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Kennedy Federal Building, Room E-340, Boston, Massachusetts 02203; and Office of the Commissioner, Vermont Department of Labor and Industry, National Life Building-Drawer 20, 120 State Street, Montpelier, Vermont 05620-3401.

[65 FR 36626, June 9, 2000]

§ 1952.272 Level of Federal enforcement.

Pursuant to §§1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Vermont, effective February 19, 1975, and based on a determination that Vermont is operational in issues covered by the Vermont occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910 and 1926, except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Vermont shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; in private sector offshore maritime activities and will continue to enforce all provisions of the Act, rules or orders, and all Federal standards, current or future, specifically directed to maritime employment (29 CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of general industry and construction standards (29 CFR Parts 1910 and 1926) appropriate to hazards found in these employments, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks, graving docks, and marine railways; and investiga-

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tions and inspections for the purpose of the evaluation of the Vermont plan under sections 18(e) and (f) of the Act (29 U.S.C. 667(e) and (f)). Federal OSHA will also retain authority for coverage of Federal government employers and employees; and of the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations. The OSHA Regional Administrator will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under Section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Vermont.

[65 FR 36627, June 9, 2000]

§ 1952.273 Developmental schedule.

(a) Introduction and enactment of amendments to the Vermont Occupational Safety and Health Act in the 1974 session of the State legislature;

(b) Completion of the State's Compliance Manual;

(c) Drafting of rules governing the operation of the Occupational Safety and Health Review Board;

(d) Development of specific administrative procedures for implementing the occupational safety and health program within the State agencies by January 1974;

(e) Development of the State's Voluntary Compliance Program for Employers and Employees by January 1974;

(f) Appointment of advisory committees for safety and health standards upon plan approval;

(g) Within three years of plan approval all developmental steps will be fully implemented.

§ 1952.274 Completion of developmental steps and certification.

(a) In accordance with §1952.273(a), amendments to the Vermont Occupational Safety and Health Act were passed by the legislature and signed by the Governor on April 3, 1974.

(b) In accordance with §1952.273(c), rules governing the operation of the Occupational Safety and Health Review Board have been adopted, under

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section 230 of the Vermont Act, effective January, 1974.

(c) In accordance with 29 CFR 1952.273(f), the Vermont Standards Advisory Council was established in January 1974.

(d) In accordance with 29 CFR 1952.273(g), the following developmental steps have been implemented.

(1) The health and safety enforcement program in the State of Vermont including enforcement of the State's occupational safety and health standards and regulations, was implemented on November 12, 1973.

(2) The Vermont Occupational Safety and Health Review Board has been in operation since October 1973, under rules and regulations formally promulgated on February 4, 1974 and approved on December 16, 1974 (39 FR 44201, December 23, 1974).

(3) Recordkeeping and reporting requirements, as approved on October 1, 1973 (38 FR 28658), were implemented for both the private and public sectors on November 12, 1973.

(4) Written procedures for coordination between Vermont's Division of Occupational Safety and Division of Occupational Health were formulated in June 1975, and revised in September 1975.

(e) In accordance with the requirements of §1952.10 the Vermont Safety and Health Poster for private and public employees as amended by the attachment informing the public of its right to complain about State program administration, was approved by the Assistant Secretary on February 9, 1977.

(f) In accordance with 29 CFR 1952.273(b), the State has developed a Field Operations Manual which defines the procedures and guidelines to be used by the Vermont compliance staff in carrying out the goals of the program and other local government workplaces and which has been approved by the Assistant Secretary on February 22, 1977.

(g) In accordance with 29 CFR 1952.273(d), the State has developed and implemented a State Agency Program by July 1, 1974 and a Public Agency (local and municipal) Enforcement Program by November 12, 1973, which

has been approved by the Assistant Secretary on February 22, 1977.

(h) In accordance with 29 CFR 1952.273(e), the State of Vermont has developed and implemented its voluntary Compliance Program, including a training program for employers and employees, by February 1974, which has been approved by the Assistant Secretary as completion of developmental step on February 22, 1977.

(i) In accordance with 29 CFR 1902.34, the Vermont occupational safety and health plan was certified, effective as of the date of publication on March 4, 1977, as having completed all developmental steps specified in the plan (as approved on October 1, 1973) on or before September 30, 1976.

[39 FR 44202, Dec. 23, 1974, as amended at 42 FR 2313, Jan. 11, 1977; 42 FR 9169, Feb. 15, 1977; 42 FR 10989, Feb. 25, 1977, 42 FR 12428, Mar. 4, 1977]

§ 1952.275 Changes to approved plans.

(a) *Legislation.* (1) On March 29, 1994, the Assistant Secretary approved Vermont's revised statutory penalty levels which are the same as the revised Federal penalty levels contained in section 17 of the Act as amended on November 5, 1990.

(2) [Reserved]

(b) [Reserved]

[59 FR 14556, Mar. 29, 1994]

Subpart V [Reserved]

Subpart W—Nevada

§ 1952.290 Description of the plan as initially approved.

(a) The Nevada Occupational Safety and Health program will be administered and enforced by the Department of Occupational Safety and Health of the Nevada Industrial Commission. Administrative adjudications of proposed penalties will be the responsibility of an independent five member review board appointed by the Governor.

(b) The program will cover all activities of employees and places of private and public employment except those involving Federal employment, highway motor vehicles, and railroads, subject to the exercise of jurisdiction under other Federal safety and health