) hours, reasonable hours shall be that period of time beginning at 7:00 a.m. and ending at 6:00 p.m.

"Red Tag" means a document issued by a licensed elevator inspector and attached to an elevator or conveyance declaring that any further operation of the elevator or conveyance shall constitute a violation of the Oklahoma Elevator Safety Act.

"Repair" means reconditioning or renewal of parts, components, and/or subsystems, not constituting an alteration, necessary to keep equipment in compliance with applicable Code requirements and for which a permit is not required.

"Responsible Party" means that person(s) so named and designated on an elevator contractors license required to have met and maintain training credentials and knowledge necessary to satisfy the requirements of the Act.

"Shall" means that an action or requirement as stated in this Chapter is mandatory.

"Special Inspector" means an inspector, licensed by the Department, who is regularly employed by an insurance company providing liability insurance on an elevator, escalator, moving walkway, chairlift or conveyance subject to the provisions of the Act.

"State Special" means the designation applied to an elevator or conveyance subject to the provisions of this Act that is of special or unique construction and cannot be constructed, installed and/or operated in accordance with the applicable ASME Code and the provisions of this Act.

"Temporarily Dormant" means an elevator or conveyance whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position.

"Temporary Certificate of Operation" means a document issued by a licensed elevator inspector granting the temporary continued operation of a non-compliant elevator or conveyance for a period not to exceed sixty (60) days so that repairs can be performed; or to a licensed elevator contractor for the temporary continued operation of an elevator, transport platform, or personnel hoist for a specified period of time not to exceed the length of the applicable construction project.

"Transport platform" means an elevator consisting of a platform that is elevated by a mechanical drive system and guided by and moving along its supporting masts, where the mast requires lateral restraint from separate supporting structures, that is primarily used to vertically transport authorized persons, along with materials and necessary tools, to various access levels on a building or structure for construction, renovation, maintenance, or other types of work.

"Triennially" means a period of thirty-six (36) calendar months.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 26 Ok Reg 2262, eff 7-1-09; Amended at 34 Ok Reg 1731, eff 9-15-17; Amended at 37 Ok Reg 1971, eff 9-15-20]

380:70-1-3. Fees

(a) Upon the effective date of this rule, the following schedule of administrative fees shall apply to implementation of the Elevator Safety Act. The following schedule of administrative fees is derived from statute and shall supersede the fees provided for in 59 O.S. § 3024.

(b) Fees shall be as follows:

- (1) Elevator mechanic examination up to \$100.00
- (2) Initial and renewal elevator contractor license up to \$200.00
- (3) Initial and renewal elevator inspector license up to \$100.00
- (4) Initial and renewal elevator mechanic license up to \$75.00
- (5) Annual elevator apprentice registration up to \$50.00
- (6) Late renewal - in addition to license fee up to \$10.00
- (7) Replacement of lost or mutilated license up to \$25.00
- (8) Reinstatement - in addition to license fee up to \$100.00
- (9) Existing elevator - certification of operation up to \$25.00
- (10) New elevator - permit review up to \$500.00
- (11) New elevator - inspection and certification up to \$150.00
- (12) Elevator temporary certification up to \$25.00
- (13) Elevator temporary mechanic license for 30 days up to \$25.00
- (14) Labor for chief elevator inspector or deputy elevator inspector to perform inspection for issuance of certificate of operation, per site visit:
 - (A) any escalator or moving walkway up to \$250.00
 - (B) elevator, two-four floors up to \$200.00
 - (C) elevator, five-ten floors up to \$250.00
 - (D) elevator, eleven-fifteen floors up to \$300.00
 - (E) elevator, greater than fifteen floors up to \$300.00 plus \$10 per floor over fifteen floors
 - (F) wheelchair lift up to \$50.00
- (15) Labor for chief elevator inspector or deputy elevator inspector to perform expedited inspection for issuance of certificate of operation for new installation up to \$1,000.00

(c) Fees shall be paid directly to the Department of Labor.

[Source: Added at 34 Ok Reg 1731, eff 9-15-17; Amended at 35 Ok Reg 1778, eff 9-15-18]

SUBCHAPTER 3. ADMINISTRATION

380:70-3-1. Responsibilities

Responsibility for the installation, alteration, operation, maintenance, inspection and reporting of accidents, incidents and/or occurrences for elevators, escalators, moving walkways, wheelchair lifts and conveyances shall be as follows:

- (1) The equipment manufacturer shall be responsible for designing and manufacturing equipment in compliance with the applicable code.
- (2) The person or firm installing or altering elevators, escalators, moving walkways, wheelchair lifts and conveyances shall be responsible for obtaining all permits and approvals. He/she shall be responsible for the safe operation of equipment during the installation until a Certificate of Operation has been issued and for conducting all tests required by these rules.
- (3) The owner, his duly appointed agent, or the lessee shall be responsible for the safe operation and proper maintenance of elevators, escalators, moving walkways, wheelchair lifts and conveyances after the installation has been approved and a Certificate of Operation has been issued. The owner his duly appointed agent, or the lessee shall be responsible for conducting all periodic maintenance and/or testing as required by these rules.
- (4) The owner, his duly appointed agent, or the lessee shall also be responsible for having conveyances subject to the provisions of this Act

inspected as required by the Act. Failure to do so will subject the owner, his duly appointed agent, or lessee to penalties and/or administrative fines as provided by this Act and these rules.

(5) The owner, his duly appointed agent, or the lessee shall be responsible for reporting occurrences to the department as required in these rules and regulations.

(6) The inspector shall be responsible for the performance and reporting of inspections as required by this Act. Such inspections shall be performed in a professional manner so as to factually document the "as found" condition of the conveyance at the time of the inspection without consideration of cost or inconvenience that may be incurred or caused as a result of the inspection.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-2. Minimum construction standards for elevators, escalators, moving walkways, chairlifts or other conveyances; special construction

(a) **Construction.** All new elevators, escalators, moving walkways, chairlifts, and conveyances unless otherwise exempt, to be operated in this jurisdiction shall be designed, constructed, installed, inspected, repaired, altered, maintained and operated in accordance with the ASME Code, most current edition and the latest addenda thereto in effect, and these rules and regulations.

(b) **Special construction.** The provisions of this Chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the ASME Code, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device to the standards and provisions of this Act. If a device subject to the provisions of this Act is of special construction and cannot be constructed, installed and/or operated in accordance with the ASME Code and the provisions of this Act, details in the English language and United States customary units of the proposed construction and material specifications and calculations shall be submitted to the Chief Elevator Inspector for approval as a "State Special" before construction is started.

(c) **Miscellaneous.** The requirements of the Americans With Disabilities Act dealing with accessibility guidelines, as applicable, shall apply to all elevators and conveyances subject to the provisions of the Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-3. Variances

(a) Any owner or user who believes that under his or her particular circumstances the rules and regulations promulgated by the Commissioner are unnecessary or impose an undue burden may request a variance from the applicable rule or regulation. The variance request shall be in writing and shall specify how safety equivalence is to be maintained in accordance with the provisions of this Chapter. The Commissioner may grant the variance, provided that the safety of employees or general public is not adversely affected. Any variance request on a new elevator installation must be submitted by the elevator contractor performing the installation. At the Department's discretion, the elevator owner may be requested to state, in writing, his concurrence with the requested variance.

(b) When there is reason to believe, or upon receipt of a complaint, that a variance does not provide the safety equivalence to the provisions of this Act, the Commissioner, after notice to the owner or user and complainant, may continue,

suspend, revoke, or modify the conditions specified in any variance.

(c) No statement, act, or omission of the Commissioner of Labor, the Chief Elevator Inspector, Deputy Inspector or Special Inspector, other than a written variance described above, shall exempt any owner or user from full compliance with the terms of any law of the State of Oklahoma or rule of the Elevator Safety Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-4. National standards, adoption and availability

(a) The following American National Standards are hereby adopted:

- (1) Safety Code for Elevators and Escalators, ASME A17.1, latest edition and most current addenda.
- (2) Safety Code for Existing Elevators and Escalators, ASME A17.3, latest edition and most current addenda.
- (3) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, latest edition and most current addenda.
- (4) Safety Standard for Belt Manlifts, ASME A90.1, latest edition and most current addenda.
- (5) Safety Requirements for Personnel Hoists and Employee Elevators, ASSE A10.4, latest edition.
- (6) The National Electrical Code, NFPA 70, latest edition.
- (7) The International Building Code, latest edition.
- (8) American National Standard for Transport Platforms, ANSI/SIA A92.10-2009.

(b) Standards referenced in this chapter are available for public viewing in the office of the Chief Elevator Inspector and may be purchased from the American Society of Mechanical Engineers, the National Fire Protection Association, the American Society of Safety Engineers, and the International Code Council.

(c) Compliance with the provisions of the Elevator Safety Act does not relieve an owner, operator, or licensed Elevator Contractor from the requirement to comply with Codes and Standards as may be adopted and enforced by the Construction Industries Board and the Office of the State Fire Marshal, or other such state or jurisdictional agency as may be required.

(d) Where there is a conflict between the adopted standard and this Chapter, the requirements of this Chapter shall take precedence.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 26 Ok Reg 2262, eff 7-1-09; Amended at 37 Ok Reg 1971, eff 9-15-20]

380:70-3-5. Inspection frequencies; variations

(a) Elevators, escalators, moving walkways, chairlifts and conveyances subject to the provisions of this Act shall be inspected for the purpose of issuing a Certificate of Operation in accordance with the following frequencies:

- (1) Any hydraulic elevator or conveyance shall be inspected not less than once every 2 (two) years;
- (2) Any wire rope elevator, regardless of floors, shall be inspected annually;
- (3) Escalators and moving walkways shall be inspected annually;
- (4) Wheelchair lifts shall be inspected triennially;
- (5) Temporary elevators shall be inspected at each installation/erection; and
- (6) Any elevator or other such conveyance subject to the provisions of this Act located in a structure whose occupants are mobility restricted, such as hospitals, nursing homes and residential care facilities, shall be inspected

annually;

(7) Any other type of elevator or conveyance not addressed under these provisions, in the Act or rules, shall be inspected annually.

(b) Elevators and conveyances located in owner-occupied private residences shall be exempt from the provisions of these rules, except:

(1) All such devices shall be designed, constructed, and installed in accordance with the applicable ASME Code and this Act.

(2) New installations shall receive a Final Acceptance Inspection in accordance with the provisions of this Act. Any Final Acceptance Inspection conducted by a third party inspector must be submitted to the Department for approval.

(3) Any elevator or conveyance located in an owner-occupied private residence shall be evaluated and tested by a licensed elevator mechanic or inspected by a licensed elevator certificate inspector as provided in this Chapter, prior to a transfer of title or ownership of the property.

(4) All occurrences shall be reported to the Department and investigated in accordance with the provisions of this Act and these Rules.

(c) Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the Commissioner may, at his/her discretion, permit variations in the inspection frequency as provided in the Act.

(d) The inspections herein required shall be made by the Commissioner, Chief Elevator Inspector, Deputy Inspector, Certificate Inspector or a Special Inspector as provided for in the Act. Owners or lessees shall not be relieved of the duty to have the aforementioned periodic inspections performed in a timely manner whether the inspections are performed by the Department or a third party inspector. Inspectors shall have free access during reasonable hours, to any premises in the state where an elevator, escalator, moving walkway, wheelchair lift, conveyance or other device covered by this Act, is being installed, constructed, repaired, altered, or operated, for the purpose of ascertaining whether such device is being constructed, installed, repaired, altered and/or operated in accordance with the provisions of the Act. Inspections may be conducted without prior notice.

(e) Anytime the Chief or Deputy Elevator Inspectors arrive for a scheduled inspection of an elevator or conveyance and said inspection cannot be conducted because the elevator or conveyance is not ready for inspection and therefore needs to be rescheduled, the Department will still charge the fee for the labor and costs associated with the originally scheduled inspection in accordance with the fees listed in OAC 380:70-1-3, in addition to any other fines or penalties assessed.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 30 Ok Reg 1807, eff 7-11-13; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-3-6. Requests for night time inspections

(a) **Night time Inspections.** The Commissioner may allow for the night time inspection of elevators or conveyances subject to the provisions of the Act if such inspection is in the best interest of business and safety.

(b) **New installation/New construction.** Requests for night time inspections of new elevator or conveyance installation/construction shall be made on forms provided by the Department and shall be received by the Department not less than five (5) working days prior to the requested inspection date.

(c) **Existing installations.** Requests for night time inspections of existing elevator or conveyance installations shall be made as far in advance of the requested date as is reasonably possible, but in no case less than thirty (30) working days prior to the

requested date of inspection.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-7. Assignment and application of state identification numbers

- (a) Upon completion of the installation of an elevator or conveyance, or at the time of the initial certificate inspection of an existing installation, each elevator or conveyance shall be identified by a unique six digit state identification number. The six digit state identification numbers shall begin with the capital letter "E" and shall be followed by a five digit numeric identification number.
- (b) The state identification number shall appear on all Certificates of Operation issued pursuant to the provisions of this Act.
- (c) State identification numbers, once issued shall not be reissued.
- (d) State identification numbers shall be permanently affixed to, stamped or etched onto the elevator or conveyance by the installing contractor for new installations and by the owner/user or their designated agent for existing installations.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-8. Certificates of Operation

- (a) Any conveyance inspected in accordance with the provisions of this Act and found to be, in the opinion of the inspector, safe for continued operation and in compliance with the requirements of this Act, and upon payment of the required fee to the Department, shall be issued a Certificate of Operation by the Department.
- (b) All Certificates of Operation issued by the Department shall be maintained in a suitable frame under transparent cover.
- (c) All Certificates of Operation issued by the Department shall contain at a minimum the name and complete mailing address of the structure where the conveyance is installed or erected, the state identification number assigned to the conveyance, the date of the most recent inspection and the expiration date of the Certificate of Operation.
- (d) The required Certificates of Operation shall be posted conspicuously as follows:
 - (1) inside elevator cars or in the main lobby (landing) adjacent to elevator call station, or
 - (2) for escalators, at the base of the balustrade at the lower level of the escalator.
- (e) The Certificate of Operation shall be conspicuously displayed in, upon, or adjacent to the conveyances for viewing by the general public.
- (f) When an elevator or conveyance with a valid Certificate of Operation undergoes an alteration or is remodeled, the Certificate of Operation becomes invalid. To release the altered or remodeled elevator for use by the general public, the elevator must pass an inspection conducted by the Department.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 39 Ok Reg 1867, eff 9-15-22]

380:70-3-9. Temporary Certificates of Operation

- (a) Temporary Certificates of Operation may be issued for established elevators or conveyances after the required inspection to renew a Certificate of Operation subject to the following conditions:
 - (1) When a routine inspection is performed and the inspector finds that the elevator or conveyance does not comply with the provisions of the Act, the inspector will explain what the violations are, what repairs are required, and

shall also document them on an inspection report and/or checkoff list. Upon agreement of a reinspection date between the inspector and the owner or lessee of not more than 60 days, the inspector may issue a Temporary Certificate of Operation for the elevator or conveyance.

(2) Elevators or conveyances granted a Temporary Certificate of Operation shall be re-inspected prior to the expiration date of the Temporary Certificate of Operation. If any of the conditions that caused the issuance of a Temporary Certificate of Operation are found to have not been corrected, no further Certificates shall be issued and the Chief Elevator Inspector shall be consulted about future operations of the unit including but not limited to extensions of time, restricted operations or up to being Red Tagged.

(3) The issuance of a Temporary Certificate of Operation shall be reported to the Department by the inspector within 24 hours or the first working day after its issuance.

(b) Temporary Certificates of Operation may be issued for new elevators or conveyances at the request of a licensed elevator contractor for elevators or conveyances and personnel hoists in accordance with the following requirements:

(1) **Issuance for Elevators.** The Chief Elevator Inspector or a Special or Certificate Inspector may allow the temporary use of any elevator for passenger or freight service, not for use by the general public, during its new installation or alteration under the authority of a Temporary Certificate of Operation, issued for each class of service. Such limited certificates shall not be issued for elevators until the elevator has been tested, electric elevators with a capacity of 125% load test of the brake holding and stopping, and rated load test of the car safeties, hydraulic elevators test with the rated load, working and relief pressure, hoistway door interlocks, car door switch, and terminal stopping devices have been tested to determine the safety of the equipment for the specified construction purposes. These test reports shall be kept on site for the inspector to review.

(2) **Issuance for Personnel Hoists and Transport Platforms.** The Chief Elevator Inspector may allow the temporary use of any personnel hoist or transport platform under the authority of a Temporary Certificate of Operation. Such limited certificate shall not be issued until the personnel hoist or transport platform has been tested with a rated load, and the car safeties, hoistway door interlocks, car door switch, and terminal stopping devices, as applicable, have been tested to determine the safety of the equipment.

(3) **Expiration.** Temporary Certificates of Operation issued in accordance with Subsections (b)(1) and (b)(2) shall expire pursuant to the following:

(A) Temporary Certificates of Operation for new elevators or conveyances may be issued for a period not to exceed ninety (90) days.

(B) Temporary Certificates of Operation for personnel hoists and transport platforms may be issued for a period not to exceed ninety (90) days.

(C) Such certificates may be renewed at the discretion of the Chief Elevator Inspector upon receiving a written request showing justifiable cause for renewal.

(c) In addition to any other fee provided for in the Act, a fee for the issuance of a Temporary Certificate of Operation shall be assessed and paid to the Department.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17; Amended at 37 Ok Reg 1971, eff 9-15-20; Amended at 39 Ok Reg 1867, eff 9-15-22]

380:70-3-10. Noncomplying conveyances

(a) Whenever the Commissioner or his/her duly appointed representative determines that an elevator or conveyance is subject to the provisions of this Act and that the operation of such conveyance is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, he/she may immediately order in writing that the use of the elevator or conveyance be stopped until such time as it is determined that the conveyance has been made safe for use by the public. Any such written order shall constitute an immediate suspension of any valid Certificate of Operation granted under the provisions of this Act.

(b) Whenever the Commissioner or his/her duly appointed representative determines that the provisions of this Act and these rules and regulations have not been complied with, he/she may refuse to issue or renew, or may revoke or suspend a Certificate of Operation.

(c) Written notification as required in subsection (a) of this section may be in the form of a "Red Tag" affixed to the elevator or conveyance at the time of inspection by the elevator inspector, Commissioner, Chief Elevator Inspector, or Deputy Inspector stating that any further operation of the conveyance is in violation of the provisions of the Elevator Safety Act. If a Certificate Inspector or Special Inspector reasonably believes that the operation of a conveyance is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, the Certificate Inspector or Special Inspector shall immediately contact the Chief Elevator Inspector to request authority to issue a "Red Tag" for that specific elevator or conveyance.

(d) Any elevator or conveyance "Red Tagged" shall be rendered disabled by the owner/user or their authorized agent or contractor in the presence of the elevator inspector issuing the "Red Tag" and such elevator or conveyance shall remain inoperative until further operation is authorized by the Commissioner after reinspection and the elevator or conveyance has been found to be in compliance with the provisions of this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-3-11. Appeals and/or hearings

Any denial of an issuance of a Certificate of Operation, Temporary Certificate of Operation, or any order issued by the Commissioner, or any Red Tag notification may be appealed and the appropriate party(ies) shall be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, if written request is received by the Department within fifteen days (15) of the denial letter or notification. Any Special Inspector or Certificate Inspector who has denied the issuance of a Certificate of Operation or Temporary Certificate of Operation, or who has issued a Red Tag, the denial or issuance of such having been appealed, shall be required to attend the hearing and provide testimony regarding such denial or issuance and shall be required to produce all documents relevant to such denial or issuance.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-3-12. Operation of unsafe conveyance

- (a) No person shall operate, permit to be operated or use any elevator or conveyance subject to the provisions of this Act if such person knows, or reasonably should know that such operation or use could expose the public to an unsafe condition which is likely to result in personal injury or property damage.
- (b) Any licensed elevator contractor, licensed elevator mechanic, or licensed elevator inspector that fails to immediately report an unsafe conveyance to the Chief Elevator Inspector shall be guilty of a misdemeanor and subject to such fine and/or imprisonment as provided for in the Act.
- (c) Any licensed elevator contractor, licensed elevator mechanic, or licensed elevator inspector that fails to immediately report an unsafe conveyance to the Chief Elevator Inspector shall be subject to an administrative fine as provided for in OAC 380:70-3-15.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-3-13. Operation without Certificate; operation not in accordance with Act or Rules; operation after refusal to issue or after revocation of Certificate

- (a) No person shall operate, use, or permit to be operated any elevator or conveyance subject to the provisions of this Act without a valid Certificate of Operation.
- (b) No person shall operate, use, or permit to be operated any elevator or conveyance subject to the provisions of this Act other than in accordance with this Act and the rules and regulations promulgated hereunder.
- (c) No person shall operate, use, or permit to be operated any elevator or conveyance subject to the provisions of this Act after the Commissioner or a Special or Certificate Inspector has refused to issue the Certificate of Operation for such elevator or conveyance or after the Commissioner has suspended or revoked the Certificate of Operation for such elevator or conveyance.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-3-14. Interfering with Inspector

No person, firm or corporation shall interfere with, obstruct or hinder by force or otherwise, the Commissioner of Labor or his/her authorized representatives while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the law over which he/she has supervision under the provisions of this Act, or refuse them admittance to any place where an elevator or conveyance is located which is affected by this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-3-15. Penalties

- (a) The Commissioner shall have subpoena powers and shall have the right to seek injunctive relief to prevent the operation of elevators and/or conveyances lacking a Certificate of Operation after November 1, 2006, or failing inspection.
- (b) For any violation of the Elevator Safety Act,, the Commissioner may assess an administrative fine of not more than One Thousand Dollars (\$1000.00) per violation, per day, which fine may be assessed in addition to any other penalty provided pursuant to this Act.
- (c) Payment for the fines set forth in subsection (c) of this section shall be due within thirty (30) days of issuance of a citation by the Commissioner or designee. Any person wishing to contest any of the aforementioned fines shall, within thirty

(30) days of issuance of the fine or fines, petition the Commissioner or designee, in writing, for an administrative hearing. If requested, the hearing shall then be scheduled by the Commissioner or designee as provided in the Administrative Procedures Act.

(d) Any person failing to comply with a fine assessment or other administrative order of the Department within ninety (90) days of issuance of such assessment or order shall be subject to license suspension and/or revocation. The Department may not renew a license until all outstanding fine assessments have been paid unless timely appeal of the assessment(s) was made and the appeal is still pending.

(e) Funds collected as payment from a violator for administrative fines imposed for violation of the Elevator Safety Act shall not be retained by the Department of Labor, but shall be deposited to the Department of Labor Administrative Penalty Revolving Fund and transferred to the General Revenue Fund.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

SUBCHAPTER 5. LICENSES

380:70-5-1. Elevator Contractor's License: Issuance, denial and renewal

(a) Upon the effective date of this Chapter, no elevator or conveyance subject to the provisions of this Act shall be installed in this state by any sole proprietor, firm or corporation not having first been issued at the time of the construction or installation a valid elevator contractor's license, issued by the Department of Labor. There shall be a six (6) month grace period from the date of enactment of this Chapter to allow new and existing elevator contractors an opportunity to comply with the provisions of this section.

(b) Any sole proprietor, firm or corporation wishing to engage in the business of installation, alteration, service, repair, replacement or maintenance of elevators, escalators, moving walkways, wheelchair lifts, or other such conveyances within the state of Oklahoma shall make application for an elevator contractor's license to the Oklahoma Department of Labor.

(c) No license shall be granted to any sole proprietor, firm or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an elevator contractor's license must have in their employ licensed elevator mechanic(s) who perform the work described herein.

(d) Application for elevator contractor's license shall be on forms provided by the Department and shall contain, as a minimum, the following information:

(1) If a person or sole proprietor, the name, residence and business address of the applicant;

(2) If a partnership, the name, residence and business address of each partner;

(3) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation;

(4) If a corporation other than a domestic corporation, the name and address of the local agent located in the State of Oklahoma who shall be authorized to accept service of process and/or official notices;

(5) The approximate number of licensed elevator mechanics expected to be employed by the elevator contractor applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

- (6) Verification of liability insurance as required by the Chapter;
- (7) Such other information as the Chief Elevator Inspector may require;
- (8) Designation of at least one but not more than two responsible parties to be named on the license. Such responsible parties shall have and maintain the training credentials required for a valid contractor's license.

Documentation of satisfactory completion of the required training and all subsequent refresher training shall accompany the application;

(A) In the absence of such responsible party in the employ of the contractor, the contractor shall not be allowed to perform elevator or conveyance installation, service, repair, alteration, testing or maintenance work in the State of Oklahoma.

(B) Responsible party(ies) may be changed or added to the license at any time by providing written notice to the Department of such change.

(9) Written notice of change shall be provided to the Department when any item on the application changes.

(10) A limited contractor license may be issued to those facilities that have a maintenance program for elevators and/or conveyances using mechanics trained in elevator and/or conveyance maintenance and employed by that facility. The limited contractor license shall not apply to installation, major repair or alterations as required by the applicable ASME code.

(A) The limited contractor shall be required to submit an application for approval listing qualifications, scope of work to be performed under the license, and any additional information deemed necessary by the Chief Elevator Inspector.

(B) Mechanics working under a limited contractor license shall be required to make application to the Department and provide evidence to the Commissioner or Chief Elevator Inspector they are qualified to perform the work under the limited contractor scope of work.

(C) All other requirements of the Elevator Safety Act shall apply.

(11) Whether the scope of work to be performed by the applicant shall be limited to or shall include the installation, operation, alteration, service, repair, replacement, or maintenance of transport platforms.

(e) Upon approval of an application and receipt of fees as provided for by the Act, the Commissioner may issue the elevator contractor's license, which may authorize or be limited to authorizing the installation, operation, alteration, service, repair, replacement, or maintenance of transport platforms, if appropriate.

(f) Upon receipt of fees as established in the Act, and such additional documentation as may be required by the Commissioner, a license may be issued to a sole proprietor, firm or corporation holding a valid license from a state or jurisdiction having standards substantially equal to those contained in this Act.

(g) The Department may deny approval or renewal of an elevator contractor's license for cause. The Department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may appeal to the Commissioner provided their written request is received by the Department within fifteen (15) days of the date of the denial notice.

(h) Elevator Contractor's licenses not renewed on or before the expiration date shall become invalid.

(i) Elevator Contractor's licenses not renewed prior to the expiration date shall be subject to late fee and renewal fees as provided for in the Act.

(j) Elevator contractors may have in their employ elevator inspectors licensed in accordance with the provisions of this Chapter for the purpose of witnessing and certifying conveyance tests as required by the Act, this Chapter and the applicable ASME Code(s).

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 26 Ok Reg 2262, eff 7-1-09; Amended at 30 Ok Reg 1807, eff 7-11-13; Amended at 37 Ok Reg 1971, eff 9-15-20]

380:70-5-2. Elevator Mechanic's License: Issuance, denial, and renewal

(a) Upon the effective date of this Chapter, no person shall work as an elevator mechanic to install, service, repair, alter, remodel or maintain any elevator or conveyance subject to the provisions of this Act and this Chapter without having first been issued a valid elevator mechanic's license by the Department. There shall be a six (6) month grace period after the effective date of this Chapter to allow new and existing elevator mechanics to comply with the requirements of this Section.

(b) No license shall be granted to any person who has not sufficiently demonstrated their qualifications and abilities. Applicants for an elevator mechanic's license must demonstrate the following qualifications:

(1) An acceptable combination of documented experience and education credits: Not less than three (3) years work experience in the elevator industry, in construction, maintenance and service/repair, as verified by current and previous employers licensed to do business in this state or other such jurisdiction having an elevator program substantially equal to this Act; Satisfactory completion of a written examination administered by the Chief Elevator Inspector on the most recent referenced codes, standards, and this Act;

(2) Any person who furnishes the Commissioner with acceptable and verified proof that they have previously worked in elevator construction, maintenance, or repair may, upon making application for an elevator mechanic's license and paying the license fee, be entitled to receive a license without an examination. They shall have worked without direct or immediate supervision for an elevator contractor licensed to do business in this state or other jurisdiction having a program substantially equal to this Act. This employment shall not be less than three (3) years immediately prior to the effective date of this Act;

(3) Provide certificates of completion demonstrating successful passage of a mechanic's examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Education Program or its equivalent; or

(4) Provide certificates of completion of an apprenticeship program for elevator mechanic's registered with the Bureau of Apprenticeship and Training, of the U.S. Department of Labor or a state apprenticeship council;

(5) A license may be issued to an individual holding a valid elevator mechanic's license from a state having standards substantially equal to those of this Act, upon application and payment of such fees as provided for in this Act, without examination.

(6) An elevator mechanic's license may be issued to an individual demonstrating, in the judgment of the Chief Elevator Inspector, sufficient training and experience in the erection, maintenance, and operation of transport platforms. The elevator mechanic's license issued pursuant to this paragraph shall not authorize an individual to install, service, repair, alter, remodel, or maintain any elevator or conveyance other than a transport

platform.

(c) Applications for an elevator mechanic's license shall be on forms provided by the Department.

(d) Elevator mechanic's licenses shall be valid for a period of one (1) year and expire on the last day of the month of initial issuance. The Department shall notify holders of valid elevator mechanic's licenses not less than sixty (60) days prior to the expiration date of the license that it must be renewed within the next sixty (60) days. Elevator mechanic's licenses not renewed on or before the expiration date shall become invalid.

(e) Elevator mechanic's licenses not renewed on or before the expiration date shall be subject to late fee and renewal fees as provided for in the Act.

(f) Elevator mechanic's licenses once issued become the property of the licensee and must be carried on his/her person at all times when working on elevators or conveyances and made available upon request by the Commissioner, Chief or Deputy Elevator Inspector, or any Special Inspector.

(g) The Department may deny approval or renewal of an elevator mechanic's license for cause. The Department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, provided their written request is received by the Department within fifteen (15) days of the date of the denial notice

(h) Whenever an emergency exists in this state due to disaster, act of God or work stoppage and the number of persons in the state holding licenses granted by the Commissioner is insufficient to cope with the emergency, temporary elevator mechanic's licenses may be issued. A licensed elevator contractor shall notify the Chief Elevator Inspector when there are no licensed personnel available to perform elevator or conveyance work. The licensed elevator contractor may request that the Chief Elevator Inspector issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct or immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct or immediate supervision shall immediately seek a temporary elevator mechanic's license from the Chief Elevator Inspector and shall pay such fees as provided for in this Act. Each such license shall recite that it is only valid for a period of thirty (30) days from the date of issuance and while employed by a licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue, as determined by the Chief Elevator Inspector.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 37 Ok Reg 1971, eff 9-15-20]

380:70-5-3. Elevator Inspector's License: Issuance, denial, and renewal

(a) Elevator Witness Inspector. No elevator witness inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner or Chief Elevator Inspector that he/she meets the current ASME QEI-1 Standards for the Qualification of Elevator Inspectors or equivalent standard as determined by the Commissioner. No elevator witness inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license. The elevator witness inspector applicant must have at least one (1) year of experience in designing, installing, maintaining or inspecting

elevators, escalators and other such conveyances. An elevator witness inspector license allows the licensee to witness periodic tests as required by the Elevator Safety Act and administrative rules.

(b) Elevator Certificate Inspector. Applicants for a license to conduct periodic, but not initial, inspections of elevators or conveyances for the purpose of recommending the issuance of Certificates of Operation as required by this Act shall be required to meet the following qualifications:

(1) Have at least two (2) years of experience as a licensed elevator witness inspector for elevators, escalators and other such conveyances;

(2) Have successfully passed the written examination for elevator inspectors administered by an organization accredited by the ASME to certify elevator inspectors in accordance with the ASME, QEI-1 Standard or equivalent standard as determined by the Commissioner.

(3) An Elevator Inspector's license may be granted to an individual not satisfying the requirements contained in 380:70-5-3(b)(1) and (2) at the discretion of the Commissioner upon the review of documents attesting to comparable qualifications.

(4) Must not be employed by or have any financial interest in any business or operation which manufactures, installs, repairs, modifies or services elevators, escalators, or other such conveyances. This qualification does not prohibit employees of insurance companies insuring elevators and conveyances from obtaining a license as an elevator inspector.

(5) No elevator certificate inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license.

(6) An elevator certificate inspector may witness periodic tests and conduct inspections for the purpose of recommending a certificate of operation for existing elevators and conveyances as well as a temporary certificate of operation for elevators, but not personnel hoists, pursuant to OAC 380:70-3-9(b).

(c) Elevator Special Inspector. No elevator special inspector's license shall be granted to any person unless he or she demonstrates to the satisfaction of the Commissioner or Chief Elevator Inspector that he/she meets the current ASME QEI-1 Standards for the Qualification of Elevator Inspectors or equivalent standard as determined by the Commissioner. No elevator special inspector's license shall be granted to any person who also holds an elevator contractor's license or an elevator mechanic's license. The elevator special inspector applicant must have at least one (1) year of experience in designing, installing, maintaining or inspecting elevators, escalators and other such conveyances. Elevator inspector's licenses for special inspectors may be issued and renewed upon receipt of payment of such fees as provided for in the Act and receipt of documentation on company letterhead from the inspector's employer that the licensee is an employee of the company. An elevator special inspector license allows the licensee to witness periodic tests and inspect elevators or conveyances insured by the special inspector's employer for the purpose of recommending the issuance of Certificates of Operation for existing elevators and conveyances as well as a temporary certificate of operation for elevators, but not personnel hoists, pursuant to OAC 380:70-3-9(b), as required by the Elevator Safety Act and administrative rules.

(d) The Commissioner may appoint a Chief and Deputy Elevator Inspector who at the time of appointment are not in possession of a valid ASME QEI Certification or equivalent standard as determined by the Commissioner, but are in a trainee status,

provided they successfully complete the required examination within twenty-four (24) months of appointment.

(e) Applications for an elevator inspector's license shall be on forms provided by the Department.

(f) Elevator inspector licenses shall be valid for a period of one (1) year and shall expire each year on the last day of the month of initial issuance. Elevator inspector's licenses not renewed on or before the expiration date shall become invalid.

(g) Elevator inspector's licenses not renewed prior to the expiration date shall be subject to late fees and renewal fees as provided for in this Act.

(h) The Department may revoke or deny approval or renewal of an elevator inspector's license for cause. The Department shall mail written notice to the applicant of the revocation or denial, the reason for the revocation or denial, and a statement that the applicant or licensee may be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, provided their written request is received by the Department within fifteen (15) days of the date of the revocation or denial notice.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 26 Ok Reg 2262, eff 7-1-09; Amended at 30 Ok Reg 1807, eff 7-11-13; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-5-4. Elevator Apprentice Registration

(a) Upon the effective date of this Act, no person shall function in the capacity of an elevator apprentice without first having been registered as an elevator apprentice with the Department. There shall be a six (6) month grace period from the date of enactment of this Chapter to allow new and existing elevator apprentices an opportunity to comply with the provisions of this Section.

(b) Application for elevator apprentice registration shall be on forms provided by the Department and shall document enrollment in an elevator apprentice program recognized by the United States Department of Labor.

(c) Upon approval of an application and receipt of fees as provided for by this Act, the Commissioner may register an elevator apprentice.

(d) Elevator apprentice registration shall be valid for a period of one (1) year and expire on the last day of the month of initial issuance. Elevator apprentice registrations not renewed prior to the expiration date shall become invalid.

(e) Elevator apprentice registration not renewed prior to the expiration date shall be subject to late fees and renewal fees as provide for in this Act.

(f) The Department may deny approval or renewal of an elevator apprentice registration for cause. The Department shall mail written notice to the applicant of the denial, the reason for the denial, and a statement that the applicant may be afforded the opportunity for a hearing pursuant to the provisions of the Administrative Procedures Act, provided their written request is received by the Department within fifteen (15) days of the date of the denial notice

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 30 Ok Reg 1807, eff 7-11-13]

380:70-5-5. License not required

A licensed elevator contractor is not required for removing or dismantling elevators or conveyances which are destroyed as a result of a complete demolition of a secured building or structure, or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-5-6. Conflicts of interest

An elevator inspector shall not engage in the sale of any service, article or device relating to elevators or conveyances or their appurtenances covered by this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-5-7. Continuing education

(a) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of evidence of successful completion of course(s) designed to ensure the continuing education of the holder of a license on new and existing provisions of this Act and the Codes and Standards referenced herein. Such course(s) shall consist of not less than eight (8) hours of instruction that shall be attended and successfully completed within the year immediately preceding the renewal. Eight (8) hours of training need not be continuous but may be an accumulation of shorter periods of instruction that equal at least eight (8) hours.

(b) The course(s) shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars, labor training programs, career technology centers, and the Department. The Chief Elevator Inspector shall approve the continuing education providers.

(c) A holder of a license who is unable to complete the continuing education course required under this Section prior to the expiration of their license due to a temporary disability may apply for a waiver from the Department.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-5-8. Suspension/revocation of license, registration, or certification

(a) Any license or registration issued in accordance with the provisions of this Act may be suspended or revoked by the Commissioner of Labor after due investigation for the incompetence or untrustworthiness of the licensee or registrant, or for the willful falsification of any matter or statement contained in his/her application, or in a report of any inspection made by him/her. Written notice of any such suspension shall be transmitted by the Commissioner of Labor to the licensee and his employer, not more than ten (10) days following the suspension or revocation. Any person whose license, certificate or registration has been suspended or revoked shall be entitled to a hearing as provided by the Oklahoma Administrative Procedures Act, if written request for such hearing is received by the Department within fifteen (15) days of the date of suspension/revocation letter.

(b) Licenses, certificates and registrations may be suspended indefinitely or for some other shorter period of time as determined by the Commissioner.

(c) Any person whose license, certificate or registration has been suspended or revoked pursuant to the provisions of this Section may petition the Commissioner for reinstatement of the suspended or revoked document. Such petition shall be in writing and shall include such documentation as may be requested by the Commissioner to verify that any deficiency(ies) or condition(s) have been corrected.

(d) The Commissioner may communicate with employers and educational institutions as may be needed to verify that the deficiency(ies) and/or conditions have been corrected.

(e) Reinstatement of any license, certificate or registration shall be subject to a reinstatement fee as provided in this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-5-9. Replacement licenses, certificates, registrations

The Department may issue replacements for lost or destroyed licenses, certificates and registrations upon payment of a replacement fee as provided for in this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

SUBCHAPTER 7. EXISTING INSTALLATIONS

380:70-7-1. Existing installation, definition

Existing installation shall mean any elevator, escalator, moving walkway or other conveyance subject to the provisions of this Act in operation before the effective date of this Act.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-7-2. Minimum standards for existing installations

(a) **Maintenance.** Existing installations subject to the provisions of this Act shall be maintained in accordance with the original manufacturer's installation, operation and maintenance requirements. For those installations where the original manufacturer's requirements are not available, they shall be operated, repaired and maintained in accordance with the Safety Code for Existing Elevators and Escalators, ASME A17.3, good engineering practices, current acceptable industry standards and this Act.

(b) **Existing installation requirements.** Existing installations in operation before the enactment date of this Act shall be subject to the following requirements contained in the Safety Code for Existing Elevators and Escalators, ASME A17.3:

- (1) Electrically-powered elevator driving machines shall be equipped with a friction brake applied by a spring or springs or by gravity and released electrically;
- (2) The car of every elevator suspended by wire ropes shall be provided with one or more safety devices. These safeties shall be attached to the car frame and one safety shall be located within or below the lowest members of the car frame (safety plank);
- (3) Operating devices for electrically-powered or electrically-controlled elevators shall be of the enclosed electric type;
- (4) Rope or rod operating devices activated directly by hand, or rope operating devices activated by wheels, levers or cranks shall not be used;
- (5) Elevator hoistways shall be enclosed throughout their height and all hoistway landing openings shall be protected with doors or gates. Hoistway enclosures shall be constructed to have a fire resistive rating of not less than one (1) hour;
- (6) Each elevator car shall be permanently enclosed on all sides and the top, except the sides for entrance and exit. Car side enclosures shall be of such strength and so designed and installed that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not exceed one inch;

- (7) Car top enclosures shall be so designed and installed as to be capable of sustaining a load of not less than 100 pounds at any one (1) point;
- (8) An emergency exit with cover shall be provided in the top of all elevator cars. The exit opening shall have an area of not less than 400 square inches and shall not measure less than 16 inches on any side. The exit shall be so located as to provide a clear unobstructed passage through it. The exit cover shall open outward and be hinged or otherwise attached to the car top and arranged to be opened from the top of the car only;
- (9) A door or gate shall be provided at each entrance to the car;
- (10) Doors shall be of horizontally or vertically sliding type. Gates shall be of the vertically sliding or horizontally sliding collapsible type located not more than 1-3/4 inches from the car sill. Gates shall extend from a point not less than one inch above the car floor to not less than six (6) feet above the car floor;
- (11) Vertically sliding gates when in the fully opened position shall provide an entrance of not less than six (6) feet in height. Such gates shall be provided with pull straps to facilitate closing of the gate;
- (12) Each car door shall be equipped with a car door or gate electric contact so located as to be inaccessible from inside the car door and shall stop the car when the gate is opened a maximum of two (2) inches.

(c) **Exceptions.** Existing installations in warehouses of not more than two (2) floors that are not accessible to the general public are exempt from Sub-Section (b)(4) through (b)(12) of this Section provided that all of the following conditions are met:

- (1) The warehouse shall be used solely for the purpose of storing materials and products;
- (2) Hoistways that are not fully enclosed shall be protected by guards to prevent access to the hoistways by other than elevator personnel;
- (3) All capabilities of operating the elevator from the car or platform shall be removed;
- (4) Riders shall not be permitted to ride the car or platform; and
- (5) A sign stating "Absolutely No Riders Permitted" in letters not less than one (1) inch high on a contrasting background shall be posted at each entrance to the elevator.

(d) **Time extension for compliance.** Upon the recommendation of a licensed elevator inspector, an existing installation may be granted an extension from compliance to the provisions of this Section, at the discretion of the Chief Elevator Inspector. All such extension requests shall be in writing and contain a list of non-compliant conditions and indicate the required date of compliance. All such extension requests shall be subject to approval of the Chief Elevator Inspector.

(e) **Conflicts.** If a conflict exists between the requirements of the original manufacturer's instructions and recommendations and the ASME Code, the Chief Elevator Inspector shall make a determination as to which requirement is to take precedence.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-7-3. Conditions not covered

All conditions not covered in these rules and regulations shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

SUBCHAPTER 9. NEW INSTALLATIONS

380:70-9-1. New installation requirements; conflicts

- (a) The design, construction, installation, inspection and operation of all new installations of elevators, escalators, moving walkways and other conveyances subject to the provisions of this Act shall conform to the rules of this Section and the Safety Code for Elevators and Escalators, ASME A17.1, most current edition and addenda thereto and/or the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, most current edition and addenda thereto, and/or the Safety Standard for Belt Manlifts, ASME A90.1, most current edition and addenda thereto, and the National Electric Code, NFPA 70, as applicable.
- (b) All new installations subject to the provisions of this Act to be installed within this State shall be designed by a professional engineer familiar with elevators and conveyances. Documents and/or specification packages submitted to the Department for review subject to the issuance of an installation permit shall bear the signature of a professional engineer.
- (c) If there exists a conflict between the requirements of this Act, its rules and regulations, and any of the codes or standards referenced herein, the most stringent requirement as determined by the Chief Elevator Inspector shall be applied.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-9-2. Installation permits

- (a) No elevator, escalator, moving walkway or other such conveyance subject to the provisions of this Act shall be installed in this State without first being issued an installation permit by the Department to a licensed elevator contractor to perform the installation.
- (b) Application for an installation permit shall be made on forms furnished by the Department and shall be submitted by the installing licensed elevator contractor. Each application for a permit shall be accompanied by copies of specifications and accurately scaled, full dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed therein, relocated or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.
- (c) Applications for installation permits shall be submitted to the Department sufficiently in advance of the requested start date to allow for a complete and thorough review of the plans and specifications.
- (d) Upon receipt of an application for installation and payment of all prescribed fees, the Department shall review the application for compliance with the provisions of this Act and these rules and regulations. The Department may issue an installation permit or shall notify the applicant in writing of the reasons the installation permit was denied.
- (e) Any applicant who has been denied an installation permit by the Department may be afforded the opportunity for hearing in accordance with the Administrative Procedures Act, provided a written request is received by the Department within fifteen (15) days of the date denial notice.
- (f) Installation permits shall be conspicuously posted at the place of installation or construction and shall remain so posted until an acceptance inspection has been

performed and a Certificate of Operation has been issued.

(g) Permits issued in accordance with this Section may be revoked for the following reasons:

- (1) Where any false statements or misrepresentations as to the material facts in the application, plans or specifications on which the permit was based;
- (2) Where the permit was issued in error and should not have been issued in accordance with this Act, and the rules, regulations and codes cited herein;
- (3) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans or specifications or with this Act, the rules, regulations and codes cited herein or conditions of the permit; or
- (4) Where the elevator contractor to whom the permit was issued fails or refuses to comply with any order of the Commissioner, Chief or Deputy Elevator Inspector.

(h) Permits issued under the provisions of this Act shall expire:

- (1) If the work authorized by such permit is not commenced within six (6) months after the date of issuance, or within a shorter period of time as the Chief Elevator Inspector in his discretion may specify at the time the permit is issued; or
- (2) If the work is suspended or abandoned for a period of sixty (60) days, or such shorter period of time as the Chief Elevator Inspector in his/her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Chief Elevator Inspector may allow extension of the forgoing period at his/her discretion.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-9-3. Pre-Inspection Checklist for new elevator installations

The installing licensed elevator contractor shall cause to be completed and delivered to the Deputy Inspector upon his arrival to conduct the initial certificate inspection of an elevator or conveyance, a pre-inspection checklist for new elevator installations.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-9-4. Conditions not covered

All conditions not covered by this Act, the rules and regulations and interpretations of codes cited herein and standard requirements shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

SUBCHAPTER 11. GENERAL REQUIREMENTS

380:70-11-1. Report of inspection

- (a) A report of inspection shall be completed and submitted to the Department for every inspection conducted as required by the provisions of the Act and this Chapter. Reports of inspection shall be on forms acceptable to the Department.
- (b) Special Inspectors and Certificate Inspectors shall submit reports of inspection to the Department within seven (7) days of the completion of the inspection.
- (c) Reports of inspection shall be provided to the owner/operator, contractor or his/her authorized agent at the time of the inspection or soon thereafter, but in no

instance more than seven (7) days following the completion of the inspection.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 30 Ok Reg 1807, eff 7-11-13; Amended at 39 Ok Reg 1867, eff 9-15-22]

380:70-11-2. Report of occurrence

(a) The owner of any conveyance regulated under the provisions of this Act, or his authorized agent, shall within 24 hours notify the Commissioner of each and every occurrence involving such elevator or conveyance subject to the provisions of this Act when:

(1) The occurrence results in death or injury requiring medical treatment by a physician, other than first aid. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, minor burns, splinters or contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or

(2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.

(b) The Commissioner, without delay, after notification and determination that an occurrence involving injury or property damage has occurred, shall make a complete a thorough investigation of the occurrence.

(c) No person, following an occurrence as specified in subsection (a), shall operate, attempt to operate, use or move or attempt to move such elevator or conveyance, or part thereof, without the approval of the Commissioner, unless so as to prevent injury to any person or persons.

(d) No person, following an occurrence as specified in subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such elevator or conveyance, or repair or attempt to repair any damaged part necessary to a complete a thorough investigation.

(e) The Department must initiate its investigation within 24 hours of being notified.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-3. Preparation for inspection

(a) The owner or user shall prepare each elevator or conveyance for inspection. For new/remodeled installations this preparation is completed by the licensed elevator contractor. Proper preparation for inspection includes verification that all control and safety devices of the conveyance are connected and functioning.

(b) If necessary, the inspector may require the owner or licensed elevator contractor to isolate hazardous energy sources. The inspector may add his/her personal lock to the hazardous energy isolation to assure his personal safety.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-4. Temporarily dormant elevator/conveyance

(a) An elevator or conveyance may be classified as temporarily dormant when it is to be taken out of service for a prolonged period of time. Any elevator or conveyance classified as temporarily dormant shall:

(1) Have its power supply disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "OFF" position;

- (2) Have the elevator cars shall be parked and the hoistway doors shall be in the closed position and latched;
 - (3) Have all elevator hoistway and floor access doors and gates be clearly labeled indicating that the elevator is out of service;
 - (4) Have a suitable seal installed on the mainline disconnect switch by a licensed elevator inspector; and
 - (5) Be in temporarily dormant status renewable on an annual basis that shall not exceed a five-year period.
- (b) A temporarily dormant elevator or conveyances shall not be used again until it has been put in safe running order and is deemed safe for use as determined by a licensed elevator inspector.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-5. Insurance requirements

Licensed elevator contractors shall submit to the Chief Elevator Inspector, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in this State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, and with coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-6. Cities and municipalities: Concurrent inspection and licensing programs

(a) Notwithstanding any other provision, cities and municipalities may engage in the safety inspection of existing elevators and related conveyances, the permitting and inspection of new or modernized elevators and conveyances, and the licensing of city/municipal elevator inspectors, provided that such programs meet the following requirements:

- (1) The inspection and safety requirements of the program shall be at least equal to or exceed the requirements of this Act.
- (2) The city/municipal inspectors licensing requirements shall be at least equal to or exceed the elevator inspector licensing requirements contained in this Act.

(b) The following exemptions shall be applicable to cities and municipalities that have established elevator safety programs meeting the requirements of subsection

(a) of this section:

- (1) Elevators, escalators and conveyances routinely inspected by city/municipal inspectors shall be exempt from inspection and any associated fees as provided for in this Act.
- (2) City and municipal inspectors licensed in accordance with the provisions of a recognized city or municipal elevator safety program shall be exempt from the licensing requirements and any associated fees as provided for in this Act.

(c) Immediately upon the disestablishment or termination of any city or municipal elevator safety program all exemptions allowed in subsection (b) of this section shall be voided and the applicable provisions of this Act shall become immediately effective.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-7. Inspection of exempted conveyances

The Commissioner may provide for the inspection of elevators or conveyances that are exempt from the provisions of this Act upon receiving a written request from the owner or his/her authorized agent. These inspections will be performed and a fee charged as provided for in this Act. Upon completion of the inspection, the inspector will notify the owner or his/her authorized agent of any safety code violations. Correction of the code violations in exempt elevators or conveyances is solely at the discretion of the owner.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-8. Major repairs and alterations: Permits

(a) Prior to the alteration or major repair of any elevator or conveyance subject to the provisions of this Act, an alteration permit shall be obtained from the Department. Applications for alteration permits shall be on forms provided by the Department and shall be submitted by the installing licensed elevator contractor. The application shall require the submission of detailed plans and specifications bearing the seal of a registered professional engineer familiar with elevators and conveyances.

(b) All alterations and major repairs to elevators and conveyances shall be made in conformity with the requirements of the applicable ASME Code(s) and this Chapter.

(c) Upon receipt of an application for an alteration permit to perform an alteration or major repair, and the required plan and specifications, the Department shall review the application for compliance with the Act and this Chapter. The Department may issue an alteration permit or shall notify the applicant in writing of the reason(s) the alteration permit was denied.

(d) Any applicant who has been denied a permit or alteration of major repair by the Department may appeal that denial to the Commissioner, provided written request to appeal is received by the Department within fifteen (15) days of the date of the applicant's notice of denial.

(e) When an elevator or conveyance with a valid Certificate of Operation undergoes an alteration or major repair, the Certificate of Operation shall become invalid until such time as the conveyance undergoes an inspection by the Commissioner, Chief Inspector, or Deputy Inspector. Reports of such alteration or major repair shall be provided to the Department prior to the inspection and shall be on forms acceptable to the Department.

(f) If the Report of Inspection required by this Chapter indicates that there is a failure to comply with the plans and specifications approved by the Department, or provisions this Act, the Certificate of Operation may be denied. The Department shall notify the owner of the conveyance in writing of the reason(s) for the denial.

(g) An owner who has been denied an operating permit by the Department may appeal that denial to the Commissioner, provided a written request to appeal is received by the Commissioner within fifteen (15) days of the date of the owner's notice of denial.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-11-9. Remodeled conveyances

(a) When an elevator or conveyance is remodeled, the remodeled portions must comply with the Safety Code for Existing Elevators and Escalators in effect at the

time the remodeling contract is signed. The portions of the elevator or conveyance which are not remodeled must continue to meet the requirements of the current adopted edition of the Safety Code for Existing Elevators and Escalators.

(b) The licensed elevator contractor is responsible for arranging inspections and correcting code violations.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-10. Periodic testing

(a) Periodic testing of elevators covered under ASME, A17.1, 8.11.1.3 shall be as outlined in Appendix A. Such tests shall be performed by a licensed elevator mechanic and witnessed and reported by a licensed elevator inspector.

(b) Fees for the labor required to have the Chief Elevator Inspector or a Deputy Elevator Inspector witness any periodic testing as prescribed in Appendix A shall be in accordance with the fee schedule listed in OAC 380:70-1-3.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07; Amended at 34 Ok Reg 1731, eff 9-15-17]

380:70-11-11. Emergency keys

Keys for the emergency operation of elevators and conveyances subject to the provisions of this Act shall be kept on the premises in a location readily accessible to firefighters and emergency personnel, but not where they are available to the public.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-12. Welding

(a) Whenever welding is to be performed on elevators or conveyances subject to the provisions of this Act, or any of their parts, all such weldment, except tack welds later incorporated into final weldment, shall be performed by welders qualified in accordance with the requirements of ANSI/AWS D1.1 or the latest AWS requirements applicable to the specific materials to be welded.

(b) Welder certification testing shall be performed by Weld Test Facilities licensed in accordance with the Oklahoma Welding Law, Title 59 of the Oklahoma Statutes, Section 1624 et seq.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-13. Maintenance, repair, and replacement

All elevators and conveyances subject to the provisions of this Act shall have a written Maintenance Control Program in place to maintain the equipment in compliance with ASME A17.1, Section 8.6. Such program shall at a minimum:

- (1) Include a listing of examinations, maintenance, and tests of equipment at scheduled intervals in order to ensure that the installation conforms to the requirements of ASME A17.1, Section 8.6;
- (2) Contain instructions for locating the Maintenance Control Program that shall be provided in or on the controller along with instructions on how to report any corrective action that might be necessary to the responsible party;
- (3) Shall be maintained in a central location and be accessible to the elevator personnel; and
- (4) Contain maintenance records that shall document compliance with the requirements of ASME A17.1, Section 8.6 and shall include records on the

following activities:

- (A) Description and dates of maintenance tasks performed;
- (B) Description and dates of examinations, tests, adjustments, repairs, and replacements;
- (C) Description and dates of call backs (trouble calls) or reports that are reported to elevator personnel by any means, including corrective action taken; and
- (D) Written record of the findings on the firefighter's service operation required by A17.1, sub-section 8.6.10.1.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

380:70-11-14. Conditions not covered

All cases not specifically covered by this Act and these rules and regulations shall be referred to the Chief Elevator Inspector for consideration on a case by case basis.

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

APPENDIX A. PERIODIC TESTING TABLES

Figure 1

A17.1 Reference Section	Equipment Type	Category One		Category Five	
		Requirement	Interval Months	Requirement	Interval Months
8.11.2	Electric Elevators	8.11.2.2	12	8.11.2.3	60
8.11.3	Hydraulic Elevators	8.11.3.2	12	8.11.3.4	60
8.11.4	Escalators and Moving Walks	8.11.4.2	12	N/A	N/A
8.11.5.1	Sidewalk Elevators	8.11.2.2 & 8.11.3.2	12	8.11.2.3 & 8.11.3.4	60
8.11.5.6	Special purpose personnel elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.7	Inclined Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.9	Screw-column elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.12	Limited-Use/Limited Application Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
8.11.5.13	Construction Use Elevators	8.11.2.2 & 8.11.3.2		8.11.2.3 & 8.11.3.4	60
	Schmic Tests				
8.4.10	Electric Elevators	8.4.10.1	12	N/A	N/A
8.4.11	Hydraulic Elevators	N/A	N/A	8.4.11.2	60
8.5.4	Escalators	8.5.4	12	N/A	N/A

[Source: Added at 24 Ok Reg 29, eff 11-1-06 (emergency); Added at 24 Ok Reg 2231, eff 6-25-07]

CHAPTER 75. ALARM AND LOCKSMITH INDUSTRY RULES

Editor's Note: Effective 11-1-12, the authority to "promulgate, adopt, amend, and repeal rules consistent with the provisions of the Alarm and Locksmith Industry Act for the purpose of governing the establishment and levying of administrative fines and the examination and licensure of alarm or locksmith companies, managers, technicians, and salespersons" [SB 1866 (2012), § 19] was transferred from the State Board of Health to the Commissioner of Labor. The Commissioner of Labor later promulgated rules in this Chapter 75, effective 7-11-13. For the text of rules, as last promulgated by the Board of Health, see OAC 310:205 in the 2011 Edition of the OAC.

[Authority: 59 O.S. §§ 1800.1 et seq.]

[Source: Codified 7-11-13]

SUBCHAPTER 1. GENERAL PROVISIONS

380:75-1-1. Purpose

The rules in this Chapter implement the Alarm and Locksmith Industry Act, Title 59 O.S. Section 1800.1 *et seq.*

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Burglar alarm company" means a business that provides burglar alarm systems to others by any means, including, but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of a burglar alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Burglar alarm company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such alarm company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Burglar alarm salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of a burglar alarm company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, and/or a person who participates in design, plan, specification and/or lay out of a burglar alarm system on behalf of a burglar alarm company but shall not include individuals who participate in marketing only.

"Burglar alarm technician" means an individual who is employed by an Oklahoma licensed burglar alarm company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service burglar alarm equipment.

"Burglar alarm trainee" means an individual who is employed by an Oklahoma licensed burglar alarm company to assist burglar alarm technicians or managers and learn to properly install, service, and sell burglar alarm equipment.

"CABO" means The Council of American Building Officials.

"Certificate of course completion" means a document acceptable to the Committee which signifies satisfactory completion of course work.

"Certification of a system" shall mean testing per applicable code of any burglar alarm, fire alarm, electronic access control, closed circuit television, nurse call, locksmithing equipment, or fire sprinkler alarm system by a properly licensed individual working for a properly licensed company to verify that the system complies with all of the requirements of the applicable code or standard.

"Closed circuit television or (CCTV)" means a system that provides video surveillance of an area or a client-prescribed area primarily by means of transmitting and/or recording of visual signals through cameras, receivers, monitors, and/or other visual imaging equipment.

"Closed circuit television company" means a business that provides closed circuit television systems to others by any means, including but not limited

to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, and/or servicing of a CCTV system; holding one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Closed circuit television manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Closed circuit television technician" means an individual who is employed by an Oklahoma licensed closed circuit television company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service closed circuit television equipment.

"Closed circuit television trainee" means an individual who is employed by an Oklahoma licensed closed circuit television company to learn to properly install and service closed circuit television equipment.

"Closed circuit television salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of a closed circuit television company by any means, including but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, and/or a person who participates in the sale, design, plan, and/or lay out of a closed circuit television system on behalf of a closed circuit company, but shall not include individuals who participate in marketing only.

"Commercial building" means a building or structure used for any purpose or occupancy that is not defined in this section as a Residential Building.

"Commercial fire alarm license" means the category of license which authorizes a fire alarm company, manager, technician, trainee or salesperson to engage in the fire alarm industry activities in compliance with this Chapter for any work performed in residential or commercial application.

"Commercial fire sprinkler license" means the category of license which authorizes a fire sprinkler company, manager, trainee, and/or technician to engage in the fire sprinkler alarm industry activities in compliance with this Chapter for any residential or commercial application.

"Commissioner" means the Commissioner of Labor or the Commissioner's designee.

"Committee" means the Alarm and Locksmith Industry Committee.

"Department" means the Oklahoma Department of Labor.

"Electronic access control" means the use of qualifying devices or identification methods at various points to control the movement of people within pre-defined perimeters through the use of electronic card readers, keypads, biometrics devices, or a combination of technologies that receives its primary power from an external source.

"Electronic access control company" means a business that offers to, or engages in, the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of electronic access control systems.

"Electronic access control company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such company within the state of Oklahoma.

The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Electronic access control technician" means an individual who is employed by an Oklahoma licensed electronic access control company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, and/or service electronic access control equipment.

"Electronic access control trainee" means an individual who is employed by an Oklahoma licensed electronic access control company to learn to properly install and service electronic access control equipment.

"Electronic access control salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of an electronic access control company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and/or a person who participates in design, plan, and/or lay out of an electronic access control system on behalf of an electronic access control company, but shall not include individuals who participate in marketing only.

"Fire alarm company" means a business that provides fire alarm systems to others by any means including but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, and/or servicing of fire alarm system; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly. The company shall be licensed as a residential or commercial fire alarm company as defined by this Chapter.

"Fire alarm company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such alarm company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Fire alarm salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of a fire alarm company by any means including but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and or a person who participates in design, plan and/or lay out of an fire alarm system on behalf of a fire alarm company, but shall not include individuals who participate in marketing only. The salesperson shall be licensed as a residential or commercial fire alarm salesperson as defined by this Chapter.

"Fire alarm technician" means an individual who is employed by an Oklahoma licensed fire alarm company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, certify, inspect, or service fire alarm equipment. The fire alarm technician shall be licensed as a residential or commercial fire alarm technician as defined by this Chapter

"Fire alarm trainee" means an individual who is employed by an Oklahoma licensed fire alarm company to assist fire alarm technicians or managers and learn to properly install, service and sell fire alarm equipment.

"Fire sprinkler company" means a business that provides fire sprinkler systems to others by any means, including but not limited to, the sale, lease, rent, design, planning with the intent to install, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of a fire sprinkler system; holding oneself or one's company out for hire to perform any such task; or

otherwise offering to perform any such task for compensation either directly or indirectly. The company shall be licensed as a residential or commercial company as defined by this Chapter.

"Fire sprinkler company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Fire sprinkler inspector" means an individual who is employed by an Oklahoma licensed alarm company to inspect and test a fire alarm sprinkler system to determine if it has been installed and is operating according to the appropriate code or standard.

"Fire sprinkler technician" means an individual who is employed by an Oklahoma licensed fire sprinkler company to install, service and sell, maintain, repair, and/or test fire sprinkler equipment. The fire sprinkler technician shall be licensed as a residential or commercial fire sprinkler technician as defined by this Chapter.

"Fire sprinkler technician trainee" means an individual who is employed by an Oklahoma licensed fire sprinkler company to assist fire sprinkler technicians or managers and learn to properly install and service fire sprinkler systems.

"IBC" means the International Building Code.

"ICC" means the International Code Council, Inc.

"Inspection" shall mean the visual observation or system test of any burglar alarm system, fire alarm system, electronic access control system, closed circuit television system, nurse call system, lock system, or fire sprinkler system to determine if the system has been installed and is operating according to the applicable code or standard.

"Locksmith company" means a business that provides locksmithing to others by any means, including but not limited to, design, install, service, repair, re-key, re-pin, sell, inspect, rebuild, record, adjust, unlock mechanical or electronic locks or advertisement of locksmith services; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

"Locksmith company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function and operations of such company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Locksmith salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of a locksmith company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door, or any other type of personal interaction, or a person who participates in design, plan, and/or lay out of locksmithing equipment on behalf of a locksmith company, but shall not include individuals who participate in marketing only.

"Locksmith technician" means an individual who is employed by an Oklahoma licensed locksmith company to design, install, service, inspect, repair, re-key, re-pin, sell, rebuild, record, adjust, or unlock mechanical or electronic locks on behalf of a locksmith company.

"Locksmith trainee" means an individual who is employed by an Oklahoma licensed locksmith company to learn to properly install, service, repair, rebuild, re-key, re-pin, sell, or unlock mechanical or electronic locks on behalf of a locksmith company.

"Locksmith tool" means any tool designed specifically to aid in removal, disassembly, re-assembly, installation, or maintenance of, or to be used to defeat or by-pass any electric or mechanical lock or system.

"Manufactured housing" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m²) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these rules, a mobile home shall be considered a manufactured home, and each shall be regarded as manufactured housing.

"Marketing" means the distribution or collecting of general or basic information about products or services by any means including but not limited to telephone, electronic device, public notice, advertisement, or any other type of direct or indirect personal interaction.

"Monitoring company" means a business that offers to, or does monitor burglar alarms, electronic access control systems, closed circuit television, nurse call systems, and/or fire alarms located in Oklahoma.

"Monitoring company manager" means an individual who is employed by an Oklahoma licensed monitoring company and has control of the monitoring of systems located in Oklahoma.

"Multiple activity office" means a location where more than one regulated activity is performed or conducted.

"Multipurpose fire sprinkler system" means a single piping system within residential building and manufactured housing where the same piping system simultaneously serves both domestic and fire protection needs and are not independent systems in any manner as described by the Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings (NFPA 13D).

"NFPA" means the National Fire Protection Association.

"NICET" means the National Institute of Certification in Engineering Technologies, a certification program sponsored by the National Society of Professional Engineers.

"Nurse call system" means a device or a series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual, or electronic signal intended to detect or annunciate a need to summon response by a local medical staff or local medical personnel.

"Nurse call company" means a business that provides nurse call systems to others by any means, including but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair, testing, modification, improvement, alteration, inspection, or servicing of nurse call systems; holding oneself or one's company out for hire to perform any such tasks; or otherwise offering to perform any such tasks for compensation, either directly or indirectly.

"Nurse call company manager" means an officer or manager of a company, corporation, partnership or proprietorship, with the authority to bind the company by contract, who shall provide supervision over the regulated function

and operations of such company within the state of Oklahoma. The manager shall not be the manager of record for more than one company unless he/she is a majority owner of each company.

"Nurse call technician" means an individual who is employed by an Oklahoma licensed nurse call system company to design, plan, lay out, sell, pre-wire, install, maintain, repair, test, inspect, or service nurse call system equipment.

"Nurse call trainee" means an individual who is employed by an Oklahoma licensed nurse call system company to learn to properly install and service nurse call system equipment.

"Nurse call system salesperson" means a person who sells, with the authority to sign a binding proposal to others on behalf of an nurse call company by any means, including, but not limited to, telephone or electronic device, public notice or advertisement, door-to-door or any other type of personal interaction, and/or a person who participates in design, plan and/or lay out of an nurse call system on behalf of a nurse call company, but shall not include individuals who participate in marketing only.

"OUBCC" means the Oklahoma Uniform Building Code Commission.

"Ownership" means the dominion, title, or proprietary right in a company subject to the Alarm and Locksmith Industry Act and this Chapter.

"Qualifying devices" means a device or combination of devices such as retina readers, finger print pads, bio-metric readers, card swipes, etc. that are used to identify persons who have authorized entry through electronic access control systems.

"Residential building" shall mean buildings arranged for the use of one (1)- or two (2)-family dwelling units, including not more than five (5) lodgers or boarders per family and multiple single-family dwellings where each unit has an independent means of egress and is separated by a two (2)-hour fire separation assembly and all detached one (1)- or two (2)-family dwellings not more than three (3) stories in height, and the accessory structures as indicated in the ICC One and Two Family Dwelling Code.

"Residential fire alarm license" means the category of license which authorizes a fire alarm company, manager, technician, trainee or salesperson to engage in the fire alarm industry activities in compliance with this Chapter for fire alarm systems used in residential building and manufactured housing.

"Residential fire sprinkler license" means the category of license which authorizes a fire sprinkler company, manager, or technician or trainee to engage in the fire sprinkler industry activities in compliance with this Chapter for fire sprinkler systems used in residential building and manufactured housing.

"Residential stand-alone CCTV systems designed for the purpose of self-monitoring by the end user" means a camera or cameras installed in a residence that are not monitored or accessible by any person other than the residential end user and are not integrated with any alarm system, integrated security system, lock, or mechanical or electronic security device(s) as defined in 59 O.S. § 1800.2.

"Rough-in cabling or wiring" means the act of installing the cabling or wiring required for the activities regulated by this Chapter. This will include the preparation of the site for cabling or wiring, but shall not include the installation or connection of any electronic devices or parts thereof.

"Security verification" means information submitted to the appropriate authority on each applicant to verify any criminal records.

"Supervision" means on-site supervision by a licensed manager, technician or salesperson.

"System" means a burglar alarm system, fire alarm system, fire sprinkler system, closed circuit television system, electronic access control system, locksmithing system, or a nurse call system, all as defined in these rules, or a portion or combination of such alarms or systems. However, the term "system" shall not include the following: (i) an alarm system installed in a motor vehicle; (ii) a burglar alarm system or household fire warning system sold at retail to an individual end user for self-installation; (iii) a single station fire alarm device sold at retail to an individual end user for self-installation or installed by a fire department, the State Fire Marshal, a public agency, a volunteer fire association, or their designated representatives.

"Trainee" means an individual who is employed by an Oklahoma licensed company to learn to properly engage in the activities regulated by this Chapter that can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 36 Ok Reg 967, eff 9-15-19]

380:75-1-3. Adopted references

The Department of Labor hereby incorporates by reference the following standards as adopted by the OUBCC as the minimum standards of installation for the alarm and locksmith industry in Oklahoma: International Code Council (ICC) International Building Code (IBC), National Electrical Code (NFPA 70), National Fire Alarm Code (NFPA 72), Standard for the Installation of Sprinkler Systems (NFPA 13), Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings (NFPA 13D), Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four stories in Height (NFPA 13R), Standard for the Installation of Standpipe and Hose Systems (NFPA 14), Standard for Water Spray Fixed Systems for Fire Protection (NFPA 15), Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems (NFPA 16), Standard for the Installation of Stationary Pumps for Fire Protection (NFPA 20), Standard for the Installation of Private Fire Service Mains and Their Appurtenances (NFPA 24), Standard for the Inspection, Testing, and Maintenance Water-Based Fire Protection Systems (NFPA 25), and Code for Safety to Life from Fire in Buildings and Structures (NFPA 101). If a conflict exists between any of the above referenced installation standards, the more stringent standard shall apply. If a conflict exists between any of the above referenced codes or standards and this Chapter, the requirements in this Chapter shall apply.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-1-4. Compliance with intent of Chapter

Where no specific standards or requirements are specified in this Chapter or within other codes or regulations adopted by the Department of Labor, compliance with the applicable standards of the National Fire Protection Association, American National Standard Institute (ANSI), or other nationally recognized fire safety standards approved by the State is prima facie evidence of compliance with the intent of this Chapter.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

SUBCHAPTER 3. LICENSE REQUIREMENTS

380:75-3-1. General application and license requirements

The categories of licensing in the alarm and locksmith industry shall be:

- (1) Burglar alarm;
- (2) Residential fire alarm;
- (3) Commercial fire alarm;
- (4) Alarm Monitoring;
- (5) Fire sprinkler;
- (6) Locksmith;
- (7) Electronic access control;
- (8) Closed circuit television; and
- (9) Nurse call.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-3-2. Application and license fees, period and display, and examination alternatives or prerequisites

(a) **Application and license fees.** The following fees apply to alarm and locksmith industry licensure:

- (1) Initial application and licensing fees
 - (A) Company application and license - \$250.00. A company that is owned and operated by the company manager, with only a locksmith category license and which employs no additional employees, shall be exempted from a company license fee. A company shall submit a list of employees licensed in accordance with the Alarm and Locksmith Industry Act, to the Department, with each application or renewal application for a company license.
 - (B) Company manager and plan and design - Application \$70.00 and Licensing fee \$100.00
 - (C) Inspector, technician, salesperson - Application \$14.00 and Licensing fee \$35.00
 - (D) Technician trainee - Application \$40.00 and License fee \$35.00
 - (E) Fire Sprinkler Technician Trainee \$20.00
 - (F) Duplicate or revised license - \$25.00

- (2) Renewal fees
 - (A) Company license - \$250.00; A company that is owned and operated by the company manager, with only a locksmith category license and which employs no additional employees, shall be exempted from a company license fee.
 - (B) Company manager and plan and design - \$100.00
 - (C) Inspector, technician, salesperson - \$35.00
 - (D) Trainee - \$25.00
 - (E) Fire Sprinkler Technician Trainee \$15.00

(b) **License period.**

- (1) All individual licenses shall expire annually on the last day of the licensee's birth month. Each such license shall be prorated in accordance with the licensing procedures adopted by the Department. All company licenses shall expire annually on the last day of the month the license was initially issued. A manager may choose to renew the company license in the same month as the manager license. An expired license may be renewed by

paying the renewal fee no later than thirty (30) days after the license's expiration date. An expired license may be renewed later than thirty (30) days after the license's expiration date by paying double the renewal fee. Any individual license renewal shall require the licensee to be listed as an employee of a licensed company on the companies' renewal form or in a separate letter from the company which has been signed by the licensed manager of record. If an individual licensee cannot supply to the Department the required employment information, the licensee may request the Department to designate his or her license as inactive. The inactive designation of the license shall remain until the employment information is provided to the Department. The requirement of employment by an employer specifically licensed as a company under this Section shall not apply for individual licensees employed by a general services provider engaged by the Department of Defense for broad, general DOD facility services which would include fire sprinkler, locksmith, alarm, access control, nurse call or locksmith services.

(2) Initial applications for managers, technicians, salespersons, plan and design and trainees shall be submitted to the Department. Each applicant shall comply with the licensing procedures adopted by the Department. This registration shall be contingent on a security background investigation. Each license applicant shall provide either:

(A) An application and a current criminal history record check dated within thirty (30) days of application from the Oklahoma State Bureau of Investigation. If the applicant has resided in any other state within the past ten (10) years, a current criminal history record check from each state of previous residence will be required. In addition, the applicant shall submit two (2) classifiable sets of fingerprints. The Commissioner may allow for the option of electronic submission of the applicant's fingerprints under licensing procedures adopted by the Department. The applicant shall be photographed by the Department of Labor or an entity approved by the Department in accordance with the licensing procedures adopted by the Department. (This provides for temporary licensure for trainees only.); or

(B) An application and two (2) classifiable sets of fingerprints. The Commissioner may allow for the option of electronic submission of the applicant's fingerprints under licensing procedures adopted by the Department. The applicant shall be photographed by the Department of Labor or an entity approved by the Department in accordance with the licensing procedures adopted by the Department. (This does not provide for temporary licensure.)

(3) A license which has been expired for more than two (2) years shall not be renewed. An individual may obtain a valid license by successful completion of the appropriate examination and/or certification and other licensure requirements.

(4) A temporary trainee license will be issued to an individual who has provided the documents required in 380:75-3-2(b)(2)(A). The temporary license will be valid for a period not to exceed (90) ninety days. An individual may be issued a second temporary license for good cause shown as determined by the Department. An applicant for a temporary fire sprinkler trainee license may work for a licensed fire sprinkler company on

unoccupied commercial new-construction projects only, upon application for licensure while the applicant's application is being processed by the Department of Labor, for up to (30) thirty days, subject to the requirements of 380:75-3-6(a)(4), and provided the applicant has first undergone a national criminal history records search by a third party commercial provider of national criminal history records search services and the applicant meets the requirements of 59 O.S. § 1800.7 and 59 O.S. § 1800.13. The applicant, prior to licensure, shall not be authorized to perform work or otherwise be present at any job site located at or immediately adjacent to a school, church, long-term care facility, or hospital.

(c) **Examination and re-examination.** Any applicant failing to pass the appropriate examination shall be required to retake the same category examination after payment of a retest fee. Any person who fails to appear for a scheduled examination shall forfeit his/her examination fee.

(d) **Company license display.** While actively engaged in any activity regulated by this Chapter, the state issued company license number, or a statement referring to a website or toll free phone number to obtain licensing information shall be placed on all advertising and marketing materials including but not limited to, letterhead stationery, business cards, invoices, statements, contracts, bids, estimates, printed advertisements, electronic media advertisements, decals and yard signs. The license number shall be prominently displayed on any publicly accessible website, either on the home page or on every page advertising a product or service regulated by this Chapter. The state issued license number shall be displayed in numerals of two (2) inches or more in height and shall be located on all vehicles that display the company name while actively engaged in any activity regulated by this Chapter. The license number shall be placed on every side of the vehicle which displays the company name. Display shall be in letters and numerals of two (2) inches or more in height. The required license number and company name shall be displayed in either a temporary or permanent manner on at least one company vehicle at any job site unless exempted by a specific written request of the customer, except that a licensed fire sprinkler company may prominently display a durable sign, at least 2'x2' in size, bearing the company name and license number in letters and numerals of two (2) inches or more in height, at the main location of vehicle ingress to a commercial job site in lieu of having a vehicle bearing the company name and license number present at the job site while work is being performed.

(e) **Personal license display.** Each manager, technician, technician trainee, or salesperson, shall possess the state issued card any time the person is working in such capacity. The individual license shall be presented to any authorized representative of the Department of Labor or other authorities having jurisdiction. In addition the individual shall have a valid, state-issued photo I.D. in their possession while engaged in the licensed activity.

(f) **Personal license information.**

(1) Each individual license holder shall notify the Department of Labor, on a form specified and provided by the Department, within fourteen (14) days of the following:

(A) Any change in the home address.

(B) Any separation from an employer or change in employer.

(C) Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge.

(2) No individual licensed under this Chapter shall contract for his/her services as an independent contractor without applying for and being issued a company and manager license under this Chapter. No company shall contract for the independent services of a holder of an individual license under this Section.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 31 Ok Reg 1945, eff 9-15-14; Amended at 32 Ok Reg 2018, eff 9-15-15; Amended at 35 Ok Reg 1779, eff 9-15-18; Amended at 37 Ok Reg 1976, eff 9-15-20]

380:75-3-3. Burglar alarm license requirements

Licensing requirements for the burglar alarm industry are as follows:

(1) **Company.**

(A) Each burglar alarm company shall employ an Oklahoma licensed burglar alarm manager who is responsible for the operations of the company's office. A burglar alarm company shall notify the Department within fourteen (14) days in event of the death of the burglar alarm company manager or the manager's separation from the company for any other reason, and the company shall designate another licensed burglar alarm manager within (30) thirty days from separation.

(B) A licensed burglar alarm technician or manager shall be on site for any work being performed.

(C) A burglar alarm company may operate multiple activity offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-3(1) (A). The company will notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(D) Each alarm company engaged in alarm business that sells a burglar alarm system to a consumer upon request from the consumer shall within forty-eight (48) hours return the lockout, installer, or programming code of the system to the factory default setting when the consumer cancels the contract on customer-owned equipment. If a system is installed without a written contract with the consumer, the system shall have the lockout code, installer or programming code set at default.

(E) A company shall maintain and provide the customer with the following information prior to any agreement for service becoming effective. Any early termination clause applicable to military personnel, or the lack of such a clause, shall be fully disclosed in writing and shall be separately acknowledged by the customer. All monitoring and/or lease contracts shall include, as a minimum, the following information: the initial term of the agreement, the renewal term of the agreement, the terms for notification of cancellation of the agreement as well as the costs involved of all the terms of the agreement, the company name and the state issued license number, the sales representative's name and state issued license number, and the address where service will be provided. The minimum contract information described above shall be disclosed in one of the following ways:

(i) Printed on the front or face of the written contract in not less than twelve (12) point bold type and at least two (2)

points larger than the rest of type size of the remaining text in the written contract;

(ii) On a separate disclosure form appended to the written contract and dated, and signed by the customer and the licensed alarm company representative who made the sale;

or

(iii) Electronically in a format and language that is understandable to the average consumer using bold type which is at least two (2) points larger than the type size of the remaining text in the contract.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of four (4) years of experience in the burglar alarm business. The experience shall include two (2) years verified/or licensed experience as a burglar alarm technician or other related experience approved by the Committee.

(B) Each burglar alarm manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each licensed burglar alarm company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed burglar alarm company manager shall have a security background verification.

(E) Each licensed burglar alarm company manager shall also be licensed as a residential fire alarm manager.

(3) Technician.

(A) Each technician shall work for a licensed burglar alarm company and under the supervision of a burglar alarm company manager.

(B) Each burglar alarm technician applicant must pass an examination prescribed by the Commissioner.

(C) Each technician shall have a security background verification.

(D) Each licensed burglar alarm technician shall also be licensed as a residential fire alarm technician.

(E) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician/Salesperson Trainee.

(A) A technician/salesperson trainee shall be employed by a licensed Oklahoma burglar alarm company.

(B) A technician/salesperson trainee shall work under the direct supervision of a licensed burglar alarm company manager, burglar alarm technician or a burglar alarm salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per burglar alarm company manager, burglar alarm technician or burglar alarm salesperson per job site or project.

(D) Each technician/salesperson trainee shall have security background verification.

(E) Each licensed burglar alarm trainee shall also be licensed as a residential fire alarm trainee.

(F) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

(G) An individual who holds a trainee license can engage in the rough-in cabling or wiring under the direct supervision of a licensed company holding the appropriate license category.

(H) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a burglar alarm company.

(5) Salesperson.

(A) Each salesperson shall work for a licensed burglar alarm company and under the supervision of a burglar alarm company manager.

(B) Each salesperson shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 31 Ok Reg 1947, eff 9-15-14; Amended at 36 Ok Reg 967, eff 9-15-19; Amended at 37 Ok Reg 1976, eff 9-15-20; Amended at 40 Ok Reg 2300, eff 9-15-23]

380:75-3-4. Fire alarm license requirements

Licensing requirements for the fire alarm industry are as follows:

(1) Company.

(A) Each fire alarm company shall employ an Oklahoma licensed fire alarm manager who is responsible for the operations of the company's office. In the event of the death of the fire alarm company manager or his/her separation from the company for any other reason, a fire alarm company shall notify the Department within fourteen (14) days and name a licensed fire alarm manager within thirty (30) days after separation.

(B) A licensed fire alarm technician or manager shall be on site for any work being performed.

(C) A company whose manager only holds a residential fire alarm manager license shall be issued a residential fire alarm company license.

(D) A company whose manager holds a commercial fire alarm manager license shall be issued a commercial fire alarm company license.

(E) A company with a residential fire alarm company license shall only offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarms for use in residential building and manufactured housing.

(F) A company with a commercial fire alarm company license may offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for any residential or commercial use.

(G) Any equipment installed by a company as part of a fire alarm system shall be listed by Underwriters Laboratories, Factory Mutual or any other nationally recognized testing entities for such purpose.

(H) A fire alarm company may operate multiple activity offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-4(1)

(A). The company will notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(I) A properly licensed fire alarm technician or manager of a properly licensed alarm company shall perform the initial testing, inspection, or certification of the entire fire alarm system, and that licensed alarm company shall assume full responsibility for the installation of the alarm system.

(J) Each fire alarm company that sells a fire alarm system to a consumer upon request from the consumer shall within forty-eight (48) hours return the central station monitoring programming code of the system to the factory default setting when the consumer cancels the contract on customer owned equipment. If a system is installed without a written contract with the consumer, the system shall have the central station monitoring programming code set at default.

(2) Manager.

(A) Each application for licensure as a fire alarm manager shall include verification of four (4) years of experience in the fire alarm business. The experience shall include two (2) years verified/or licensed experience as a fire alarm technician. If applying for residential fire alarm manager, experience must show residential technical experience. If applying for commercial fire alarm manager, experience must show commercial technical experience.

(B) Each residential fire alarm manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each commercial fire alarm manager applicant must pass an examination or examinations prescribed by the Commissioner.

(D) Each licensed company manager shall be responsible for all activities of the office they are listed as manager for within the State of Oklahoma.

(E) Each licensed company manager shall have a security background verification.

(F) A manager with a residential fire alarm manager license shall only offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for use in residential building and manufactured housing. Each licensed fire alarm company manager that engages in residential systems must also be licensed as a burglar alarm manager.

(G) A manager with a commercial fire alarm manager license may offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire alarm systems for any residential or commercial use.

(3) Technician.

(A) Each technician shall work for a licensed Oklahoma fire alarm company and under the supervision of a fire alarm company manager.

(B) Each residential fire alarm technician applicant must pass an examination prescribed by the Commissioner.

- (C) Each commercial fire alarm technician applicant must pass an examination prescribed by the Commissioner.
- (D) Each technician shall have a security background verification.
- (E) Each technician shall perform or supervise only fire alarm work within the fire alarm license category for which the fire alarm company is licensed. Each licensed fire alarm technician that engages in residential systems must also be licensed as a burglar alarm technician.
- (F) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician/salesperson trainee.

- (A) A technician/salesperson trainee shall be employed by a licensed Oklahoma fire alarm company.
- (B) A technician/salesperson trainee shall work under the direct supervision of a licensed fire alarm company manager, fire alarm technician or a fire alarm salesperson.
- (C) There shall be no more than three (3) technician/salesperson trainees per fire alarm company manager or fire alarm technician per job site.
- (D) Each technician/salesperson trainee shall have a security background verification.
- (E) Each technician/salesperson trainee shall only install, repair, alter, maintain, service, sell, or inspect fire alarm systems within the fire alarm license category for which the supervisor is licensed. Each licensed fire alarm trainee that engages in residential systems must also be licensed as a burglar alarm trainee.
- (F) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.
- (G) An individual who holds a trainee license can engage in the rough-in cabling or wiring under the direct supervision of a licensed company holding the appropriate license category.
- (H) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a fire alarm company.

(5) Salesperson.

- (A) Each salesperson shall work for a licensed Oklahoma fire alarm company and under the supervision of a fire alarm company manager.
- (B) Each commercial fire alarm salesperson applicant must pass an examination required by the Department and prescribed by the Commissioner which determines if the applicant is sufficiently knowledgeable in fire alarms to design and sell fire alarm systems that meet applicable code standards when installed.
- (C) Each salesperson shall have a security background verification.
- (D) Each salesperson shall design and sell only fire alarm systems in the license category for which the fire alarm company is licensed.

380:75-3-5. Monitoring license requirements

Licensing requirements for the alarm monitoring industry are as follows:

(1) Company.

(A) Each monitoring company shall employ an Oklahoma licensed alarm monitoring manager. A monitoring license shall be required for any company which offers and/or provides monitoring services to residential or commercial properties located within the state of Oklahoma.

(B) Enhanced call verification

(i) Except as provided in this subsection, a monitoring company shall attempt to verify that an activated signal from an alarm system designed to detect and signal an unauthorized intrusion or entry, before requesting a law enforcement response by:

(I) Calling the alarm user at the site of the alarm system with the activated signal.

(II) If no contact is made with the alarm user at the site, calling a second telephone number provided by the alarm user of an individual authorized to cancel a response.

(ii) A monitoring company is not required to contact an alarm user who has obtained a written exemption from response verification from the local chief law enforcement officer or his/her designee.

(iii) A monitoring company is not required to call an alarm user if the system provides visual or audible verification of an unauthorized intrusion or entry by electronic means incorporated into the alarm system.

(iv) A monitoring company is not required to contact an alarm user for signals from medical, emergency, holdup, panic, ambush, nurse call systems, and/or fire alarms.

(2) Manager.

(A) Each manager shall be responsible for all activities of the company within the State of Oklahoma. In the event of the death of the monitoring company manager or his/her separation from the company for any other reason, a monitoring company shall notify the Department with fourteen (14) days and name another licensed burglar alarm manager within thirty (30) days from separation.

(B) Each manager shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-3-6. Fire sprinkler license requirements

Licensing requirements for the fire sprinkler industry are as follows:

(1) Company.

(A) Each fire sprinkler company shall employ an Oklahoma licensed fire sprinkler manager who shall attend the operations of that office. In the event of the death of the fire sprinkler manager or his/her separation from the company for any other reason, a fire sprinkler company shall notify the Department within fourteen (14) days and name another licensed fire sprinkler manager within thirty

(30) days from separation.

(B) A licensed fire sprinkler technician or manager must be on job site of any work being performed.

(C) A company whose manager only holds a residential fire sprinkler manager license shall be issued a residential fire sprinkler license.

(D) A company whose manager holds a commercial fire sprinkler manager license shall be issued commercial fire sprinkler license.

(E) A company with a residential fire sprinkler company license shall only offer to, or engage in the planning, sales, installation, repair, alteration, service, and inspection of residential multipurpose fire sprinkler systems on residential building and manufactured housing.

(F) A company with a commercial fire sprinkler company license may offer to, or engage in the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire sprinkler systems for any residential or commercial use.

(2) Manager.

(A) Each residential fire sprinkler applicant must pass an examination or examinations prescribed by the Commissioner.

(B) Each licensed residential or commercial company manager accepts full responsibility for all activities of his/her company within the State of Oklahoma.

(C) A fire sprinkler company manager is a specialty contractor whose principal contracting business is the execution of contracts requiring the art, ability, experience, knowledge, science, and skill to design, fabricate, install, inspect (other than electrical), alter or repair, fire sprinkler systems, piping or tubing and appurtenances and equipment pertaining thereto, including both overhead and underground non-potable water mains, fire hydrant mains, standpipes, and hose connections to fire sprinkler systems, air line systems used in connection with fire sprinkler systems, and tanks and pumps connected thereto, in compliance with nationally recognized standards including state and local codes and standards for layout, installation and maintenance of fire sprinkler systems.

(D) Each commercial fire sprinkler manager applicant must pass an examination or examinations prescribed by the Commissioner.

(E) A residential fire sprinkler manager shall only offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of multipurpose fire sprinkler systems for use in residential building and manufactured housing.

(F) A commercial fire sprinkler manager may offer to, engage in, or supervise the planning, installation, repair, alteration, maintenance, service, sale, inspection, or advertisement of fire sprinkler systems for any residential or commercial use.

(G) Each commercial or residential fire sprinkler manager shall have a security background verification.

(3) Technician.

(A) Each residential or commercial fire sprinkler technician must work for a licensed Oklahoma fire sprinkler company and work

- under the supervision of a fire sprinkler company manager.
- (B) Each residential fire sprinkler technician applicant must pass an examination required by the Department.
 - (C) Each commercial fire sprinkler technician applicant must pass an examination prescribed by the Commissioner.
 - (D) A commercial fire sprinkler technician working for a fire sprinkler company with a residential license shall only perform fire sprinkler work for which the company is licensed.
 - (E) Each fire sprinkler technician shall have a security background verification.

(4) Technician Trainee.

- (A) A technician trainee shall be employed by a licensed Oklahoma fire sprinkler company.
- (B) A technician trainee shall work under the direct supervision of a licensed fire sprinkler company manager or fire sprinkler technician.
- (C) There shall be no more than three (3) technician trainees per fire sprinkler company manager or fire sprinkler technician per job site.
- (D) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a fire sprinkler company.
- (E) Each fire sprinkler technician trainee shall have a security background verification.

(5) Inspector.

- (A) An applicant for initial licensure as a fire sprinkler inspector applicant must pass an exam prescribed by the Commissioner.
- (B) Each fire sprinkler inspector shall work for a licensed fire sprinkler company.
- (C) Each fire sprinkler inspector shall inspect and test each fire sprinkler system to determine if the system has been installed and is operating according to the appropriate code and standard before certifying the system.
- (D) Each fire sprinkler inspector shall work for a fire sprinkler company which possesses an unlimited fire sprinkler company license.
- (E) Each fire sprinkler inspector shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 40 Ok Reg 2300, eff 9-15-23]

380:75-3-7. Locksmith license requirements

Licensing requirements for the locksmith industry are as follows:

(1) Company.

- (A) Each locksmith company shall employ an Oklahoma licensed locksmith manager who is responsible for the operations of the company's office. In the event of the death of the locksmith company manager or his/her separation from the company for any other reason, a locksmith company shall notify the Department within fourteen (14) days and name another licensed locksmith manager within thirty (30) days from separation.
- (B) A licensed locksmith technician or manager shall be on site for any work being performed.

(C) A locksmith company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-7(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(D) The initial retail sales and pinning of locks and lock system shall not require a locksmith license. However, the repinning of locks subsequent to the initial sales shall require a locksmith license.

(E) Tow truck companies/operators licensed by the Department of Public Safety are exempted from the requirements of licensure and this Chapter when performing automotive locksmith services at their business location, and when performing automotive locksmith roadside services in a vehicle appropriately licensed and identified in accordance with the Department of Public Safety requirements for tow truck companies/operators (OAC 595:25) existing at the time of the adoption of this rule or as may subsequently enumerated or adopted.

(F) An individual, company, corporation, institution, industry, business or religious organization, or employee thereof, is exempt from the requirements of this Chapter when performing locksmith category activities on the property of the same, provided the locksmith category services are not performed as a normal business practice on the property of another.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of experience in the locksmith business. The experience shall include verified/or licensed experience as a locksmith technician.

(B) Each locksmith manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each licensed locksmith company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed locksmith company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed Oklahoma locksmith company and under the supervision of a locksmith company manager.

(B) Each locksmith technician applicant must pass an examination prescribed by the Commissioner.

(C) Each technician shall have a security background verification.

(D) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician Trainee.

(A) A technician trainee shall be employed by a licensed Oklahoma locksmith company.

(B) A technician trainee shall work under the direct supervision of a licensed locksmith company manager or a locksmith technician.

(C) There shall be no more than three (3) technician trainees per locksmith company manager or locksmith technician per job site.

(D) Each technician trainee shall have security background verification.

(E) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

(F) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a locksmith company.

(5) Salesperson.

(A) Each salesperson shall work for a licensed Oklahoma locksmith company and under the supervision of a locksmith company manager.

(B) Each salesperson shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 36 Ok Reg 967, eff 9-15-19; Amended at 40 Ok Reg 2300, eff 9-15-23]

380:75-3-8. Electronic Access Control license requirements

Licensing requirements for the electronic access control are as follows:

(1) Company.

(A) Each electronic access control company shall employ an Oklahoma licensed electronic access control manager who is responsible for the operations of the company's office. In the event of the death of the electronic access control company manager or his/her separation from the company for any other reason, an electronic access control company shall notify the Department within fourteen (14) days and name another licensed electronic access control manager within thirty (30) days from separation.

(B) A licensed electronic access control technician or manager shall be on site for any work being performed.

(C) An electronic access control company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-8(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of experience in the electronic access control business. The experience shall include verified and/or-licensed experience as an electronic access control technician.

(B) Each electronic access control manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each licensed electronic access control company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed electronic access control company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed Oklahoma electronic access control company and under the supervision of an electronic access control company manager.

(B) Each electronic access control technician applicant must pass an examination prescribed by the Commissioner.

(C) Each technician shall have a security background verification.

(D) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician/ Salesperson Trainee.

(A) A technician/salesperson trainee shall be employed by a licensed Oklahoma electronic access control company.

(B) A technician/salesperson trainee shall work under the direct supervision of a licensed electronic access control company manager, electronic access control technician or an electronic access control salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per electronic access control company manager, electronic access control technician or electronic access control salesperson per job site.

(D) Each technician/salesperson trainee shall have a security background verification.

(E) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

(F) An individual who holds a trainee license can engage in the rough-in cabling or wiring under the direct supervision of a licensed company holding the appropriate license category.

(G) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by an electronic access control company.

(5) Salesperson.

(A) Each salesperson shall work for a licensed Oklahoma electronic access control company and under the supervision of an electronic access control company manager.

(B) Each salesperson shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 36 Ok Reg 967, eff 9-15-19; Amended at 40 Ok Reg 2300, eff 9-15-23]

380:75-3-9. Closed circuit television license requirements (CCTV)

Licensing requirements for the CCTV industry are as follows:

(1) Company.

(A) Each CCTV company shall employ an Oklahoma licensed CCTV manager who is responsible for the operations of the company's office. In the event of the death of the CCTV company manager or his/her separation from the company for any other reason, a CCTV company shall notify the Department within

fourteen (14) days and name another licensed CCTV manager within thirty (30) days from separation.

(B) A licensed CCTV technician or manager shall be on site for any work being performed.

(C) A CCTV company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-9(1)(A). The company will notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(2) Manager.

(A) Each application for licensure as a CCTV manager shall include verification of experience in the CCTV business. The experience shall include verified and/or licensed experience as a CCTV technician.

(B) Each closed circuit television manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each licensed CCTV company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed CCTV company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed Oklahoma CCTV company and under the supervision of a CCTV company manager.

(B) Each closed circuit television technician applicant must pass an examination prescribed by the Commissioner.

(C) Each technician shall have a security background verification.

(D) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician - residential stand-alone CCTV systems designed for the purpose of self-monitoring by the end user.

(A) Each technician who shall only install residential stand-alone CCTV systems designed for the purpose of self-monitoring by the end user shall work for a licensed CCTV company and under the supervision of a CCTV company manager.

(B) Each technician who shall only install residential stand-alone CCTV systems designed for the purpose of self-monitoring by the end user shall have a security background verification.

(5) Technician/salesperson trainee.

(A) A technician/salesperson trainee shall be employed by a licensed Oklahoma CCTV company.

(B) A technician/salesperson trainee shall work under the direct supervision of a licensed CCTV company manager, CCTV technician or a CCTV salesperson.

(C) There shall be no more than three (3) technician/salesperson trainees per CCTV company manager, CCTV technician or CCTV salesperson per job site.

(D) Each technician/salesperson trainee shall have a security background verification.

(E) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

(F) An individual who holds a trainee license can engage in the rough-in cabling or wiring under the direct supervision of a licensed company holding the appropriate license category.

(G) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a CCTV company.

(6) Salesperson.

(A) Each salesperson shall work for a licensed Oklahoma CCTV company and under the supervision of a CCTV company manager.

(B) Each salesperson shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 36 Ok Reg 967, eff 9-15-19; Amended at 40 Ok Reg 2300, eff 9-15-23]

380:75-3-10. Nurse call system license requirements

Licensing requirements for the nurse call industry are as follows:

(1) Company.

(A) Each nurse call company shall employ an Oklahoma licensed nurse call manager who is responsible for the operations of the company's office. In the event of the death of the nurse call company manager or his/her separation from the company for any other reason, a nurse call company shall notify the Department within fourteen (14) days and name another licensed nurse call manager within thirty (30) days from separation.

(B) A licensed nurse call technician or manager shall be on site for any work being performed.

(C) A nurse call company may operate multiple offices provided each office has the same name and ownership of the parent company and shall operate in compliance with 380:75-3-10(1)(A). The company shall notify the Department of the physical address and telephone number for each office in accordance with 59 O.S. Section 1800.10.

(2) Manager.

(A) Each application for licensure as a manager shall include verification of experience in the nurse call business. The experience shall include verified and/or licensed experience as a nurse call technician.

(B) Each nurse call manager applicant must pass an examination or examinations prescribed by the Commissioner.

(C) Each licensed nurse call company manager shall be responsible for all activities conducted within the State of Oklahoma by the office where they are listed as manager.

(D) Each licensed nurse call company manager shall have a security background verification.

(3) Technician.

(A) Each technician shall work for a licensed Oklahoma nurse call company and under the supervision of a nurse call company manager.

- (B) Each nurse call technician applicant must pass an examination prescribed by the Commissioner.
- (C) Each technician shall have a security background verification.
- (D) An individual that holds a technician license in this category can engage in any licensed category as a trainee pursuant to this Chapter.

(4) Technician/salesperson trainee.

- (A) A technician/salesperson trainee shall be employed by a licensed Oklahoma nurse call company.
- (B) A technician/salesperson trainee shall work under the direct supervision of a licensed nurse call company manager, nurse call technician or a nurse call salesperson.
- (C) There shall be no more than three (3) technician/salesperson trainees per nurse call company manager, nurse call technician or nurse call salesperson per job site.
- (D) Each technician/salesperson trainee shall have a security background verification.
- (E) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.
- (F) An individual who holds a trainee license can engage in the rough-in cabling or wiring under the direct supervision of a licensed company holding the appropriate license category.
- (G) A technician trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a nurse call company.

(5) Salesperson.

- (A) Each salesperson shall work for a licensed Oklahoma nurse call company and under the supervision of a nurse call company manager.
- (B) Each salesperson shall have a security background verification.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 36 Ok Reg 967, eff 9-15-19; Amended at 40 Ok Reg 2300, eff 9-15-23]

SUBCHAPTER 5. SPECIAL PROVISIONS

380:75-5-1. Commercial fire alarm tagging requirements

(a) **White Tag (installation sticker).** The White Tag shall be the permanent visual record of the original installation and certification. The following additional requirements shall apply to the use of the White Tag:

- (1) The tag must be permanently affixed to the main control panels as long as the system is in service.
- (2) The tag shall be five inches (5") in height by four inches (4") in width and shall be water durable and have a self-adhesive backing.
- (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The certifying company's name, address, and telephone number (local office);

- (C) The certifying company's commercial fire alarm license number;
- (D) The signature and license number of the commercial fire alarm technician certifying the system;
- (E) The fire alarm permit number;
- (F) The model of the control panel;
- (G) The date of certification; and
- (H) The code, edition and year under which the system was installed.

(4) Only the fire code official may remove an installation tag.

(b) Traffic Light Bright Green Tag (Annual inspection tag/sticker and inspection deficiency repair tag). The Green Tag shall be the visual record of the last annual inspection, initial certification testing, or deficiency repair testing where the system was found to be operable with no impairments. The following additional requirements shall apply to the use of the Green Tag:

- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
- (2) The annual inspection's deficiency repairs must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
- (3) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.
- (4) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) "Annual Inspection Tag" or "Deficiency Repair Tag";
 - (C) The service company's name, address, and telephone number (local office);
 - (D) The service company's commercial fire alarm license number;
 - (E) The signature and license number of the commercial fire alarm technician certifying the system;
 - (F) The date the inspection or deficiency repair(s) was/were performed; and
 - (G) The inspection company's name, ODOL company license number, and the date of the inspection.
- (5) Within five (5) days of the inspection deficiency repairs, a copy of the repair document is to be provided to the authority having jurisdiction.
- (6) Only a commercial fire alarm technician, employed by a fire alarm company or the fire code official may remove the tag.

(c) Traffic Light Bright Yellow Tag (Annual inspection tag/sticker) Operational Fire Alarm System but with minor impairments. The intent of the Yellow Tag is to provide notification to the authority having jurisdiction of a system that is operable with impairments that do not severely compromise the system's functional operation. The Yellow Tag shall be the visual record of the last annual inspection where the system was found to be operable but with minor impairments. The following additional requirements shall apply to the use of the Yellow Tag:

- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
- (2) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.

- (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The service company's name, address, and telephone number (local office);
 - (C) The service company's commercial fire alarm license number;
 - (D) The signature and license number of the commercial fire alarm technician certifying the system;
 - (E) The date the inspection was performed; and
 - (F) A list of the impairments.
- (4) Only a commercial fire alarm technician, employed by a commercial fire alarm company or the fire code official may remove the tag.
- (5) If a Yellow Tag is placed on a fire alarm system the commercial fire alarm company shall notify the building owner or agent and the fire code official in writing of all impairments immediately or as soon as practicable, but no later than seventy-two (72) hours.

(d) Traffic Light Bright Red Tag (Annual inspection tag/sticker) Fire Alarm System Inoperable. The intent of the Red Tag is to provide notification to the authority having jurisdiction of a fire alarm system that is inoperable.

- (1) The annual inspection must be conducted in accordance with NFPA testing standards and manufacturer's specifications.
- (2) The tag shall be five inches (5") in height by four inches (4") in width and shall have a self-adhesive backing or made of colored card stock placed in a plastic sleeve.
- (3) The tag shall bear the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
 - (B) The service company's name, address, and telephone number (local office);
 - (C) The service company's commercial fire alarm license number;
 - (D) The signature and license number of a commercial fire alarm technician certifying the system;
 - (E) The date the inspection was performed;
 - (F) A list of the deficiencies that render the system inoperable; and
 - (G) A list of any deficiencies present that do not render the system inoperable.
- (4) Only a commercial fire alarm technician, employed by a commercial fire alarm company or the fire code official may remove an annual inspection tag.
- (5) If a Red Tag is placed on a fire alarm system the commercial fire alarm company shall notify the building owner or agent and the fire code official in writing of all impairments immediately or as soon as practicable, but no later than twenty-four (24) hours.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 37 Ok Reg 1976, eff 9-15-20]

380:75-5-2. Fire sprinkler tagging requirements

(a) **White Sticker.** The white sticker shall be made from water durable material and permanently affixed to the riser of the fire protection system. The white sticker shall be affixed at the time of acceptance. The sticker shall be completed with waterproof ink. The following additional requirements shall apply to the use of the White Sticker:

(1) The sticker shall be a permanently affixed sticker (glued back) that is completed by the contractor. This installation sticker shall be affixed to the riser directly adjacent to the data plate. This sticker will stay on the riser indefinitely. The sticker will be five inches (5") in height and four inches (4") in width.

(2) The sticker shall bear the following information:

(A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";

(B) The contractor's name;

(C) The contractor's complete address;

(D) The contractor's phone number;

(E) The contractor's Oklahoma state license number;

(F) The applicable version of NFPA 13 which the system was installed under;

(G) The date of installation;

(H) The technician's name responsible for installation; and

(I) The name of the authority having jurisdiction (AHJ).

(3) All information shall be printed and be legible.

(4) Any subsequent addition(s) to the sprinkler shall require a new white sticker with the same data referenced above. The new sticker shall be placed on top of the previous sticker.

(b) Traffic Light Bright Green Inspection/Service Tag. The Traffic Light Bright Green Inspection/Service Tag shall be placed in a clear plastic sleeve and attached to the system after the system has been thoroughly inspected by a licensed fire sprinkler inspector or a licensed fire sprinkler company manager of a licensed sprinkler company and found to be operational. The following additional requirements shall apply to the use of the Traffic Light Bright Green Inspection/Service Tag:

(1) After annual inspection or initial installation of a sprinkler system the Traffic Light Bright Green Inspection/Service Tag shall be affixed to the riser when no impairments are found and the system appears to be operational.

(2) A Traffic Light Bright Green Inspection/Service Tag shall be attached to the riser each time the system is serviced or repaired and the appropriate block punched. Any necessary comments shall be printed in the provided space on the rear of the tag.

(3) The Traffic Light Bright Green Inspection/Service Tag shall bear the following information:

(A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";

(B) The licensed fire sprinkler contractor's name and address;

(C) The licensed fire sprinkler contractor's Oklahoma state license number;

(D) The day, month and year inspected in print, and punched;

(E) The fire licensed sprinkler inspector or licensed fire sprinkler company manager's signature; and

(F) The type of work performed punched in the appropriate block for each type of work, installation, service and inspection performed.

(4) The tag shall be "traffic light bright" green in color, five and one fourth inches (5 1/4") in height and two and five-eighths inches (2 5/8") in width.

(5) The tag shall be printed with dates and may be established for any six-year period. After each printing a copy of the tag shall be sent to the State Fire Marshall and the Department of Labor.

(6) The tag can be removed only by a licensed sprinkler inspector or a licensed company manager of a licensed sprinkler company, an employee of the local or State Fire Marshal's office or an authorized representative of a governmental agency with regulatory authority. Unnecessary tags shall be removed and discarded each time a new tag is installed. The new tag shall be placed in the clear plastic sleeve.

(c) **Traffic Light Bright Yellow Inspection Tag.** The Traffic Light Bright Yellow Inspection Tag shall be placed in a clear plastic sleeve and be attached to the fire protection system after the system has been thoroughly inspected by a licensed fire sprinkler inspector or a licensed fire sprinkler company manager of a licensed sprinkler company and found to contain deficiencies. The application of this inspection tag requires notification to the fire code official within seventy-two (72) hours. The following additional requirements shall apply to the use of the Traffic Light Bright Yellow Inspection Tag:

(1) The Traffic Light Bright Yellow Inspection Tag cannot be removed and/or replaced by a Traffic Light Bright Green Inspection/Service Tag until the condition that caused or created the deficiency or deficiencies has been corrected. The following are some examples of deficiencies where the use of the Traffic Light Bright Yellow Inspection Tag would be appropriate, provided the said deficiencies do not render the system inoperable:

- (A) Minor loading of heads;
- (B) Spare wrench or spare heads missing;
- (C) Escutcheon rings missing;
- (D) Minor head clearance violations (stock or storage);
- (E) FDC cap missing;
- (F) Glass on a gauge missing or broken;
- (G) Stock piled within three feet of a riser;

(2) The tag shall be attached to the riser.

(3) The tag shall bear the following information:

- (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
- (B) The licensed fire sprinkler contractor's name and address;
- (C) The licensed fire sprinkler contractor's Oklahoma state license number;
- (D) The day, month and year inspected in print, and punched; and
- (E) The licensed fire sprinkler inspector or licensed sprinkler company manager's signature.

(4) The tag shall be "traffic light bright" yellow in color, five and one-fourth inches (5 1/4") in height and two and five-eighths inches (2 5/8") in width.

(5) The tag shall be printed with dates and may be established for any six-year period. After each printing a copy of the tag shall be sent to the State Fire Marshal and the Department of Labor.

(6) The tag can be removed only by a licensed fire sprinkler inspector or a licensed fire sprinkler company manager of a licensed sprinkler company, an employee of the local or State Fire Marshal's office or an authorized representative of a governmental agency with regulatory authority, after a determination of the system's condition has been made consistent with

subsection (1) above. Unnecessary tags shall be removed and discarded each time a new tag is installed. The new tag shall be placed in the clear plastic sleeve.

(7) After the Traffic Light Bright Yellow Inspection Tag is placed on the sprinkler system the person or authority affixing the tag shall, in addition to notifying the fire code official within seventy-two (72) hours, notify the building owner or agent immediately or as soon as practicable. Notification to the fire code official shall be accomplished by transmission of a copy of the inspection form, preferably by telephonic facsimile transmission, that was completed by the person or authority affixing the tag. When the impairments are corrected the system shall be re-inspected and the appropriate colored tag placed upon the system.

(d) Traffic Light Bright Red Inspection Tag. The Traffic Light Bright Red Inspection Tag shall be placed in a clear plastic sleeve and be attached to the fire protection system after the system has been thoroughly inspected by a licensed fire sprinkler inspector or a licensed fire sprinkler company manager of a licensed sprinkler company and found to contain impairments that could, or do in fact, render it inoperable. The application of this inspection tag requires notification to the fire code official within twenty-four (24) hours. The following additional requirements shall apply to the use of the Traffic Light Bright Red Inspection Tag:

(1) The Traffic Light Bright Red Inspection Tag cannot be removed and or replaced by a Traffic Light Bright Yellow Inspection Tag or a Traffic Light Bright Green Inspection/Service Tag until the condition that caused it to be inoperable has been corrected. The following deficiencies are appropriate for the use of the Traffic Light Bright Red Inspection Tag:

- (A) Water turned off to the system;
- (B) Frozen pipes;
- (C) Inability of a licensed contractor to test the system because of obstructed drains; or
- (D) Inoperable fire department connection.

(2) The tag shall be attached to the riser.

(3) The tag shall bear the following information:

- (A) "DO NOT REMOVE BY ORDER OF THE FIRE CODE OFFICIAL";
- (B) The licensed fire sprinkler contractor's name and address;
- (C) The licensed fire sprinkler contractor's Oklahoma state license number;
- (D) The day, month and year inspected in print, and punched;
- (E) The licensed fire sprinkler inspector or licensed fire sprinkler company manager's signature; and
- (F) The appropriate impairments check boxes and comment lines.

(4) The tag shall be "traffic light bright" red in color, five and one-fourth (5 1/4") inches in height and two and five-eighths (2 5/8") inches in width.

(5) The tag shall be printed with dates and may be established for any six-year period. After each printing, a copy of the tag shall be sent to the State Fire Marshal and the Department of Labor.

(6) The tag can be removed only by a licensed fire sprinkler inspector or a licensed fire sprinkler company manager of a licensed sprinkler company, an employee of the local or State Fire Marshal's office or an authorized representative of a governmental agency with regulatory authority, after a determination of the system's condition has been made consistent

subsection (1) above. Unnecessary tags shall be removed and discarded each time a new tag is installed. The new tag shall be placed in the clear plastic sleeve.

(7) After the Traffic Light Bright Red Inspection Tag is placed on the sprinkler system the person or authority affixing the tag shall, in addition to notifying the fire code official within twenty-four (24) hours, notify the building owner or agent immediately or as soon as practicable but not later than twenty-four (24) hours. Notification to the fire code official shall be accomplished by transmission of a copy of the inspection form, preferably by telephonic facsimile transmission, that was completed by the person or authority affixing the tag. When the impairments are corrected the system shall be re-inspected and the appropriate colored tag placed upon the system.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13; Amended at 32 Ok Reg 2018, eff 9-15-15]

380:75-5-3. Residential alarm tagging requirements

A white sticker shall be permanently affixed to the residential fire alarm panel or if the panel is a self-contained unit, the sticker shall be placed on the breaker panel door. The white sticker shall be affixed at the time of installation acceptance. The following additional requirements shall apply to the use of the white sticker:

- (1) The white sticker shall be a permanently affixed sticker that is completed by the alarm panel contractor. The sticker shall remain on the panel indefinitely. The sticker shall be five inches (5") in length and four inches (4") in width.
- (2) The white sticker shall contain the following information:
 - (A) "DO NOT REMOVE BY ORDER OF THE CODE OFFICIAL";
 - (B) The contractor's full name, complete address and phone number;
 - (C) The contractor's Oklahoma license number;
 - (D) The applicable version of the NFPA which the system was installed;
 - (E) The date of installation; and
 - (F) The installer's name and license number.
- (3) All information on the white sticker shall be printed and legible.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

SUBCHAPTER 7. ENFORCEMENT

380:75-7-1. License revocation and suspension

- (a) The employment or use of unlicensed individuals may be grounds to suspend, revoke, or deny renewal of the license of the person so employing or using unlicensed individuals.
- (b) The repeated violation of any rule or provision of the Act, or the violation of multiple sections of this Chapter or provisions of the Act, may be grounds to suspend or revoke a licensee's license.
- (c) Any person convicted in a court of competent jurisdiction of burglary, larceny, arson, forgery, fraud, conspiracy to defraud, or any similar offense, or pleading guilty or nolo contendere to any such offense may be subject to license suspension

or revocation.

(d) Any person failing to comply with a fine assessment or other administrative order of the Department within ninety (90) days of issuance of such assessment or order shall be subject to license suspension.

(e) Any person whose license is revoked pursuant to these rules may not perform alarm or locksmith industry work before attaining licensure pursuant to OAC 380-75.

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-7-2. Prohibited acts

(a) No person, entity, or firm may perform burglar alarm, fire alarm, sprinkler alarm, locksmithing, electronic access control, closed circuit television, nurse call or monitoring work without first obtaining a license pursuant to these rules.

(b) No person shall offer to engage in burglar alarm, fire alarm, sprinkler alarm, locksmithing, electronic access control, closed circuit television, nurse call or monitoring work during the period his/her license is suspended or revoked.

(c) No employing firm shall employ or use an unlicensed person to perform alarm and locksmith industry work.

(d) No person, entity, or firm may transfer a license or registration.

(e) No person, licensed pursuant to these rules, shall enter into an agreement for the use of his/her license with any firm or person who is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Department.

(f) No person shall make a materially false or fraudulent statement in an application for license, engage in cheating, or otherwise commit an act in violation of the Alarm and Locksmith Industry Act, 59 O.S. Section 1800, *et seq.*

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

380:75-7-3. Schedule of fines for the alarm and locksmith industry

The fine schedule for citations issued by the Department for violations of the Alarm and Locksmith Industry Act or the rules promulgated thereunder shall be subject to the fines as follows:

(1) Engaging in an Alarm and Locksmith Industry business without a license in the appropriate category or classification:

(A) First - \$200

(B) Subsequent - \$200

(2) Company employing unlicensed person to perform Alarm and Locksmith Industry work (per person):

(A) First - \$100

(B) Subsequent - \$200

(3) Altering a license:

(A) First - \$200

(B) Subsequent - \$200

(4) Failure to display company license in conspicuous place:

(A) First - \$50

(B) Subsequent - \$200

(5) Individual not carrying a personal license:

(A) First - \$50

(B) Subsequent - \$200

- (6) Failure to display company license number as required by statute or rule:
 - (A) First - \$200
 - (B) Subsequent - \$200
- (7) Company employing person to perform Alarm and Locksmith Industry work without supervision of properly licensed manager:
 - (A) First - \$200
 - (B) Subsequent - \$200
- (8) Failure to have properly licensed manager or technician on site:
 - (A) First - \$200
 - (B) Subsequent - \$200
- (9) Failure to correct code violations per day after NOV compliance date:
 - (A) First - \$200
 - (B) Subsequent - \$200
- (10) Failure to comply with a specific provision of the Alarm and Locksmith Industry Regulations:
 - (A) First - \$50
 - (B) Subsequent - \$200

[Source: Added at 30 Ok Reg 1810, eff 7-11-13]

CHAPTER 80. ALTERNATIVE FUELS PROGRAM

[Authority: 40 O.S., §§ 142.1 and 142.2]

[Source: Codified 9-15-16]

SUBCHAPTER 1. GENERAL RULES FOR COMPRESSED NATURAL GAS (CNG) EQUIPMENT

380:80-1-1. Purpose

The purpose of this chapter is to fulfill the mandate of Title 40 Section 142.2 by establishing rules in accordance with the Alternative Fuels Technician Certification Act.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-1-2. Standards for alternative fuel engine fuel systems

(a) The standards for the design, construction, installation, repair, use, and inspection of alternative fuel engine fuel systems are contained in the National Fire Protection Association's pamphlets No. 2, 52, 55 and 58 and are adopted by reference as part of these rules.

(b) The standards for the installation, modification, repair, or performance of maintenance on motors, controllers, on-board power sources, or the drive systems of vehicles powered by electricity, including vehicles originally equipped as electric vehicles, vehicles converted from gliders, and vehicles converted from internal combustion engine vehicles, are contained in the National Electrical Code (NEC) and are adopted by reference as part of these rules.

(c) Copies of the adopted standards are available for inspection at the Oklahoma Department of Labor, 3017 N. Stiles, Ste. 100, Oklahoma City, OK 73105.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Alternative fuels" means fuels which result in comparably lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulate matter or any combination thereof and includes CNG, LPG, LNG, methanol, ethanol, reformulated gasoline, biodiesel, hydrogen, and electricity.

"Alternative fuel engine fuel systems" means an object or objects mounted, installed, attached or otherwise placed upon or within a vehicle or vehicle trailer to supply or assist in the supply of an alternative fuel to an internal combustion engine or engines.

"ANSI" means the American National Standards Institute.

"ASME" means the American Society of Mechanical Engineers.

"ASME Code" means the ASME Boiler and Pressure Vessel Code.

"Automatic dispenser" means a CNG and/or hydrogen dispenser which is operated by a member of the general public and which requires transaction authorization.

"Building" means a structure with walls and a roof resulting in the structure being totally enclosed.

"BTU" means a scientific unit of measurement equal to the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit at approximately sixty degrees Fahrenheit.

"CNG" See "Compressed natural gas" in this section.

"CNG GGE" means 5.660 pounds of CNG.

"CNG cylinder" means a cylinder or other container designed for use or used as part of a CNG system.

"CNG system" means a system of safety devices, cylinders, piping, fittings, valves, compressors, regulators, gauges, relief devices, vents, installation fixtures, and other CNG equipment intended for use or used in any building or commercial installation, or used in conjunction with a motor vehicle or mobile fuel system fueled by CNG, or any system or facilities designed to be used or used in the compression, sale, storage, transportation for delivery, or distribution of CNG in portable CNG cylinders, not including natural gas facilities, equipment, or pipelines located upstream of the inlet of a compressor devoted entirely to CNG.

"Commercial installation" means any CNG and/or hydrogen installation located on premises other than a single family dwelling used as a residence, including but not limited to a retail business establishment, school, convalescent home, hospital, retail CNG and/or hydrogen cylinder filling/exchange operation, service station, forklift refueling facility, or private motor/mobile fuel cylinder filling operation.

"Compressed natural gas" means natural gas which is a mixture of hydrocarbon gases and vapors consisting principally of methane (CH₄) in gaseous form that is compressed and used, stored, sold, transported, or distributed for use by or through a CNG system.

"Compressed natural gas vehicular fuel system" means an object or objects mounted, installed, attached or otherwise placed upon or within a vehicle or vehicle trailer to supply or assist in the supply of compressed natural gas as a fuel to an internal combustion engine or engines including compressed natural gas blended with other gases such as hydrogen.

"Container" means a pressure vessel, cylinder, or cylinders permanently manifolded together used to store CNG or LNG.

"Cylinder" means a container constructed, inspected, and maintained in accordance with DOT and Transport Canada regulations or ANSI/IAS NGV2, Basic Requirements for Compressed Natural Gas Vehicle (NGV) Fuel Containers.

"DOT" means the United States Department of Transportation.

"Fuel supply cylinder" means a cylinder mounted upon a vehicle for storage of CNG and/or hydrogen as fuel supply to an internal combustion engine.

"Gallon Diesel Equivalent" or **"Diesel Gallon Equivalent (DGE)"** means an amount of a motor fuel that contains an average lower heating value of one hundred twenty-eight thousand (128,000) BTUs but in no case contains a lower heating value of less than one hundred twenty-four thousand (124,000) BTU's.

"Gallon Gasoline Equivalent" or **"Gasoline Gallon Equivalent (GGE)"** means an amount of a motor fuel that contains an average lower heating value of one hundred fourteen thousand (114,000) BTU's, but in no case contains a lower heating value of less than one hundred ten thousand (110,000) BTU's.

"Gallon Equivalent" means either a gallon diesel equivalent or a gallon gasoline equivalent.

"Hydrogen" means a hydrogen fuel composed of molecular hydrogen intended for consumption in a surface vehicle or mobile electricity production device with an internal combustion engine or fuel cell and includes liquid and gaseous hydrogen.

"Hydrogen system" means a system of safety devices, cylinders, piping, fittings, valves, compressors, regulators, gauges, relief devices, vents, installation fixtures, and other hydrogen equipment intended for use or used in any building or commercial installation, or used in conjunction with a motor vehicle or mobile fuel system fueled by hydrogen, or any system or facilities designed to be used or used in the sale, storage, transportation for delivery, or distribution of hydrogen in portable hydrogen cylinders, not including hydrogen facilities, equipment, or pipelines located upstream of the inlet of a hydrogen fill station.

"Liquefied Natural Gas (LNG)" means natural gas that has been liquefied at -259°F (-126.1°C) and stored in insulated cryogenic tanks for use as an engine fuel.

"LNG DGE" means 6.06 pounds of LNG.

"Location" means a site operated by a CNG and/or hydrogen licensee at which the licensee carries on an essential element of its CNG and/or hydrogen activities, but where the activities of the site alone do not qualify the site as an outlet.

"Manifold" means the assembly of piping and fittings used to connect cylinders.

"Mobile fuel container" means a CNG container mounted on a vehicle to store CNG as the fuel supply for uses other than motor fuel.

"Mobile fuel system" means a CNG system which supplies natural gas fuel to an auxiliary engine other than the engine used to propel the vehicle or for other uses on the vehicle.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle" herein shall not include implements of husbandry.

"Natural Gas" means compressed natural gas (CNG) or liquefied Natural Gas (LNG) as defined by this regulation.

"NFPA" means The National Fire Protection Association.

"NIST" means The National Institute of Standards and Technology.

"Outlet" means a site operated by a CNG and/or hydrogen licensee at which the business conducted materially duplicates the operations for which the licensee is initially granted a license.

"Person" means an individual, sole proprietor, partnership, firm, joint venture, association, corporation, or any other business entity, a state agency or institution, county, municipality, school district, or other governmental subdivision, public trust, or licensee.

"Proved" means the act of having verified the accuracy of dispensing equipment used to measure fuel and petroleum products using a "prover".

"Prover" means a calibrated volumetric receiver or mechanical device traceable to NIST standards.

"Representative" means the individual designated by an applicant or licensee as the principal individual in authority who is responsible for actively supervising the licensee's CNG and/or hydrogen activities.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-4. Applicability and severability

(a) The provisions of this chapter apply to pressurized components of a compressed natural gas (CNG) system as well as the pressurized or unpressurized components of a hydrogen system, and are applicable to engine fuel systems, hydrogen fuels cells, and compression, storage, and dispensing systems.

(b) If any item, clause, or provision of these rules is for any reason declared invalid, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

(c) Nothing in these rules shall be construed as requiring, allowing, or approving the unlicensed practice of engineering or any other professional occupation requiring licensure.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-5. Filings required for stationary CNG and/or hydrogen installations

(a) No CNG or hydrogen container shall be placed into CNG or hydrogen service or an installation operated or used in CNG or hydrogen service until the requirements of this section, as applicable, are met and the facility is in compliance with the rules in this chapter and all applicable statutes, in addition to any applicable requirements of the municipality or the county where an installation is or will be located.

(b) The licensee shall submit the following to the Department of Labor at least 30 days prior to construction:

(1) Form AF-1;

(2) a plat drawing from the appropriate appraisal district identifying the facility's property boundaries;

(3) a site plan of sufficient scale that identifies:

(A) the location, types, and sizes of all containers already on site or proposed to be on site;

(B) the distances from the containers and material handling equipment to the property lines, buildings, and railroad, pipeline, or roadway rights-of-way; and

(C) any known potential hazards.

(4) the Alternative Fuels Installation Certification Fee.

(c) The Department of Labor shall notify the applicant in writing outlining its findings. If the application is administratively denied, the applicant may modify the submission and resubmit it or may request a hearing in accordance with Administrative Procedures Act.

(d) If the Department of Labor finds that the proposed installation complies with the rules in this chapter and the statutes of the State of Oklahoma, and does not constitute a danger to the public health, safety, and welfare, the Department of Labor shall issue an interim approval order. The construction of the installation and the setting of the container shall not proceed until the applicant has received written notification of the interim approval order. Any interim approval order shall include a provision that such approval may be suspended or revoked if:

(1) the applicant has introduced CNG and/or hydrogen into the system prior to final approval; or

(2) a physical inspection of the installation indicates that it is not installed in compliance with the submitted plat drawing for the installation, the rules in this chapter, or the statutes of the State of Oklahoma; or

(3) the installation constitutes a danger to the public health, safety, and welfare.

(e) If a CNG or hydrogen stationary installation, equipment, or appurtenances not specifically covered by the rules in this chapter has been or will be installed, the Department of Labor shall apply and require any reasonable safety provisions to ensure the CNG or hydrogen installation is safe for CNG or hydrogen service. If the affected entity disagrees with the Department of Labor's determination, the entity may request a hearing. The installation shall not be placed in CNG or hydrogen operation until the Department of Labor has determined the installation is safe for CNG or hydrogen service.

(f) The Department of Labor shall review all applications within 21 business days of receipt of all required information and shall notify the applicant in writing of any deficiencies or whether the installation has been approved.

(g) Applications shall expire and be renewed as follows:

(1) When the Department of Labor notifies an applicant of an incomplete CNG Form AF-1, the applicant has 120 calendar days from the date of the notification letter to resubmit the corrected application or the application will expire. After 120 days, a new application shall be filed should the applicant wish to reactivate Department of Labor review of the proposed installation.

(2) If the applicant requests an extension of the 120-day time period in writing, postmarked or physically delivered to the Department of Labor before the expiration date, the application may be renewed for up to 90 days as determined by the Department of Labor.

(3) If the subject installation is not commenced, with permits pulled, within one year from the date of the Department of Labor's completed review, the applicant shall resubmit the application for the Department of Labor's review.

(h) The applicant shall notify the Department of Labor in writing when the installation is ready for inspection. If the Department of Labor does not physically inspect the facility within 30 calendar days of receipt of notice that the facility is ready for inspection, the applicant may operate the facility conditionally until the initial complete inspection is made. If any safety rule violations exist at the time of the initial inspection, the applicant may be required to cease CNG or hydrogen operation until the applicant corrects the violations.

- (i) If the Department of Labor determines the completed installation varies materially from the application originally accepted, the applicant shall correct the variance and notify the Department of Labor of the correction of the variance or resubmit the application. The Department of Labor's review of such resubmitted application shall comply with the procedure described in this section.
- (j) Pressure vessels shall be subject to inspections pursuant to OAC 380:25-3.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-6. Design and construction of cylinders, pressure vessels, and vapor recovery receivers

- (a) CNG fuel supply cylinders shall have a rated service pressure of not less than 3,000 psig at 70 degrees Fahrenheit. Cascade storage cylinders shall have a rated service pressure of not less than 3,600 psig at 70 degrees Fahrenheit.
- (b) Hydrogen fuel supply cylinders must comply with the ASME Boiler and Pressure Vessel Code, Section VIII, and NFPA 2 unless the Chief Boiler Inspector determines that pressure vessels meeting a different standard will operate at an equivalent level of safety.
- (c) Field welding or brazing for the repair or alteration of a cylinder or ASME pressure vessel may only be done by repair companies holding the required Certificate of Authorization from ASME or The National Board of Boiler and Pressure Vessel Inspectors, or in accordance with OAC 380:25-13-3.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-7. Vehicle fueling connection

- (a) A vehicle fueling connection shall provide for the reliable and secure connection of the fuel system cylinders to a source of compressed natural gas (CNG) and/or hydrogen.
- (b) The fueling connection shall be suitable for the pressure expected under normal conditions and corrosive conditions which might be encountered.
- (c) The fueling connection shall prevent escape of gas when the connector is not properly engaged or becomes separated.
- (d) The refueling connection on an engine fuel system shall be firmly supported, and shall:
- (1) receive the fueling connector and accommodate the service pressure of the vehicle fuel system;
 - (2) incorporate a means to prevent the entry of dust, water, and other foreign material. If the means used is capable of sealing system pressure, it shall be capable of being depressurized before removal;
 - (3) have a different fueling connection for each pressure based vehicle fuel system.
- (e) Any vehicle that will be fueled by an automatic dispenser shall be equipped with a fueling connection that complies with ANSI/AGA NGV1, Requirements for Natural Gas Vehicles (NGV) Refueling Connection Devices, Requirement 1-90 or ANSI HGV 4.1, Standard for hydrogen-dispensing systems, and NFPA 2, as applicable.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-8. Application for an exception

(a) A person may apply for an exception to the provisions of this chapter by filing a written application for an exception, along with supporting documentation, with the Department of Labor.

(b) The application shall contain the following:

- (1) the section number of any applicable rules or codes;
- (2) the type of relief desired, including the exception requested and any information which may assist the Department of Labor in comprehending the requested exception;
- (3) a concise statement of facts which supports the applicant's request for the exception, such as the reason for the exception, the safety aspects of the exception, and the social and/or economic impact of the exception;
- (4) for all stationary installations, a description of the acreage and/or address upon which the subject of the exception will be located. The description shall be in writing and shall include:
 - (A) a site drawing;
 - (B) sufficient identification of the site so that determination of property boundaries may be made;
 - (C) a plat from the applicable appraisal district indicating the ownership of the land; and
 - (D) the legal authority under which the applicant, if not the owner, is permitted occupancy.
- (5) the name, business address, and telephone number of the applicant and of the authorized agent, if any;
- (6) an original signature, in ink, by the party filing the application or by the authorized representative;
- (7) a list of the names and addresses of all interested entities as defined in subsection (c) of this section.

(c) The applicant shall provide notice of the application for an exception as follows:

- (1) The applicant shall send a copy of the written application and supporting documents by certified mail, return receipt requested, to all affected entities as specified in paragraphs (2), (3), and (4) of this subsection on the same date on which the form is filed with or sent to the Department of Labor. The applicant shall include a notice to the affected entities that any objection shall be filed with the Department of Labor within 30 calendar days of the date of postmark. The applicant shall file all return receipts with the Department of Labor as proof of notice.
- (2) If an exception is requested on a stationary site, the affected entities to whom the applicant shall give notice shall include but not be limited to:
 - (A) persons and businesses owning or occupying property within a radius of 600 feet of the site;
 - (B) the city clerk or fire marshal, if the site is within municipal limits; and
 - (C) the Board of County Commissioners of the county where the site is located, if the site is not within any municipal limits.
- (3) If an exception is requested on a nonstationary site, affected entities to whom the applicant shall give notice include but are not limited to:
 - (A) the Oklahoma Department of Transportation; and
 - (B) all CNG and/or hydrogen loading and unloading facilities utilized by the applicant.
- (4) the Department of Labor may require an applicant to give notice to persons in addition to those listed in paragraphs (2) and (3) of this

subsection if doing so will not prejudice the rights of any entity.

(d) Objections to the requested exception shall be in writing, filed with the Department of Labor within 30 calendar days of the postmark of the application, and shall be based on facts that tend to demonstrate that, as proposed, the exception would have an adverse effect on public health, safety, or welfare. The Department of Labor may decline to consider objections based solely on claims of diminished property or aesthetic values in the area.

(e) The Department of Labor shall review the application within 21 business days of receipt of the application. If the Department of Labor does not receive any objections from any affected entities as defined in subsection (c) of this section, the Commissioner of Labor may administratively grant the exception if the Commissioner of Labor determines that the installation, as proposed, does not adversely affect the health or safety of the public. The Department of Labor shall notify the applicant in writing after the end of the 30-day objection period and, if approved, the installation shall be commenced, with permits pulled, within one year from the date of approval and installed within two years from the date of approval. The Department of Labor shall also advise the applicant at the end of the objection period as to whether any objections were received and whether the applicant may proceed. If the Commissioner of Labor denies the exception, the Department of Labor shall notify the applicant in writing, outlining the reasons and any specific deficiencies. The applicant may modify the application to correct the deficiencies and resubmit the application or may request a hearing on the matter. To be granted a hearing, the applicant shall file a written request for hearing within 14 calendar days of receiving notice of the administrative denial.

(f) A hearing shall be held when the Department of Labor receives an objection as set out in subsection (d) of this section from any affected entity, or when the applicant requests one following an administrative denial. The Department of Labor shall mail the notice of hearing to the applicant and all objecting entities by certified mail, return receipt requested, at least 21 calendar days prior to the date of the hearing. Hearings will be held in accordance with the Administrative Procedures Act and this chapter.

(g) After hearing, exceptions to this chapter may be granted by the Department of Labor if the Department of Labor finds that granting the exception for the installation, as proposed, will not adversely affect the safety of the public.

(h) A request for an exception shall expire if it is inactive for 90 calendar days after the date of the letter in which the applicant was notified by the Department of Labor of an incomplete request. The applicant may resubmit an exception request.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-9. Report of CNG or hydrogen incident/accident

(a) In case of an incident involving single release of compressed natural gas (CNG) or hydrogen during or following CNG or hydrogen transfer or during container transportation, or an accident at any location where CNG or hydrogen is the cause or is suspected to be the cause, the licensee owning, operating, or servicing the equipment or the installation shall notify the Department of Labor by telephone immediately after the licensee has knowledge of the incident or accident. Any loss of CNG or hydrogen which is less than 1.0% of the gross amount delivered, stored, or withdrawn need not be reported to the Department of Labor. Any individual reporting shall leave his or her name and telephone number where he or she can be reached for further information.

(b) The telephone notification required by this section shall be made to the Department of Labor's main telephone line and shall include the following information:

- (1) date and time of the incident or accident;
- (2) type of structure or equipment involved;
- (3) resident's or operator's name;
- (4) physical location;
- (5) number of injuries and/or fatalities;
- (6) whether fire, explosion, or gas leak has occurred; and
- (7) whether gas is leaking.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-10. Removal from CNG or hydrogen service

(a) If the Department of Labor determines that any compressed natural gas (CNG) or hydrogen cylinder constitutes an immediate danger to the public health, safety, and welfare, the Department of Labor shall require the immediate removal of the CNG and/or hydrogen by a properly licensed company to the extent necessary to eliminate the danger. If the Department of Labor determines that any CNG or hydrogen appliance, equipment, or system constitutes an immediate danger to the public health, safety, and welfare, the Department of Labor shall require the immediate disconnection by a properly licensed company of such appliance, equipment, or system from the CNG or hydrogen cylinder it services.

(b) If the affected entity disagrees with the placement of a warning tag, or with the Department of Labor's findings in subsection (a) of this section, the entity may request an investigation into the matter. The Department of Labor shall notify such entity of its finding. If the entity disagrees, the entity may request or the Department of Labor on its own motion may call a hearing. Such installation shall be brought into compliance or removed from service until such time as the final decision is rendered. All hearings and deadlines shall comply with the Administrative Procedures Act.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-1-11. Filling unapproved containers prohibited

No licensee shall introduce compressed natural gas (CNG) or hydrogen into any container if he has knowledge or notice that such CNG or hydrogen container or system was not installed in accordance with the statutes of the State of Oklahoma, and with the rules and regulations in effect at the time of installation. Exception: This section does not apply to motor fuel or mobile fuel containers and systems installed on vehicles licensed in states other than Oklahoma, provided, however, that no licensee shall be required to introduce CNG or hydrogen into any container and/or system that the licensee reasonably believes to be unsafe.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

SUBCHAPTER 3. DISPENSING SYSTEMS

380:80-3-1. Applicability

This subchapter applies to the design, construction, installation, and operation of cylinders, pressure vessels, compression equipment, and associated

equipment used for storage and dispensing of compressed natural gas (CNG) and/or hydrogen as an engine fuel or for use with any hydrogen fuel cell vehicle in fleet and automatic dispensing operations.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-2. Dispenser accuracy

Each retail compressed natural gas (CNG) and/or hydrogen dispenser shall comply with the applicable weights and measures requirements of the Department of Labor, relating to dispensing accuracy.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-3. Codes incorporated by reference

In addition to other codes adopted in this chapter, the following codes are incorporated by reference:

- (1) NIST Handbook 44 Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices
- (2) NIST Handbook 130 Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality
- (3) The codes adopted by the Oklahoma Uniform Building Code Commission
- (4) NFPA 2 (2020), NFPA 55 (2023), NFPA 30A (2021), SAE J2601 (2020), and SAE J2719 (2020)

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-4. Retail dispensing of natural gas and/or hydrogen

All retail dispensing of natural gas and/or hydrogen used as a motor vehicle fuel, or for use with any hydrogen fuel cell vehicle, from either fixed equipment or mobile refueling equipment, including vehicles, shall be operated and maintained in accordance with the applicable requirements of the codes adopted by this regulation.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-5. Retail motor fuel dispensers inspection and testing

- (a) All retail motor fuel dispensers (RMFDs) shall be suitable for their intended use, properly installed accurate and maintained in that condition by their owner/operator.
- (b) All RMFDs shall be traceable to an active National Type Evaluation Program Certificate of Conformance prior to installation or use for commercial purposes.
- (c) All RMFDs shall be capable of displaying delivered quantity in units of mass or gasoline or diesel gallon equivalents for calibration purposes. All adjustments and calibrations of RMFDs shall be made utilizing mass or gasoline or diesel gallon equivalent measurement standards.
- (d) The Department of Labor shall be notified when any new or remanufactured RMFD is placed in service at a new or existing installation.
- (e) No owner/operator of any RMFD shall use the RMFD for the measurement of natural gas and/or hydrogen unless it has been proved in a manner acceptable to the Department of Labor and sealed as correct by a state inspector or person or persons

authorized by the Department of Labor.

(f) All RMFDs shall be proved and sealed as correct on an annual basis by either a state inspector or a person or persons authorized by the Department of Labor. Pursuant to these rules and National Institute of Standards and Technology (NIST) Handbook 44, all RMFDs must be accurate to within minus 2%. Any RMFD found to be calibrated at minus 4% or greater shall be sealed until it complies with this regulation.

(g) If any RMFD fails to comply with any of the provisions of this regulation, a state inspector shall seal it in such a manner as to prohibit its use, and it shall remain sealed until it complies with all of the provisions of this regulation.

(h) When an RMFD is brought back into compliance with this regulation, it may only be placed back in service by a state inspector or a person or persons authorized by the Department of Labor.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-6. Retail dispensers for compressed natural gas

(a) All CNG kept, offered, exposed for sale, or sold at retail as a vehicle fuel, shall be in units of volume (gallons or gallon equivalents).

(b) Each retail dispenser of CNG shall be labeled as "Compressed Natural Gas."

(c) All retail CNG dispensers shall be labeled with the gallon equivalent conversion factor in terms of pounds. The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement "1 CNG Gasoline Gallon Equivalent (GGE) is equal to 5.660 lbs of CNG".

(d) CNG shall be dispensed into vehicle fuel containers with working pressures of 3,000 PSI (20,684 kPa) or 3,600 PSI (24,821 kPa). The dispenser shall be labeled 3,000 PSI, or 3,600 PSI corresponding to the pressure of the CNG dispensed by each fueling hose.

(e) NFPA labeling requirements also apply. Refer to NFPA 52.

(f) CNG fueling nozzles for use with vehicles less than 10,000 lb (4,500kg) GVWR shall comply with ANSI/AGA/CGA NGV 1.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-3-7. Retail dispensers for liquefied natural gas

(a) For the purposes of this regulation, liquefied natural gas shall be identified by the term "Liquefied Natural Gas" or "LNG."

(b) All LNG kept, offered, exposed for sale or sold at retail as a vehicle fuel shall be in units of volume (gallons or diesel gallon equivalents [DGE's]).

(c) Each retail dispenser of LNG shall be labeled as "Liquefied Natural Gas."

(d) All retail LNG dispensers shall be labeled with the gallon equivalent conversion factor in terms of pounds. The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have the statement "1 LNG Diesel Gallon Equivalent (DGE) is equal to 6.06 lbs of LNG."

(e) LNG automotive fuel shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306 (e.g. LNG 95% Methane).

(f) NFPA Labeling requirements also apply. Refer to NFPA 52.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-3-7.1. Dispensers for hydrogen

All dispensers and related equipment for hydrogen must meet the standards contained in NFPA 2. Facility construction must meet the standards adopted by the Oklahoma Uniform Building Code Commission.

[Source: Added at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-8. Product quality

- (a) CNG shall meet the requirements of NFPA 52 for product quality and odorization.
- (b) CNG and LNG shall have a minimum methane content of not less than 80%.
- (c) Hydrogen for fuel cell vehicles shall meet the requirements of SAE J2719.
- (d) The BTU content of natural gas gallon equivalents shall meet the following requirements:
 - (1) A CNG GGE shall contain a lower heating value of not less than 110,000 BTU's.
 - (2) An LNG DGE shall contain a lower heating value of not less than 124,000 BTU's.
- (e) All equipment, including filters and strainers, used to prevent any foreign material, including compressor oil or water, from being dispensed into a vehicle container, shall be periodically serviced and maintained.
- (f) Any shipper of natural gas products to be used for retail motor fuel, who ships such product into the state of Oklahoma or ships natural gas products from one point within the state to another point within the state shall make records of such shipments available to the division upon request.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-3-9. Inspection by Department of Labor

The Department of Labor shall have authority to have access to and inspect any equipment, including compression equipment and storage tanks, practices or methods used by or in association with any public access compressed natural gas fueling station or pump or any hydrogen fueling station or pump.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

SUBCHAPTER 5. ALTERNATIVE FUELS PROGRAM

380:80-5-1. Purpose

The purpose of this chapter is to fulfill the mandate of Title 40 Section 142.10 by establishing rules in accordance with the Alternative Fuels Technician Certification Act.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-5-2. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"**Administrator**" means the Program Administrator and Recording Secretary of the Committee.

"**Agency**" means the Department of Labor.

"**Alternative fuels**" means fuels which result in comparably lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or

particulate matter or any combination thereof and includes CNG, LPG, LNG, methanol, ethanol, reformulated gasoline, hydrogen, and electricity.

"Alternative fuels compression technician" means any person who installs, services, modifies, repairs or renovates fill stations.

"Alternative fuels equipment technician" means any person who installs, modifies, repairs or renovates equipment used in the conversion of any engines to engines fueled by alternative fuels and includes OEM vehicles either dedicated to operate on an alternative fuel or manufactured bi-fueled, i.e., capable of operating on gasoline or an alternative fuel.

"Alternative Fuels Technician Certification Act" means O.S. Title 40, Section 142.1 through 142.16.

"Alternative fuels equipment trainee" means an individual who is employed by an Oklahoma licensed alternative fuels conversion company to assist an alternative fuels equipment technician and learn to properly convert motor vehicles to operate on alternative fuels and to service and maintain such vehicles.

"Capable of operating on an alternative fuel" means any motor vehicle converted or designed to operate on an alternative fuel.

"Charge station" means the physical device that provides a connection from a power source to an electric vehicle as defined by the Electric Power Research Institute, and the Society of Automotive Engineers.

"CNG" means compressed natural gas.

"Committee" means the Committee of Alternative Fuels Technician Examiners.

"Electric vehicle technician" means any person who installs, modifies, repairs, performs maintenance on, motors, controllers, on-board power sources, or the drive systems of vehicles powered by electricity. This includes vehicles originally equipped as electric vehicles, vehicles converted from gliders, and vehicles converted from internal combustion engine vehicles.

"Engine" means the propulsion system of a motor vehicle. Nothing in this definition is meant to cover any stationary engine.

"Fill station" means the property which is directly related to the delivery of compressed natural gas, liquefied natural gas, and/or hydrogen into the fuel tank of a motor vehicle propelled by such fuel and/or a hydrogen fuel cell including the compression equipment and storage vessels for such fuel at the point where the fuel is delivered.

"Glider" means a vehicle built without an engine or fuel system for the purpose of converting it to an electric vehicle.

"Hydrogen" means a hydrogen fuel composed of molecular hydrogen intended for consumption in a surface vehicle or mobile electricity production device with an internal combustion engine or fuel cell and includes liquid and gaseous hydrogen.

"Liquefied petroleum gas vehicular fuel systems" means an object or objects mounted, installed, attached or otherwise placed upon or within a vehicle or vehicle trailer to supply or assist in the supply of liquefied petroleum gas as a fuel to an internal combustion engine or engines.

"LNG" means liquefied natural gas.

"LPG" means liquefied petroleum gas otherwise known as propane and/or propane autogas.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle"

herein shall not include implements of husbandry.

"NFPA" means the National Fire Protection Association.

"OEM" means original equipment manufacturers.

"Person" means individuals, corporations, partnerships, cooperatives, associations and governmental subdivisions.

"Trainee" means an individual who is employed by an Oklahoma licensed company to learn to properly engage in the activities regulated by this Chapter that can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

"Work" means any procedure involved in the physical installation or servicing of all components used in the conversion of motor vehicles to operate on alternative fuels and the servicing of original equipment manufacturers vehicles that operate on alternative fuels, including:

(A) LPG and CNG components;

- (i) tubing;
- (ii) fittings;
- (iii) valves;
- (iv) gauges;
- (v) brackets;
- (vi) fuel lines;
- (vii) cylinders;
- (viii) tanks; and
- (ix) electronic or electrical devices.

(B) Electric vehicle components;

- (i) traction battery packs or modules;
- (ii) motor controllers;
- (iii) subsystem controllers;
- (iv) inverters;
- (v) drive motors;
- (vi) auxiliary components powered by high voltage; and
- (vii) any high voltage circuits.

(C) Hydrogen vehicle components;

- (i) tubing;
- (ii) fittings;
- (iii) valves;
- (iv) gauges;
- (v) brackets;
- (vi) fuel lines;
- (vii) cylinders;
- (viii) tanks;
- (ix) electronic or electrical devices including DC/DC converters;
- (x) traction battery packs or modules;
- (xi) electric traction motors; and
- (xii) fuel cell stacks.

"Written" or **"In writing"** means a tangible or electronic record of a document, communication or representation, including handwriting, typewriting, printing, photostating, photography, e-mail or other electronic format or record. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the

intent to sign the writing.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-5-3. Duties and responsibilities of the Committee of Alternative Fuels Technician Examiners

(a) The Committee shall assist and advise the agency on all matters relating to the formulation of rules and standards in accordance with the Alternative Fuels Technician Certification Act.

(b) The Department of Labor or its designee shall administer the examination to applicants for certification as alternative fuels technicians provided that such examination is in accordance with the provisions of the Alternative Fuels Technician Certification Act.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-5-4. Alternative Fuels Technician Certification Revolving Fund

(a) Funds derived from the "Alternative Fuels Technician Certification Act" shall be deposited with the State Treasurer and credited to the "Alternative Fuels Technician Certification Revolving Fund".

(b) The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Agency.

(c) Expenditures from this fund shall be made pursuant to the purposes of the Alternative Fuels Technician Certification Act and shall include, but not be limited to:

- (1) Payment of administrative costs and other operational costs supporting program existence; and,
- (2) Payment of the costs of programs designed to promote public awareness of the alternative fuels industry; and,
- (3) Expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the alternative fuels industry or the public.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

SUBCHAPTER 7. TESTING, CERTIFICATION, AND RECERTIFICATION

380:80-7-1. Applications for examinations, certification or renewal of certification

(a) All applications for certification or renewal of certification shall be made in writing to the agency on forms provided, if necessary, by the agency.

(b) All applications for examination shall be made to a testing facility authorized by the Department of Labor.

(c) All applications shall be accompanied by the appropriate fee as set forth in OAC 380:80-7-4.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-2. Contents of application

The application shall be verified, and shall contain the following information, together with any additional information that the agency may require:

- (1) Name of the applicant;
- (2) Mailing Address;

- (3) Address of all locations that the applicant proposes to engage in the installation or modifications of vehicles using an alternative fuel; and
- (4) The type of service, set forth specifically, which the applicant intends to perform and the type of permit that the applicant seeks to secure, such as LPG, CNG, LNG, EV or other alternative fuel.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-3. Certificate required by agency

The mere filing of an application for a certificate does not of itself authorize the engaging in any of the installations or modifications of any equipment listed in the definition of "Work" in OAC 380:80-5-2.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-4. Fees

(a) The fee schedule for the Alternative Fuels Technician Certification Act is as follows:

- (1) Alternative fuels technician examination - \$50;
- (2) Alternative fuels technician certificate - \$50;
- (3) Company, partnership, or corporation - \$100;
- (4) Training program certification (one-time) - \$500;
- (5) Alternative fuels installation certification per location - \$1,000;
- (6) Certificate renewal (if made within 30 days after expiration):
 - (A) Alternative fuels technician certificate - \$50;
 - (B) Company, partnership, or corporation - \$100;
 - (C) Alternative fuels installation certification - \$1,000 per location;
- (7) Penalty for late certification renewal - \$10.

(b) Form of payment from non-governmental entities and general public.

- (1) Payment may be only in the form of:
 - (A) Certified funds;
 - (B) Business check;
 - (C) Personal check;
 - (D) Money order;
 - (E) Cashier's check; or
 - (F) Credit or debit card.
- (2) Unguaranteed checks and 2-party checks shall not be accepted.
- (3) Payment refunds. All payments received are nonrefundable.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-5. Processing and handling of applications and examinations

(a) Applicants for a certificate will first apply for an examination directly to a Department of Labor authorized testing center. Upon passing the appropriate exam, applicants may apply to the Department of Labor for a certificate.

(b) Examinations shall be administered in the following manner:

- (1) Questions for an examination shall be selected from appropriate sources deemed applicable by the committee.
- (2) Questions shall be multiple choice. The format of examination questions shall be varied and include multiple choice and true/false.
- (3) Prior to being put into the reservoir, the questions shall be reviewed by the committee.

- (4) For each examination, a total of 75 questions shall be drawn from the reservoir.
- (5) Applicants testing during a scheduled examination session will not be given identical versions of the examination.
- (6) Examinations for certification as alternative fuels technician shall be uniform and practical in nature as determined by the committee for alternative fuels technician certification and shall be sufficiently strict to test the qualifications and fitness of the applicants for certification.
- (7) An oral examination may be administered by prior arrangement.
- (8) A minimum score of eighty percent (80%) correct shall be a passing grade for all examinations.
- (9) Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days.
- (10) All applicants can petition the agency if they feel the agency's grade was incorrect. An applicant may petition the agency if the applicant disagrees with his or her examination grade issued by the agency.
- (11) All decisions of the committee are final, subject to the provisions of the Administrative Procedures Act.
- (12) Applicants that pass the examination and are notified by the Department of Labor of such must make arrangements for certification within ninety (90) days of such notification.
- (13) If such applicant has not been certified within one year of notification under OAC 380:80-7-5(b)(12), the applicant must retest prior to their certification.
- (14) The agency shall enforce the provisions of this section.

(c) Applicants for an alternative fuels trainee certificate shall submit an alternative fuels trainee certificate application directly to the Department of Labor.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-6. Certificate qualification and transfer or loan of certificate

(a) The Agency issues a certificate as:

- (1) An alternative fuels equipment technician to any person who has been certified by the Agency as either having successfully passed the appropriate examination or having a valid license or certificate issued by another governmental entity with licensing or certification requirements similar to those provided in the Alternative Fuels Technician Certification Act. Alternative fuels equipment technician certifications are issued for the following alternative fuels, each with a separate certification:
 - (A) Compressed natural gas equipment technician;
 - (B) Liquefied natural gas equipment technician;
 - (C) Liquefied petroleum gas equipment technician;
 - (D) Electric vehicle equipment technician;
 - (E) Hydrogen alternative fuel equipment technician; and
 - (F) Liquid alternative fuels, not derived from natural gas, equipment technician.
- (2) An alternative fuels compression technician to any person who has been certified by the Agency as either having successfully passed the appropriate examination or having a valid license or certificate issued by another governmental entity with licensing or certification requirements similar to

those provided in the Alternative Fuels Technician Certification Act.

(A) Level 1 (Operator) Alternative fuels compression technician certifications are issued for the following alternative fuels, each with a separate certification:

- (i) Compressed natural gas compression technician;
- (ii) Liquefied natural gas compression technician;
- (iii) Liquefied petroleum gas compression technician;
- (iv) Hydrogen compression technician; and
- (v) Liquid alternative fuels, not derived from natural gas, compression technician.

(B) The training and examination requirements for a Level 1 (Operator) certification shall include, but not be limited to, completing a Level 1 operator training course conducted by an approved training facility with an approved training program, passing an approved Level 1 written exam, and passing an approved Level 1 skills test.

(C) Level 1 licensees shall be permitted to perform routine maintenance upon fill stations, per the fill station manufacturer or component manufacturer's routine maintenance guidelines. Level 1 licensees shall also be permitted to conduct routine safety inspections of fill stations per the fill station manufacturer or component manufacturer's safety inspection guidelines.

(D) Level 2 (Mechanic) Alternative fuels compression technician certifications are issued for the following alternative fuels, each with a separate certification:

- (i) Compressed natural gas compression technician;
- (ii) Liquefied natural gas compression technician;
- (iii) Liquefied petroleum gas compression technician;
- (iv) Hydrogen compression technician; and
- (v) Liquid alternative fuels, not derived from natural gas, compression technician.

(E) The experience, training, and examination requirements for a Level 2 (Mechanic) certification shall include, but not be limited to:

- (i) Possessing at least three total years of experience consisting of:
 - (I) One year of documentable experience with an associate's degree in Natural Gas Compression; or
 - (II) One year of documentable experience with approved industry certifications as approved by the Committee; or
 - (III) Three years of documentable experience without the aforementioned education or industry certification. This requires a signed affidavit from current and/or former employer(s) to verify experience.

- (ii) Passing an approved Level 2 written exam.

- (iii) Passing an approved Level 2 skills test.

(F) Documentation of experience shall be submitted to the agency with the application.

(G) Level 2 licensees may perform all duties necessary to install, repair, replace, service, inspect, modify, and/or maintain a fill

station. Nothing in these rules shall entitle a licensee to perform work without all licenses required by law.

(b) The agency shall have the authority to determine the validity of a certificate issued by another governmental entity.

(c) The agency shall assess the required certification fee and ascertain that an applicant has also complied with the provisions of the Alternative Fuels Technician Certification Act.

(d) In the case of a company, partnership, or corporation engaged in the business of installing, servicing, repairing, modifying or renovating equipment used in the conversion of engines to engines fueled by alternative fuels, a separate certificate shall be issued by the agency to that individual company, partnership, or corporation. The certificate is for the purpose of recognizing that the company, partnership, or corporation is an authorized alternative fuels business and employs state-certified alternative fuels technicians.

(e) Any violation by a certified alternative fuels equipment or compression technician shall be deemed a violation by the certified company, partnership or corporation employing such certified technician.

(f) The agency shall issue an alternative fuels equipment installation certification to any public entity or private company, partnership or corporation that operates commercial, private or public fleets of vehicles and employs ten (10) or more auto service technicians per location. The certification shall be based on the ability of the applicant to provide their own alternative fuels technician training program, which shall be certified by the committee. This certification applies only to the conversion or service of vehicles owned or operated by such public entity or private company, partnership or corporation.

(g) All alternative fuels technician equipment or compression certificates shall be non-transferable.

(h) It shall be unlawful for any person certified pursuant to the provisions of the Alternative Fuels Technician Certification Act to loan or allow the use of such certificate by any other person.

(i) A certificate which has been expired for more than two (2) years shall not be renewed. A valid certificate may be obtained by successful completion of the appropriate examination and/or certification and other licensure requirements.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 35 Ok Reg 1781, eff 9-15-18]

380:80-7-7. Alternative fuels trainees

(a) An alternative fuels trainee shall be employed by a licensed Oklahoma alternative fuels conversion company or an alternative fuels compression company.

(b) An alternative fuels equipment trainee shall work under the direct supervision of a licensed alternative fuels equipment technician. An alternative fuels compression trainee shall work under the direct supervision of a licensed alternative fuels compression technician.

(c) There shall be no more than two (2) alternative fuels equipment trainees per licensed alternative fuels equipment technician at any licensed Oklahoma alternative fuels conversion company. There shall be no more than two (2) alternative fuels compression trainees per licensed alternative fuels compression technician at any licensed Oklahoma alternative fuels compression company.

(d) An individual that holds a trainee license can engage in any licensed category pursuant to this Chapter while under the direct supervision of an individual holding the appropriate license in the category of activity being performed.

(e) An alternative fuels trainee must submit a trainee application to the Department of Labor within fifteen (15) business days of being hired by a licensed alternative fuels conversion company.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 35 Ok Reg 1781, eff 9-15-18]

380:80-7-8. Change of address of holder of certificate or registration

Any holder of a certificate or registration issued in accordance with the provisions of the Alternative Fuels Technician Certification Act shall notify the agency in writing of any change in such holders address no later than thirty (30) days of such change.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-9. Insurance requirements

A certificate shall not be issued to any applicant unless and until the agency has received proof of insurance as required by this section.

(1) Alternative fuels conversion companies, partnerships, or corporations engaged in the installation, modification, repair, maintenance, or renovation of alternative fuel equipment are required to have on file with the agency proof of certificate holders liability insurance coverage, with limits of not less than one million dollars (\$1,000,000.00) general liability, in full force and effect covering the plant, garage, equipment and motor vehicles used in such business. Proof of self insurance by governmental entities will also be accepted.

(2) Insurance under this section shall be kept and remain in force during the lifetime of the certification issued hereunder. An insurance certificate or certificates showing that the required insurance coverage is in force must be filed with the agency.

(3) Such insurance coverage will not be canceled or terminated unless written notice of such cancellation or termination is given to the agency thirty (30) days prior to cancellation date.

(4) Nothing in this section shall be deemed or construed to require product liability insurance coverage.

(5) If in the event insurance is canceled and the agency is not notified within the thirty (30) day period or not provided with proof of insurance renewal, the agency may revoke or suspend the certificate.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-7-10. Guidelines for certificate renewal

(a) Each licensee's certificate(s) issued under the agency shall expire on the last day of the licensee's birth month each year.

(b) A late fee of Ten Dollars (\$10.00) will be charged one hundred twenty (120) days after the last day of the licensee's birth month. At such time re-testing will be required in order to be certified.

(c) The certification(s) of a licensee renewing his or her certification(s) after September 1, 2015 shall expire on the last day of the licensee's next birth month. The certification fee(s) shall be prorated such that the licensee will pay 1/12 of the annual certification fee(s) for each month from September 2015 up to and including the month of the licensee's birth. The licensee's certification(s) will thereafter expire annually on the last day of the licensee's birth month.

- (d) At the time of recertification of a company, partnership, or corporation, proof of insurance coverage will be required as part of the process.
- (e) All applications for examination for the renewal of certification shall be made in writing to the agency on forms provided, if necessary, by the agency.
- (f) All applications shall be accompanied by the appropriate fee as set forth in section 380:80-7-4.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 36 Ok Reg 976, eff 9-15-19]

SUBCHAPTER 9. STANDARDS FOR ALTERNATIVE FUELS TECHNICIANS - CONVERSION AND COMPRESSION

380:80-9-1. Work of alternative fuels technician by non-certified person

- (a) From and after September 1, 1991, it shall be unlawful for any person to perform the work or offer, by advertisement or otherwise, to perform the work of an alternative fuels technician until such person is certified as an alternative fuels technician by the agency. All advertisements to perform the work of an alternative fuels conversion company must display the company's license number.
- (b) Nothing in this Chapter shall prevent a non-certified person from converting the engine of a farm tractor, as defined in s 1-118 of Title 47 of the Oklahoma Statutes, to an engine fueled by alternative fuels, as long as such farm tractor is not operated on the roads and highways of this state.
- (c) Activities directly related to normal, vehicle maintenance and service are exempt from the definition of work. It is not the intent of this section to prevent any individual, corporation, company from servicing, repairing or maintaining general systems not directly related to the alternative fuel delivery system.
- (d) Non-certified individuals participating in an agency authorized training program, under the guidance of a state certified instructor, are exempt from the certification requirement during the training period.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-9-2. Standards for equipment installation and inspection

- (a) The standards for the equipment installation and inspection of liquefied petroleum gas vehicular fuel systems adopted by NFPA are published in its pamphlet No. 58 and are adopted as the standards for this state.
- (b) The standards for the equipment installation and inspection of compressed natural gas and liquid natural gas vehicular fuel systems adopted by NFPA are published in its pamphlet No. 52 and are adopted as the standards for this state.
- (c) The standards for the equipment installation and inspection of hydrogen fuel cell systems and hydrogen in combustion applications adopted by the NFPA are published in its pamphlet No. 2 and are adopted as the standards for this state.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16; Amended at 40 Ok Reg 2307, eff 9-15-23]

380:80-9-3. Decals and conversion reporting procedure

- (a) After an alternative fuel conversion or modification of equipment is completed for any motor vehicle, the technician shall affix a blue CNG diamond, black propane diamond or green EV diamond, whichever is applicable, according to NFPA pamphlet No. 52.
- (b) No certified technician shall install, service, repair or modify any motor vehicle, capable of operating on an alternative fuel that does not have the required decals.

(c) Converted alternative fueled vehicles shall have placed on the vehicle, decals & labels required by NFPA and the following:

- (1) The date of installation;
- (2) The name of the installing technician; and,
- (3) State of Oklahoma Certification number of the alternative fuels equipment technician.
- (4) The expiration date of time sensitive parts and components used in the conversion.
- (5) Converted vehicle information: year, make, model, and vehicle identification number (VIN).

(d) The following reporting procedure must be performed after each vehicle conversion:

- (1) On forms, provided by the Administrator, each vehicle converted shall be reported to the Administrator by the alternative fuels technician. Information deemed necessary by the agency shall be included on the form. These forms must be sent to the Administrator no later than ten (10) days after the completion of the conversion. Photocopying of these forms is permissible.
- (2) The penalty for failure to comply with OAC 380:80-9-3(d)(1) shall be determined by the Agency.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

SUBCHAPTER 11. VIOLATIONS

380:80-11-1. Alternative Fuels Technician Examiners; complaints, investigations, false or fraudulent representation, suspension or revocation of certificate

- (a) The Commissioner of Labor or designee may suspend or revoke any license, certificate or registration for cause upon recommendation of the Committee of Alternative Fuels Technician Examiners and shall comply with the provisions of the Administrative Procedures Act.
- (b) The Commissioner of Labor or designee may, upon the motion of the Commissioner or designee, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels equipment or compression technician or electric vehicle technician. The results of the investigation may be presented to the Committee and the Committee may recommend suspension or revocation of the license, certificate, or registration.
- (c) The Commissioner of Labor or designee shall suspend or revoke any certificate or registration obtained by false or fraudulent representation.
- (d) The Commissioner of Labor or designee shall also suspend or revoke any certificate or registration for any of the following reasons:
 - (1) Making a material misstatement in the application for a certificate or registration, or the renewal of a certificate or registration;
 - (2) Loaning or illegally using a certificate;
 - (3) Demonstrating incompetence to act as an alternative fuels equipment or compression technician;
 - (4) Violating any provisions of the Alternative Fuels Technician Certification Act, or any rule or order prescribed by the agency; or
 - (5) Willfully failing to perform normal business obligations without justifiable cause.

- (e) The General Counsel of the Agency may elect to delegate the investigation to a person or persons of his choice.
- (f) Investigations are to be secret until presented to the Committee for recommendations.
- (g) Upon the review of the facts of the investigation, the Committee may determine whether or not to hear a case.
- (h) The Committee and its activities shall comply with the Administrative Procedures Act.
- (i) Any person whose Alternative Fuels Equipment or Compression Technician Certificate has been revoked by the Commissioner of Labor or designee may apply for a new certificate one (1) year from the date of such revocation.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-11-2. Violations; criminal penalties

- (a) Any person convicted of violating any provision of the Alternative Fuels Technician Certification Act shall be guilty of a misdemeanor.
- (b) The continued violation of any provision of the Alternative Fuels Technician Certification Act during each day shall be deemed to be a separate offense.
- (c) Upon conviction thereof the person shall be punished by imprisonment in the county jail not to exceed one (1) year, or by a fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment for each offense.
- (d) If the Commissioner of Labor or designee makes a determination of a violation, it may request the appropriate district attorney to prosecute such violation and seek an injunction against such practice.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-11-3. Violations to public safety

- (a) Pursuant to the authority of 47 O.S. §12-101 A. 1., 47 O.S. §13-101, it shall be unlawful for any person to operate on any highway:
 - (1) A vehicle that has not been converted according to, or does not meet the standards stated in section 380:80-9-2;
 - (2) An OEM alternative fueled vehicle that fails the manufacturer's standards.
- (b) An alternative fuels technician shall notify the Administrator within three (3) business days of any instance where the driver and/or owner of a vehicle that was found unsafe refused to correct safety issues with a vehicle.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]

380:80-11-4. Violations; civil penalties; determination of penalty amount; surrender of certificate in lieu of fine

- (a) Any person who has been determined by the Commissioner of Labor or designee to have violated any provision of the Alternative Fuels Technician Certificate Act or any rule or order issued pursuant to the provisions of the Alternative Fuels Technician Certification Act may be liable for a civil penalty of not more than one hundred dollars (\$100.00) for each day that said violation occurs.
- (b) The maximum civil penalty shall not exceed ten thousand dollars (\$10,000) for any related series of violations.
- (c) The amount of the penalty shall be assessed by the Commissioner of Labor or designee pursuant to the provisions of OAC 380:80-11-1, after notice and hearing.

(d) In determining the amount of the penalty, the Commissioner of Labor or designee shall include, but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or persons found to have committed the violation, the degree of culpability and any show of good faith in attempting to achieve compliance with the provisions of the Alternative Fuels Technician Certification Act.

(e) All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Alternative Fuels Technician Certification Revolving Fund.

(f) Any certificate holder may elect to surrender his certificate in lieu of said fine but shall be forever barred from obtaining a reissuance of said certificate.

[Source: Added at 32 Ok Reg 735, eff 6-30-15 (emergency); Added at 33 Ok Reg 1735, eff 9-15-16]