

in the plan as approved on April 24, 1973, on or before June 1, 1976, with the exception that temporary labor camp standards development and enforcement program was completed on March 11, 1977.

[40 FR 18427, Apr. 28, 1975, as amended at 40 FR 40156, Sept. 2, 1975; 40 FR 54426, Nov. 24, 1975; 41 FR 43405, Oct. 1, 1976; 41 FR 51013, Nov. 19, 1976; 42 FR 37549, July 22, 1977; 42 FR 41858, Aug. 19, 1977]

§ 1952.175 Changes to approved plans.

(a) In accordance with part 1953 of this chapter, the California carcinogen program implemented on January 1, 1977, was approved by the Assistant Secretary on March 6, 1978.

(b) On January 1, 1978, the California Department of Industrial Relations became the agency designated to administer the California Occupational Safety and Health Plan.

(c) In accordance with part 1953 of this chapter, California amended its employer recordkeeping and reporting requirements effective November 4, 1978, so as to provide employee access to the employer's log and summary of occupational injuries and illnesses.

(d) In accordance with part 1953 of this chapter, California's liaison with the Occupational Health Centers, implemented on April 25, 1979, was approved by the Assistant Secretary on July 25, 1980.

(e) In accordance with part 1953 of this chapter, the California Hazard Alert System, implemented in July 1979, was approved by the Assistant Secretary on July 25, 1980.

(f) In accordance with part 1953 of this chapter, the revised stratification of the Safety Engineer Series, adopted by California on July 1, 1979, was approved by the Assistant Secretary on January 12, 1981.

(g) In accordance with part 1953 of this chapter, California's Small Employer Voluntary Compliance Program, implemented on March 1, 1981, was approved by the Assistant Secretary on August 2, 1983.

(h) In accordance with part 1953 of this chapter, the California Cooperative Self-Inspection Program was approved by the Assistant Secretary on August 1, 1986.

(i) *Legislation.* (1) On March 29, 1994, the Assistant Secretary approved California'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.

[43 FR 9807, Mar. 10, 1978, as amended at 44 FR 36385, June 22, 1979; 45 FR 8594, Feb. 8, 1980; 45 FR 51766, Aug. 5, 1980; 46 FR 3861, Jan. 16, 1981; 48 FR 34951, Aug. 2, 1983; 51 FR 27535, Aug. 1, 1986; 59 FR 14556, Mar. 29, 1994; 67 FR 60129, Sept. 25, 2002]

Subparts L-M [Reserved]

Subpart N—Minnesota

§ 1952.200 Description of the plan as initially approved.

(a) The Department of Labor and Industry is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). The commissioner of the Department of Labor and Industry adopted Federal standards promulgated as of October 1972, effective in Minnesota, February 1973. The commissioner will continue to adopt Federal standards and will retain those Minnesota standards not covered by Federal standards. The plan contains a list of the Federal standards adopted and the State standards that will be retained. These standards will be enforced according to current legislative authority in Minnesota prior to the effective date of Minnesota's enabling legislation submitted as part of the plan.

(b)(1) The plan includes legislation enacted by the Minnesota legislature during its 1973 session. Under the legislation the Department of Labor and Industry will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exception of maritime workers in the areas of exclusive Federal jurisdiction, employees of the United States, and employees whose working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1)

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of the Occupational Safety and Health Act of 1970.

(2) The legislation further proposed to bring the plan into conformity with the requirements of 29 CFR part 1902 in areas such as procedures for granting or denying temporary and permanent variances by the commissioner; protection of employees from hazards; procedures for the development and promulgation of standards by the commissioner, including emergency temporary standards; and procedures for prompt restraint or elimination of imminent danger situations by issuance of a "red-tag" order effective for 3 days as well as by court injunction.

(3) The legislation is also intended to insure inspections in response to complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections and that loss of any privilege or payment to an employee as a result of aiding such inspection would constitute discrimination; notification of employees or their representatives where no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment by filing complaints with the commissioner and hearings by the review commission; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements through the issuance and posting of citations; a system of sanctions against employers for violation of standards; employer right of review and employee participation in review proceedings, before an independent review commission; and coverage of employees of the State and political subdivisions in the same manner as private employees.

(c) Included in the plan is a statement of the Governor's support for the legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and laws of Minnesota. The plan sets out goals and provides a timetable for bringing it

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into full conformity with part 1902 at the end of 3 years after commencement of operations under the plan. Personnel will be employed under the existing State merit system and the voluntary compliance program for onsite consultation for private and public employers meets the conditions set forth in the issues discussed in the Washington decision (38 FR 2421, January 26, 1973).

(d) The plan includes the following documents as of the date of approval:

(1) The plan document and appendices;

(2) Revised legislation, submitted January 25, 1973;

(3) Compliance manual and supplements to the plan document, February 15, 1973;

(4) Letters from the Department of Labor and Industry dated February 8, 1973, and April 9, 1973.

[38 FR 15077, June 8, 1973, as amended at 50 FR 30831, July 30, 1985]

§ 1952.201 Developmental schedule.

(a) Retraining of present occupational safety and health personnel during March-May 1973;

(b) Training sessions for public employers and employees during April-June 1973;

(c) Effective date of legislation, August 1, 1973;

(d) Regulations on variances, August 1973;

(e) Management information system, August 1973;

(f) Staff increases in Department of Labor and Industry and Department of Health 1973-74;

(g) Voluntary compliance program implemented by January 1975;

(h) Coverage and enforcement of standards regarding agriculture, July 1975.

[38 FR 15077, June 8, 1973. Redesignated at 50 FR 30831, July 30, 1985]

§ 1952.202 Completion of developmental steps and certification.

(a) In accordance with the requirements of §1952.10, the Minnesota State poster was approved by the Assistant Secretary on March 7, 1975.

(b) In accordance with §1952.203(g), the Minnesota voluntary compliance program became effective on January