

This is an unofficial compilation prepared by the Division of Industrial Relations which incorporates the additions, amendments and repeal of regulations as of the adoption of LCB File No. R048-20 on January 19, 2021.

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CHAPTER 618 - OCCUPATIONAL SAFETY AND HEALTH

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General Provisions

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General Provisions

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General Provisions

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- 618.920 Supervisors: Prerequisites to obtaining license; fee.
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618.926 Abatement workers: Location of current license.
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618.928 Consultants: Services which may be provided.
618.929 Consultants: Location of current license.
618.930 Consultants: Accreditation in particular disciplines.
618.9305 Inspectors: Requirements for performance of certain inspections; exceptions.
618.931 Inspectors: Qualifications for accreditation.
618.932 Inspectors: Training and examination.
618.933 Inspectors: Services that may be provided.
618.934 Inspectors: Permission to act as inspector trainee.
618.935 Management planners: Qualifications for accreditation.
618.936 Management planners: Training and examination.
618.937 Management planners: Services that may be provided.
618.9375 Project designer: Development of plan for abatement of asbestos.
618.938 Project designers: Qualifications for accreditation.
618.939 Project designers: Training and examination.
618.940 Project designers: Services that may be provided.
618.941 Monitors: Qualifications for accreditation.
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618.945 Exemption of licensed supervisors and contractors from licensing as abatement worker.
618.946 Licensing of person who performs project for spot repairs.
618.948 Analyses of samples: Accreditation of laboratories; certification of analyst.
- Performance of Activities for Abatement**
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618.951 Exemption of certain activities from requirements.
618.952 Declaratory order regarding nature of activity: Petition; issuance; appeal.

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- 618.953 **Records of contractor: Maintenance; availability to Enforcement Section; retention.**
- 618.954 **Project for the abatement of asbestos: Notification of Enforcement Section; fees.**
- 618.955 **Emergency asbestos project: Notification of Enforcement Section.**
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- 618.958 **Project for spot repairs.**
- 618.960 **Demolition of building or structure.**
- 618.961 **Material presumed to contain asbestos.**

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- 618.970 **Penalties for violation of provisions; action against jointly responsible licensees.**
- 618.971 **Licensee presumed to have knowledge of actions of employees; rebuttal of presumption.**
- 618.972 **Imposition of administrative fine: Notification of licensee.**
- 618.973 **Imposition of administrative fine: Appeal to Chief.**
- 618.974 **Imposition of administrative fine: Review of Chief's decision.**
- 618.975 **Suspension, modification or revocation of license: Grounds.**
- 618.976 **Suspension, modification or revocation of license: Notification of licensee.**
- 618.977 **Suspension, modification or revocation of license: Appeal to Chief.**
- 618.978 **Suspension, modification or revocation of license: Review of Chief's decision.**
- 618.979 **Summary suspension of license: Grounds.**
- 618.980 **Summary suspension of license: Notification of licensee.**
- 618.981 **Summary suspension of license: Appeal to Chief.**
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- 618.983 **Summary suspension of license: Permanency of suspension.**
- 618.984 **Summary suspension of license: Modification and revocation of suspension.**
- 618.985 **Summary suspension of license: Withdrawal.**
- 618.986 **Certain powers of Administrator not affected by provisions.**

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MANDATORY OSHA-10 AND OSHA-30 TRAINING

CONSTRUCTION INDUSTRY

- 618.990 Definitions.
- 618.9904 “Approved OSHA-10 course” defined.
- 618.9908 “Approved OSHA-30 course” defined.
- 618.9912 “Valid completion card” defined.
- 618.9914 “Person who actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project, including, without limitation, painting and decorating,” “construction worker” and “components of the property” interpreted.
- 618.9917 Requirements for language and format of all courses.
- 618.992 Criteria for approved courses.

ENTERTAINMENT INDUSTRY [R048-20]

NEW

CONVENTION SERVICES INDUSTRY [R048-20]

NEW

GENERAL PROVISIONS

NAC 618.001 Definitions. (NRS 618.295) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 618.002 to 618.008, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.002 “Administrator” defined. (NRS 618.295) “Administrator” means the Administrator of the Division.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.004 “Chief” defined. (NRS 618.295) “Chief” means the Chief Administrative Officer of the Enforcement Section.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

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NAC 618.006 “Division” defined. (NRS 618.295) “Division” means the Division of Industrial Relations of the Department of Business and Industry.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.008 “Enforcement Section” defined. (NRS 618.295) “Enforcement Section” means the Occupational Safety and Health Administration of the Division.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000; A by R116-06, 11-13-2006)

CRANES

General Provisions

NAC 618.342 Definitions. (NRS 618.295, 618.880) As used in NAC 618.342 to 618.410, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.3425 to 618.357, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97; A by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.3425 “Certification program” defined. (NRS 618.295, 618.880) “Certification program” means a program approved by the Division to certify persons to operate a mobile crane or a tower crane pursuant to the provisions of this chapter and chapter 618 of NRS.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.343 “Certifying authority” defined. (NRS 618.295, 618.880) “Certifying authority” means a person who is approved by the Division to inspect and certify tower cranes which are used to erect and dismantle tower cranes pursuant to the provisions of NAC 618.359, 618.360, 618.365 to 618.370, inclusive, and 618.380 to 618.385, inclusive.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.344 “Crane” defined. (NRS 618.295, 618.880) “Crane” means a machine which has a movable boom which:

1. Lifts and lowers a load and moves it horizontally; and
2. Is designed so that the mechanism which lifts the load is an integral part of the machine.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.3445 “Crane operator” defined. (NRS 618.295, 618.880) “Crane operator” means a person who holds a certificate to operate a mobile crane or a tower crane issued by a certification program.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

NAC 618.346 “Emergency” defined. (NRS 618.295, 618.880) “Emergency” means a condition which poses an imminent threat of injury or death to any person or harm to property.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.348 “Grounded” defined. (NRS 618.295, 618.880) “Grounded” means placed at a point at which the weight of a load is no longer borne by the crane which lifts that load.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.349 “Load block” defined. (NRS 618.295, 618.880) “Load block” has the meanings ascribed to it in the standards adopted by reference pursuant to NAC 618.358, as the context requires.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.350 “Load rating chart” defined. (NRS 618.295, 618.880) “Load rating chart” has the meaning ascribed to it in the standards adopted by reference pursuant to NAC 618.358.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.3505 “Mobile crane” defined. (NRS 618.295, 618.880) “Mobile crane” means a machine that is capable of traveling, is used for hoisting and moving a load by using cables which run unencumbered over the boom or jib sheave, and has a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.
(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.351 “Person” defined. (NRS 618.295, 618.880) “Person” means a natural person.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.352 “Prime contractor” defined. (NRS 618.295, 618.880) “Prime contractor” means the contractor who has the ultimate authority and responsibility at any location where a crane is used. The term includes “general contractor” and “management contractor.”
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.353 “Quadrant” defined. (NRS 618.295, 618.880) “Quadrant” means one of the four sections into which the area surrounding the base of a crane is divided based upon the center of rotation of the crane.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.354 “Rated load test” defined. (NRS 618.295, 618.880) “Rated load test” has the meanings ascribed to it in the standards adopted by reference pursuant to NAC 618.358, as the context requires.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

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NAC 618.355 “Tower crane” defined. (NRS 618.295, 618.880) “Tower crane” means a crane that is regularly assembled and disassembled for use at various sites, and is powered by an electric motor or an internal combustion engine, or any variation thereof which retains the same fundamental characteristics, including cranes on which the operating radius is adjusted by means of a boom luffing mechanism, or by means of a trolley traversing a horizontal boom, or by a combination of the two. The term includes cranes which:

1. Are mounted on a fixed or a rail mounted traveling base; or
2. Use additional means for mounting, such as arrangements that permit the crane to climb in the structure being built, or that permit increasing the tower height as the structure rises and utilizing braces attached to the hose structure as needed.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.3555 “Trainee” defined. (NRS 618.295, 618.880) “Trainee” means a person who holds a provisional certificate to operate a mobile crane or a tower crane issued pursuant to NAC 618.407.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.357 “Warning tape” defined. (NRS 618.295, 618.880) “Warning tape” means a continuous strip of plastic or other similar material that is highly visible which is intended for use as a barrier to prevent access to an area.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.358 Adoption of standards by reference; review of revisions and addenda. (NRS 618.295, 618.880)

1. The Division hereby adopts by reference the standards of the American Society of Mechanical Engineers (ASME) set forth in:

(a) *Construction Tower Cranes*, B30.3, 2004 edition, published by the American Society of Mechanical Engineers. This publication is available from the American Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$50.

(b) *Portal, Tower, and Pedestal Cranes*, B30.4, 2003 edition, published by the American Society of Mechanical Engineers. This publication is available from the American Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$55.

(c) *Mobile and Locomotive Cranes*, B30.5, 2004 edition, published by the American Society of Mechanical Engineers. This publication is available from the American Society of Mechanical Engineers, Information Central Orders/Inquiries, P.O. Box 2300, Fairfield, New Jersey 07007-2300, by telephone at (800) 843-2763 or at the Internet address <http://www.asme.org>, at a cost of \$80.

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2. If a revision or addendum to any publication adopted by reference pursuant to this section is published, the Division will review the revision or addendum to determine its suitability for this State. If the Division determines that the revision or addendum is not suitable for this State, the Division will hold a public hearing to review the determination and give notice of that hearing within 6 months after the date of the publication of the revision or addendum. If, after the hearing, the Division does not revise its determination, the Division will give notice that the revision or addendum is not suitable for this State within 30 days after the hearing. If the Division does not give such notice, the revision or addendum becomes part of the publication adopted by reference in this section.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97; A by R117-06, 11-13-2006, eff. 1-1-2007)

Certifying Authorities

NAC 618.359 Requirements for approval. (NRS 618.295, 618.880)

1. A person who desires to be approved by the Division as a certifying authority of tower cranes or cranes which are used to erect and dismantle tower cranes must submit to the Division proof that he or she:

(a) Has completed at least 5 years of employment as an inspector of cranes;

(b) Has completed at least 5 years of employment as a representative of a manufacturer of cranes;

(c) Is approved in another state as a certifying authority of cranes or the equivalent of a certifying authority, if the Division determines that the requirements of the State for approval of a certifying authority are substantially equivalent to the requirements set forth in NAC 618.365 to 618.370, inclusive, and 618.380 to 618.385, inclusive; or

(d) Has devoted at least 1,000 hours to the mechanical and structural maintenance and repair of cranes during the last 5 years of employment.

2. In addition to the requirements set forth in subsection 1, a person who desires to be approved as a certifying authority of tower cranes or cranes which are used to erect and dismantle tower cranes must pass:

(a) A written or oral examination on the applicable standards adopted by reference pursuant to NAC 618.358; and

(b) A practical examination which demonstrates the ability of the person to:

(1) Examine visually the welds and attachments of the critical members of a crane;

(2) Conduct a rated load test; and

(3) Inspect and test a crane for compliance with the requirements set forth in the standards adopted by reference pursuant to NAC 618.358.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.360 Employment by owner or lessee of crane prohibited; exception. (NRS 618.295, 618.880) A certifying authority who inspects and certifies:

1. A tower crane for compliance with the requirements set forth in NAC 618.366; or

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2. A crane which is used to erect or dismantle a tower crane for compliance with the requirements set forth in NAC 618.381,
↪ must not be employed by the person who owns or leases the crane unless the owner or lessor of the crane is the manufacturer of the crane or is a representative of the manufacturer of the crane.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

Cranes Able to Lift Loads Weighing at Least 3 Tons: Use

NAC 618.364 Highly hazardous lift: Maintenance of clear zone. (NRS 618.295, 618.880)

1. Except in an emergency, when a crane which has the ability to lift a load that weighs at least 3 tons is performing a highly hazardous lift, the prime contractor shall establish and maintain a clear zone within which a person who is not directly involved in the lift is, if practicable, not permitted during the lifting of the load until the load is securely grounded.

2. The clear zone required pursuant to subsection 1 must be an area, the center of which is the crane which is lifting the load, that is 125 percent of the sum of the length of the boom of the crane and one-half of the length of the load which is lifted and which includes all quadrants in which the crane could, because of its configuration, be reasonably expected to tip over, including, but not limited to, any quadrant in which the load is lifted.

3. To establish and maintain the clear zone required pursuant to subsections 1 and 2, the prime contractor shall:

(a) Provide written notification at least 24 hours before the highly hazardous lift occurs to each person who owns or manages property located within the boundaries of the clear zone. The notice must:

- (1) Specify the scheduled date, time and location of the highly hazardous lift; and
- (2) Inform the owner or manager that the property:

(I) Is located within the boundaries of a clear zone which is required by this section to be established and maintained; and

(II) Must be vacated, if practicable, and the owner or manager must post signs on the property that warn each person entering the property that crane operations are in progress.

(b) Provide written notification at least 24 hours before the highly hazardous lift occurs to each federal, state, county and municipal agency that has jurisdiction over highways, streets, sidewalks, railroads or other public property within the boundaries of the clear zone. The notice must:

- (1) Specify the date, time and location of the highly hazardous lift; and
- (2) Inform the agency that:

(I) The property within its jurisdiction is located within the boundaries of a clear zone which is required by this section to be established and maintained; and

(II) Any traffic on the property must be restricted, if practicable, and the agency must post signs on the property that warn traffic on the property that crane operations are in progress.

(c) Post warning signs and, where practicable, place warning tape around any property which is within the boundaries of the clear zone and within the control of the prime contractor. The warning signs must:

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(1) Be posted, if practicable, every 50 feet and be legible under normal conditions at a distance of 100 feet; and

(2) Advise that crane operations are in progress and the area may not be entered during a highly hazardous lift.

(d) Sound a warning horn just before a highly hazardous lift.

4. The establishment and maintenance of a clear zone does not relieve the prime contractor or the owner or lessee of the crane from liability for failure to operate the crane in a safe and prudent manner. During the highly hazardous lift, the prime contractor and the owner or lessee of the crane shall provide safeguards against artificially created and natural conditions, including, but not limited to, unstable ground, inclement weather and winds of high velocity. Except in an emergency, a highly hazardous lift must not be commenced during winds which exceed 35 miles per hour.

5. As used in this section, a “highly hazardous lift” means a lift in which the load to be lifted is, in the existing configuration of the crane, at the maximum capacity of the crane as specified on the load rating chart of the crane.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

Tower Cranes: Certificates of Operation

NAC 618.365 Circumstances requiring issuance. (NRS 618.295, 618.880) The owner or lessee of a tower crane shall ensure that the tower crane has been issued a valid certificate of operation by a certifying authority:

1. Each time the tower crane is erected;
2. Each year the tower crane remains erected at one location; and
3. Each time a tower crane is repaired or modified in any way which affects the structural integrity of the crane, other than the addition or removal of sections to the mast of the crane or the addition of other components which are a permanent part of the tower crane in its working condition, such as a load block or rigging.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.366 Qualifications. (NRS 618.295, 618.880) To qualify for a certificate of operation, a tower crane must be tested according to and comply with the applicable:

1. Recommendations of the manufacturer;
2. Provisions of the Nevada occupational safety and health standards established pursuant to NRS 618.295; and
3. Standards adopted by reference pursuant to NAC 618.358.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.367 Compliance with requirements. (NRS 618.295, 618.880) A certifying authority shall ensure that a tower crane complies with the requirements set forth in NAC 618.366 before the certifying authority issues a certificate of operation for that crane.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

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NAC 618.368 Form; signature. (NRS 618.295, 618.880) The certifying authority shall:

1. Issue a certificate of operation for a tower crane upon a form:
 - (a) Supplied by the manufacturer of the tower crane; or
 - (b) Approved by the Division; and
 2. Sign each certificate of operation for a tower crane that the certifying authority issues.
- (Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.369 Notification of Nevada Occupational Safety and Health Administration upon denial. (NRS 618.295, 618.880) A certifying authority shall notify in writing the Nevada Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, within 5 working days after the certifying authority denies a certificate of operation for a tower crane.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97; A by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.370 Expiration; violation of requirements for qualification. (NRS 618.295, 618.880)

1. Except as otherwise provided in this section, a certificate of operation for a tower crane expires 1 year after the date on which it is issued.
2. Unless the tower crane remains erected at one location for at least 1 year, the certificate of operation for a tower crane expires on the date the tower crane is dismantled.
3. If a tower crane is repaired or modified in any way which affects the structural integrity of the crane, other than the addition or removal of sections to the mast of the crane or the addition of other components which are a permanent part of the tower crane in its working condition, such as a load block or rigging, the certificate of operation for the tower crane expires on the date the tower crane is repaired or modified.
4. If the Enforcement Section determines that any condition of a tower crane violates the requirements set forth in NAC 618.366, the Enforcement Section may require the owner or lessee of the tower crane to correct the violation and obtain a new certificate of operation for the tower crane before the tower crane is operated.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

Cranes Used to Erect or Dismantle Tower Cranes: Certificates of Operation

NAC 618.380 Circumstances requiring issuance. (NRS 618.295, 618.880) The owner or lessee of a crane which is used to erect or dismantle a tower crane shall ensure that such a crane has been issued a valid certificate of operation by a certifying authority:

1. Before the crane is operated; and
2. Each time a crane which is used to erect or dismantle a tower crane is repaired or modified in any way which affects the structural integrity of the crane other than the addition of components which are a permanent part of the tower crane in its working condition, such as the jib, sections of the boom, a load block or rigging.

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(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.381 Qualifications. (NRS 618.295, 618.880) To qualify for a certificate of operation, a crane which is used to erect or dismantle a tower crane must be tested according to and comply with the applicable:

1. Recommendations of the manufacturer;
 2. Provisions of the Nevada occupational safety and health standards established pursuant to NRS 618.295; and
 3. Standards adopted by reference pursuant to NAC 618.358.
- (Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.382 Compliance with requirements. (NRS 618.295, 618.880) A certifying authority shall ensure that a crane which is used to erect or dismantle a tower crane complies with the requirements set forth in NAC 618.381 before the certifying authority issues a certificate of operation for that crane.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.383 Form; signature. (NRS 618.295, 618.880) The certifying authority shall:

1. Issue a certificate of operation for a crane which is used to erect or dismantle a tower crane upon a form:
 - (a) Supplied by the manufacturer of the crane which is used to erect or dismantle a tower crane; or
 - (b) Approved by the Division; and
2. Sign each certificate of operation for a crane which is used to erect or dismantle a tower crane that the certifying authority issues.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.384 Notification of Nevada Occupational Safety and Health Administration upon denial. (NRS 618.295, 618.880) A certifying authority shall notify in writing the Nevada Occupational Safety and Health Administration, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, within 5 working days after the certifying authority denies a certificate of operation for a crane which is used to erect or dismantle a tower crane.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97; A by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.385 Expiration; violation of requirements for qualification. (NRS 618.295, 618.880)

1. Except as otherwise provided in this section, a certificate of operation for a crane which is used to erect or dismantle a tower crane expires 1 year after the date on which it is issued.
2. If a crane which is used to erect or dismantle a tower crane is repaired or modified in any way which affects the structural integrity of the crane, other than the addition of components which are a permanent part of the tower crane in its working condition, such as the jib, sections of the

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boom, a load block or rigging, the certificate of operation for the crane expires on the date the crane is repaired or modified.

3. If the Enforcement Section determines that any condition of a crane which is used to erect or dismantle a tower crane violates the requirements set forth in NAC 618.381, the Enforcement Section may require the owner or lessee of the crane to correct the violation and obtain a new certificate of operation for the crane before the crane is operated.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

Tower Cranes: Use

NAC 618.394 Plan for erection or dismantling of tower crane: Submission; contents; maintenance on location; meeting for review. (NRS 618.295, 618.880)

1. Except in an emergency, at least 15 working days before a tower crane is erected or dismantled, the prime contractor for the project which requires the use of a crane to erect or dismantle a tower crane shall submit to the Enforcement Section for its review a plan for the erection or dismantling of the tower crane.

2. The plan required pursuant to subsection 1 must set forth:

(a) The recommendations of the manufacturer of the tower crane for the erection or dismantling of the crane;

(b) The weight of each component of the tower crane which must be lifted during the erection or dismantling of the crane;

(c) A diagram of the riggings which shows the points of attachment of the riggings to the crane and the size and capacity of the hardware used to attach the riggings to the crane;

(d) Any point of potential interference between the crane, the load and existing structures;

(e) Any special requirement for supporting the outriggers and tracks of the crane, including a statement addressing any conditions of the ground;

(f) A study which shows:

(1) The location of the crane which will be used to erect or dismantle the tower crane in plan and profile view that specifically notes the locations of the initial lift and final placement of the components of the tower crane;

(2) The configuration of the boom, counterweights and attachments for the lift of each component; and

(3) The maximum lifting capacity of the crane as specified on the load rating chart of the crane and the actual weight of the anticipated loads;

(g) A description of the sequence of steps to be followed to erect or dismantle the tower crane and any special requirements for the safe execution of each step;

(h) The procedure for communication and assignment of responsibility among:

(1) The members of the crew which erects or dismantles the tower crane;

(2) The person who supervises the erection or dismantling of the tower crane; and

(3) The operator of the tower crane and the operators of any machinery which is required to erect or dismantle the tower crane;

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(i) A description of the manner in which the clear zone required pursuant to NAC 618.397 will be maintained;

(j) The name of any person who will operate the tower crane or any other crane used to erect or dismantle the tower crane; and

(k) A copy of the certificate of operation of each crane used to erect or dismantle the tower crane.

3. A copy of the plan required pursuant to subsection 2 must be maintained at the location where the tower crane is erected or dismantled.

4. The prime contractor shall ensure that a meeting is conducted at the location where the tower crane will be erected or dismantled immediately before the tower crane is erected or dismantled to review the plan and the manner in which a clear zone will be established. The following persons shall attend the meeting:

(a) The members of the crew which erects or dismantles the tower crane;

(b) The person who supervises the erection or dismantling of the tower crane;

(c) The operator of the tower crane and the operators of any machinery which is required to erect or dismantle the tower crane;

(d) A representative of the prime contractor;

(e) A representative of the owner of the tower crane, if the owner of the tower crane is not already represented at the meeting; and

(f) A representative of the owner or lessee of the property upon which the tower crane will be erected or dismantled.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.395 Termination of process to erect or dismantle tower crane. (NRS 618.295, 618.880) During the erection or dismantling of a tower crane:

1. The prime contractor for the project which requires the use of the tower crane;

2. The owner or lessee of the property on which the tower crane is located; or

3. Any other employer of any person who will be involved in the erection or dismantling of the tower crane,

↪ must terminate the erection or the dismantling of the tower crane if he or she knows or receives reliable information that a condition exists which threatens the safety of his or her employees or the general public until that condition is corrected or until the prime contractor determines that the condition is not a threat or that the threat no longer exists.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.396 Condition of devices installed on crane to determine ability of crane to bear load. (NRS 618.295, 618.880) The person who supervises the erection or dismantling of a tower crane shall ensure that any device which is installed on a crane or other machine used to erect or dismantle the tower crane and upon which the operator relies in determining the ability of the crane or other machine to bear a load, including instruments known as:

1. "Load cells";

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2. “Boom angle indicators”;
 3. “Load moment indicators” or “LMIs”; or
 4. “Wind velocity indicators,”
- ↳ are in good working order.
(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

NAC 618.397 Erection or dismantling of tower crane: Maintenance of clear zone. (NRS 618.295, 618.880)

1. Except in an emergency, when a tower crane is erected or dismantled, the prime contractor shall establish and maintain a clear zone within which a person who is not directly involved in the erection or dismantling is, if practicable, not permitted during the lifting of a load until the load is securely grounded.

2. The clear zone required pursuant to subsection 1 must be an area, the center of which is the crane which is lifting the load, that is 125 percent of the sum of the length of the boom of the crane and one-half of the length of the load which is lifted and which includes all quadrants in which the crane could, because of its configuration, be reasonably expected to tip over, including, but not limited to, any quadrant in which the load is lifted.

3. To establish and maintain the clear zone required pursuant to subsections 1 and 2, the prime contractor shall:

(a) Provide written notification at least 24 hours before the scheduled erection or dismantling of the tower crane to each person who owns or manages property located within the boundaries of the clear zone. The notice must:

(1) Specify the scheduled date, time and location of the erection or dismantling of the tower crane; and

(2) Inform the owner or manager that the property:

(I) Is located within the boundaries of a clear zone which is required by this section to be established and maintained; and

(II) Must be vacated, if practicable, and the owner or manager must post signs on the property that warn each person entering the property that crane operations are in progress.

(b) Provide written notification at least 24 hours before the scheduled erection or dismantling of the tower crane to each federal, state, county and municipal agency that has jurisdiction over highways, streets, sidewalks, railroads or other public property within the boundaries of the clear zone. The notice must:

(1) Specify the date, time and location of the erection or dismantling of the tower crane; and

(2) Inform the agency that:

(I) The property within its jurisdiction is located within the boundaries of a clear zone which is required by this section to be established and maintained; and

(II) Any traffic on the property must be restricted, if practicable, and the agency must post signs on the property that warn traffic on the property that crane operations are in progress.

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(c) Post warning signs and, where practicable, place warning tape around any property which is within the boundaries of the clear zone and within the control of the prime contractor. The warning signs must:

(1) Be posted, if practicable, every 50 feet and be legible under normal conditions at a distance of 100 feet; and

(2) Advise that crane operations are in progress and the area may not be entered during a lift.

(d) Sound a warning horn just before a lift.

4. If a prime contractor who is required to establish and maintain a clear zone pursuant to subsections 1 and 2 believes that the establishment and maintenance of the clear zone is impracticable, the prime contractor must ensure that the crane used in the erection or dismantling of a tower crane is limited to loads of no more than 90 percent of the maximum lifting capacity of the crane as specified on the load rating chart of the crane and the prime contractor must comply with paragraphs (c) and (d) of subsection 3 for any quadrant in which the load is lifted.

5. The establishment and maintenance of a clear zone does not relieve the prime contractor or the owner or lessee of the crane from liability for failure to operate the crane in a safe and prudent manner. During the erection and dismantling of a tower crane, the prime contractor and the owner or lessee of the crane shall provide safeguards against artificially created and natural conditions, including, but not limited to, unstable ground, inclement weather and winds of high velocity. Except in an emergency, a load must not be lifted during the erection or dismantling of a tower crane during winds which exceed 35 miles per hour.

(Added to NAC by Div. of Industrial Relations, eff. 2-25-97)

Mobile Cranes and Tower Cranes: Certification of Operators

NAC 618.402 Certification required; responsibilities of employer of crane operator. (NRS 618.295, 618.880)

1. Except as otherwise provided in NAC 618.410, a person shall obtain certification to operate a mobile crane or a tower crane, as applicable, before the person operates a mobile crane or a tower crane.

2. An employer of an operator of a mobile crane or a tower crane shall ensure that the crane operator holds a certificate to operate a mobile crane or a tower crane issued by a certification program.

3. An employer of a crane operator shall maintain copies of all certificates held by the crane operator at the main office of the employer or at the workplace of the crane operator.

4. The copies of certificates required by subsection 3 must be maintained during the period of employment of the crane operator and for at least 3 years after the end of employment.

5. An employer of a crane operator shall provide copies of the certificates described in subsection 3 that pertain to the crane operator to the Division upon request if the certificates are requested not more than 3 years after the end of employment of the crane operator.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

NAC 618.404 Certification program: Provision of blank copy of certification form to Division; contents of form. (NRS 618.295, 618.880)

1. A certification program must provide to the Division a blank copy of the certification form to operate a mobile crane or a tower crane issued to crane operators who successfully complete the program. Each certification form must include:

- (a) The signature of an authorized representative;
- (b) The date of expiration;
- (c) The type of mobile crane or tower crane the holder is certified to operate; and
- (d) The name of the certification program.

2. As used in this section, “authorized representative” means a person who is employed or retained by a certification program to provide an assessment to a person who desires to become a crane operator.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.405 Certification program: Withdrawal of approval; limitation on types of cranes for which program is approved. (NRS 618.295, 618.880)

1. The Division will withdraw its approval of a certification program if the program fails to:

- (a) Maintain accreditation as required by the Division;
- (b) Submit proof of continuing accreditation as requested by the Division; or
- (c) Submit other information requested by the Division.

↪ The Division will give 15 working days’ notice to the certification program before the withdrawal of approval.

2. The Division may limit the types of mobile cranes or tower cranes for which a certification program is approved as it deems necessary in the interest of public safety.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.407 Provisional certificate: Issuance; requirements; expiration; renewal; maintenance. (NRS 618.295, 618.880)

1. An employer may issue a provisional certificate to operate a mobile crane or a tower crane to a person who is not certified as a crane operator if the employer verifies that the person meets the physical requirements of trainees established by the applicable standards adopted by reference pursuant to NAC 618.358.

2. A provisional certificate must:

- (a) Be issued on a form approved by the Division; and
- (b) Include the type of mobile crane or tower crane the trainee is provisionally certified to operate.

3. A provisional certificate expires:

(a) When the trainee obtains certification as a crane operator pursuant to this chapter and chapter 618 of NRS; or

- (b) Five years after the date of issuance,

↪ whichever occurs first.

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4. A provisional certificate may be renewed as many times as necessary if the trainee continues to meet the physical requirements of trainees established by the applicable standards adopted by reference pursuant to NAC 618.358.

5. A trainee shall maintain his or her provisional certificate and provide a copy to the Division upon request.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.408 Provisional certificate: Responsibilities of employer of trainee. (NRS 618.295, 618.880)

1. An employer of a trainee shall maintain copies of all provisional certificates held by the trainee at the main office of the employer or at the workplace of the trainee.

2. The copies of provisional certificates required by subsection 1 must be maintained during the period of employment of the trainee and for at least 3 years after the end of employment.

3. An employer of a trainee shall provide copies of the provisional certificates described in subsection 1 that pertain to the trainee to the Division upon request if the provisional certificates are requested not more than 3 years after the end of employment of the trainee.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

NAC 618.410 Provisional certificate: Restrictions on operation of crane by trainee. (NRS 618.295, 618.880)

1. Except as otherwise provided in subsection 2, a trainee may operate a mobile crane or a tower crane if the trainee:

(a) Holds a provisional certificate issued pursuant to NAC 618.407; and

(b) Is under the direct supervision of a crane operator:

(1) Whose sole responsibility during the period of the supervision is to observe the operation of the crane by the trainee; and

(2) Who holds a certificate to operate the type of crane being operated by the trainee during the period of direct supervision.

2. A trainee shall not operate a mobile crane or a tower crane that is used to erect or dismantle a tower crane.

3. As used in this section, “direct supervision” means the supervision of a trainee by a crane operator who is in the immediate area of the trainee, within visual sighting distance of the trainee and able to communicate effectively with the trainee.

(Added to NAC by Div. of Industrial Relations by R117-06, 11-13-2006, eff. 1-1-2007)

PHOTOVOLTAIC SYSTEM PROJECTS

General Provisions

NAC 618.450 Definitions. (NRS 618.295, 618.918) As used in NAC 618.450 to 618.477, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.453 and 618.456 have the meanings ascribed to them in those sections.

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(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.453 “Licensee” defined. (NRS 618.295, 618.918) “Licensee” means any person who is licensed by the Division pursuant to NAC 618.450 to 618.477, inclusive.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.456 “Photovoltaic installer” defined. (NRS 618.295, 618.918) “Photovoltaic installer” has the meaning ascribed to it in NRS 618.912.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

Licensing of Photovoltaic Installers

NAC 618.459 Requirements for examination for licensure. (NRS 618.295, 618.918) For the purposes of NRS 618.922, an examination which is approved by the Enforcement Section must test a person’s knowledge on subjects which are consistent with the guidelines, standards and training suggested by the Interstate Renewable Energy Council, the North American Board of Certified Energy Practitioners or any other nationally recognized organization involved in developing guidelines, standards and training to improve the quality of services provided by photovoltaic installers.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.462 Application for license; notification of change in mailing address. (NRS 618.295, 618.918)

1. A person applying for a license as a photovoltaic installer must:

- (a) Comply with the requirements set forth in NRS 618.922 and 618.924; and
- (b) Pay an application fee of \$25.

2. An applicant must notify the Enforcement Section of a change in his or her mailing address within 15 working days after the change occurs.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.465 Grounds for denial of application for license. (NRS 618.295, 618.918) The Enforcement Section may deny an application for a license on the following grounds:

1. Failure to comply with any of the requirements, procedures or standards provided in this chapter or chapter 618 of NRS; or

2. Use of fraudulent or deceptive means in procuring a license as a photovoltaic installer.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.468 Renewal of license. (NRS 618.295, 618.918) To renew his or her license as a photovoltaic installer, a licensee must, on or before the date on which the license expires:

1. Comply with the requirements set forth in NRS 618.926; and
2. Pay a renewal fee of \$25.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

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Disciplinary Action

NAC 618.471 Imposition of administrative fine: Notice. (NRS 618.295, 618.918) If the Enforcement Section intends to impose an administrative fine pursuant to NRS 618.930, it will notify the person of its intention by:

1. Delivering a notice of violation to the person by certified mail;
2. Enclosing with the notice of violation:
 - (a) A statement indicating the Enforcement Section's legal authority and jurisdiction to impose an administrative fine;
 - (b) A statement of the reasons for the imposition of the administrative fine, including a citation of the applicable regulations supporting the imposition of the fine; and
 - (c) A statement of the amount of the administrative fine; and
3. Stating the effective date of the imposition of the proposed administrative fine upon failure to appeal and the procedures for bringing an appeal.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.474 Imposition of administrative fine: Appeal; hearing; decision. (NRS 618.295, 618.918)

1. A person may appeal the imposition of an administrative fine by filing an appeal with the Chief within 30 days after the receipt of the notice of violation.
2. An appeal filed pursuant to this section stays the imposition of the administrative fine.
3. An appeal filed pursuant to this section:
 - (a) Must be in writing and describe in particular the matters to be appealed. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the imposition of an administrative fine, it must be indicated in the appeal documents.
 - (b) Must be accompanied by:
 - (1) Any documents applicable to the appeal;
 - (2) The names of any witnesses who may be called at the hearing on the appeal; and
 - (3) The expected time needed to present the appeal.
4. The Chief or a designee of the Chief shall set a date for hearing an appeal within 10 days after the receipt of a written appeal.
5. The Chief or a designee of the Chief shall hear all appeals made pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief or a designee of the Chief shall issue a written decision within a reasonable time after the conclusion of the hearing.

(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

NAC 618.477 Suspension or revocation of license: Request for hearing; hearing; decision. (NRS 618.295, 618.918)

1. If the Enforcement Section notifies a licensee that it intends to suspend or revoke his or her license pursuant to NRS 618.932, the licensee may file a request for a hearing within 30 days after the receipt of the notice of intention to suspend or revoke.

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2. A request filed pursuant to this section:
 - (a) Must be in writing and describe in particular the matters to be heard. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the suspension or revocation, it must be indicated in the filed documents.
 - (b) Must be accompanied by:
 - (1) Any documents applicable to the suspension or revocation;
 - (2) The names of any witnesses who may be called at the hearing; and
 - (3) The expected time needed for the hearing.
3. The Chief or a designee of the Chief shall hold a hearing within 10 days after the receipt of a written request for a hearing.
4. The Chief or a designee of the Chief shall hear all requests filed pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief or a designee of the Chief shall issue a written decision within a reasonable time after the conclusion of the hearing.
(Added to NAC by Div. of Industrial Relations by R116-06, eff. 11-13-2006)

CONSTRUCTION PROJECTS

NAC 618.490 Definitions. (NRS 618.295) As used in NAC 618.490 to 618.507, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.494, 618.496 and 618.501 have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94; A by R142-98, 2-28-2000)

NAC 618.494 “Construction project” defined. (NRS 618.295)

1. “Construction project” means a project which involves:
 - (a) A total construction cost of \$10,000,000 or more, not including costs for any related highway construction project;
 - (b) A new building or structure which, when completed, will be 50,000 square feet or more; or
 - (c) A new building or structure which, when completed, will be more than 60 feet above the ground or more than 48 feet below ground level.
2. For the purposes of this section:
 - (a) The height of a building or structure must be determined by measuring from the ground level to the highest structural level of the building or structure, including any parapet wall, mechanical room, stair tower or elevator penthouse structure, but not including any antenna, smokestack, flagpole or similar attachment.
 - (b) The depth of a building or structure must be determined by measuring from the ground level to the lowest floor level of the building or structure. The lowest level of a building or structure does not include any local depression such as a sump or an elevator pit.
 - (c) In computing the height of a building or structure, the depth of the building or structure must not be considered, and in computing the depth of a building or structure, the height of the building must not be considered.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94; A by R109-00, 9-6-2001)

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NAC 618.496 “Designated safety officer” defined. (NRS 618.295) “Designated safety officer” means any person who:

1. Is capable of identifying:
 - (a) The existing and predictable hazards in the areas surrounding a construction project; or
 - (b) Those working conditions at a construction project that are unsanitary, hazardous or dangerous to employees; and
2. Has the authority to take prompt corrective measures to eliminate those hazards.
(Added to NAC by Div. of Industrial Relations, eff. 5-18-94)

NAC 618.501 “Project manager or construction superintendent” defined. (NRS 618.295) “Project manager or construction superintendent” means any person who has the authority and ability to remedy any problems related to the safety of persons working on a construction project under review.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94)

NAC 618.503 Adoption of standards by reference. (NRS 618.295)

1. The Division hereby adopts by reference the *Safety Requirements for Steel Erection*, ANSI A10.13, 1989 edition, published by the American National Standards Institute, 11 West 42nd Street, New York, New York 10036. The standards may be purchased for the price of \$32.
2. Each contractor on a construction project shall comply with the standards adopted pursuant to subsection 1.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94; A by R142-98, 2-28-2000)

NAC 618.505 Notice of construction project; meetings between Chief of Enforcement Section and general contractor or owner of construction project. (NRS 618.295)

1. The general contractor or owner, if there is no general contractor, of a construction project shall, before commencing construction on the project, give written notice to the Chief which sets forth the height, square footage, type of construction, total cost of construction and location of the project.
2. After receiving notice pursuant to subsection 1, the Chief or a person designated by the Chief may require one or more meetings with the general contractor or owner. The Chief or the person so designated may require the general contractor or owner to provide at any such meeting:
 - (a) A copy of:
 - (1) The written safety program for each contractor on the construction project; and
 - (2) The general plans related to the project that are prepared by an engineer or architect and are available at the time of the meeting. The general plans may be requested only to evaluate and comment on the safety of the workplace at the construction project.
 - (b) The names of the following persons working on the construction project:
 - (1) The project manager or construction superintendent; and
 - (2) The designated safety officer.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94)

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NAC 618.507 Elevator or personnel hoist required for construction of certain structures; approval of alternative means of access. (NRS 618.295)

1. Except as otherwise provided in subsection 4, the general contractor of a construction project or, if there is no general contractor, the owner, shall install an elevator or personnel hoist for transporting workers for each building or structure of the construction project which is more than 60 feet above ground level or more than 48 feet below ground level.

2. For the purposes of this section:

(a) The height of the building or structure must be determined by measuring from the ground level to the highest structural level, including any parapet wall, mechanical room, stair tower or elevator penthouse structure, but not including any antenna, smokestack, flagpole or other similar attachment.

(b) The depth of the building or structure must be determined by measuring from the ground level to the lowest floor level. The lowest level of a building or structure does not include any local depression such as a sump or an elevator pit.

(c) In computing the height of a building or structure, the depth must not be considered, and in computing the depth of a building or structure, the height must not be considered.

3. An elevator or hoist required by this section must:

(a) Be installed within 10 working days after the date on which:

(1) The building or structure measures 60 feet above ground level or 48 feet below ground level; and

(2) The installation of the flooring or decking for a floor or roof begins.

(b) Operate to a level not less than three floors below the highest floor erected, or if the building or structure extends more than 48 feet below ground level, to the lowest level of the building or structure.

(c) Be equipped with suitable voice communication equipment which will allow for communication between the elevator or hoist and each floor in an emergency.

4. Upon the written request of the owner or contractor of a building or structure under construction, the Enforcement Section may approve alternate means of access at locations where the installation or construction of an elevator for transporting employees is not feasible, if the Enforcement Section provides written notice to and consults with all affected parties, as determined by the Enforcement Section.

5. As used in this section:

(a) "Alternate means of access" means:

(1) A crane with a personnel basket, which is available and accessible in the immediate work area, that is under positive power up and down if:

(I) Employees in the basket are protected by safety belts; and

(II) Lanyards are attached from the safety belts to a hook on the cable for the crane.

(2) Suspended scaffolds that are driven by power if employees are protected by safety belts that are secured to independent safety lines and there is a device approved by the Enforcement Section that controls the descent of the scaffolds.

(3) Appropriate elevating and rotating platforms that are vehicle mounted.

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(4) Any other means approved by the Enforcement Section.

(b) “Ground level” means the level of the primary construction entrance to the building or structure.

(Added to NAC by Div. of Occupational Safety & Health, eff. 6-6-90; A by Div. of Enforcement for Industrial Safety & Health, 12-11-92; A by Div. of Industrial Relations by R142-98, 2-28-2000)

MANUFACTURE OF EXPLOSIVES

General Provisions

NAC 618.509 Definitions. (NRS 618.295, 618.890) As used in NAC 618.509 to 618.5120, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.5092 to 618.5102, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5092 “Barricade” defined. (NRS 618.295, 618.890) “Barricade” means a barrier that effectively screens a building containing explosives from other buildings, public ways or magazines from the force of an explosion.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5093 “Binary explosive” defined. (NRS 618.295, 618.890) “Binary explosive” means an explosive material that is made by combining two nonexplosive materials.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5094 “Division 1.1 explosives” defined. (NRS 618.295, 618.890) “Division 1.1 explosives” means explosives that have a mass explosion hazard.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5095 “Division 1.2 explosives” defined. (NRS 618.295, 618.890) “Division 1.2 explosives” means explosives that have a projection hazard, but not a mass explosion hazard.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5096 “Division 1.3 explosives” defined. (NRS 618.295, 618.890) “Division 1.3 explosives” means explosives that have a fire hazard and a minor blast hazard or a minor projection hazard, but not a mass explosion hazard.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5097 “Explosives manufacturing building” defined. (NRS 618.295, 618.890) “Explosives manufacturing building” means a building in which explosives are manufactured.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

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NAC 618.5098 “Explosives manufacturing plant” defined. (NRS 618.295, 618.890) “Explosives manufacturing plant” means a place of employment where explosives are manufactured or where explosives are used, processed, handled, moved on-site or stored in relation to their manufacture. The term does not include a place of employment where there is on-site mixing of a binary explosive if that explosive is used on the same day at the same site.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5099 “Ground level” defined. (NRS 618.295, 618.890) “Ground level” means the level of the primary construction entrance to a building or structure.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.510 “Magazine” defined. (NRS 618.295, 618.890) “Magazine” means a building or structure, other than an explosives manufacturing building, used for the storage of explosives materials.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5101 “Mass explosion” defined. (NRS 618.295, 618.890) “Mass explosion” means an explosion that affects almost the entire load of explosives instantaneously.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5102 “Provider of training related to explosives” defined. (NRS 618.295, 618.890) “Provider of training related to explosives” means a person who holds a certificate of competency issued by the Enforcement Section to provide annual explosives training and testing to employees who work at an explosives manufacturing plant.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

Permit for Construction or Alteration of Explosives Manufacturing Plant

NAC 618.5105 Application for permit: Content; incomplete or inaccurate documentation. (NRS 618.295, 618.898)

1. To obtain a permit for the construction or alteration of an explosives manufacturing plant, a person must submit an application form to the Enforcement Section and make the following information available for review by the Administrator or a representative of the Administrator:

- (a) A copy of the safety plan and procedures for the explosives manufacturing plant;
- (b) A copy of the written safety program for the explosives manufacturing plant;
- (c) A copy of the program for process safety management of highly hazardous chemicals;
- (d) A map of a 1-mile radius surrounding the area of the explosives manufacturing plant, which identifies all:
 - (1) Inhabited buildings;
 - (2) Roadways;
 - (3) Railways; and

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(4) Other buildings and areas where there may be people, including, without limitation, ranching operations;

(e) A plot plan of the explosives manufacturing plant that includes:

(1) A general layout of the explosives manufacturing plant;

(2) The location of each explosives manufacturing building within the explosives manufacturing plant with a description of:

(I) The types of explosives present in the building;

(II) The maximum quantity of each identified type of explosive; and

(III) The maximum number of employees who are present during the manufacturing operations;

(3) The location of each magazine in the explosives manufacturing plant;

(4) The location of all buildings, other than explosives manufacturing buildings, within the explosives manufacturing plant and a description of the uses of each such building; and

(5) The location and dimensions of all barricades within the explosives manufacturing plant;

(f) A copy of the building plans for each explosives manufacturing building within the explosives manufacturing plant, which include:

(1) Details and diagrams describing the materials used to construct the floors, walls, ceilings and roofs of each building, including the location and setup of revetment and blast walls;

(2) Electrical installations and fixtures, and diagrams describing locations, type and code designations of those installations and fixtures;

(3) Diagrams of the plumbing, including water supply, drains and grey water;

(4) Plans and diagrams of the ventilation of each building, including heating, ventilation and air-conditioning systems and local exhaust systems;

(5) Fire suppression systems, if installed;

(6) Lightning protection systems, if installed;

(7) Steam plant and steam distribution systems, if installed; and

(8) Detailed diagrams of the electrostatic discharge system, if installed; and

(g) A copy of the building plans for all buildings, other than explosives manufacturing buildings.

2. If the Enforcement Section receives incomplete or inaccurate documentation in an application package for a construction permit, the Enforcement Section shall notify the applicant for the permit in writing and inform him or her of the deficiencies. An applicant must correct the deficiencies within 30 days after being notified of the deficiencies.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5106 Suspension or revocation of permit for violations. (NRS 618.295, 618.898) The Enforcement Section may suspend or revoke a permit issued pursuant to NRS 618.898 if the Enforcement Section finds that:

1. The holder of the permit is in violation of any federal or state statute or regulation that governs activities for the safe manufacture of explosives; and

2. The violation constitutes an imminent danger.

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(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5107 Notice of suspension or revocation of permit. (NRS 618.295, 618.898)

1. Before the Enforcement Section may suspend or revoke a permit pursuant to NAC 618.5106, the Enforcement Section shall notify the holder of the permit of the suspension or revocation by delivering, by certified mail, a notice of suspension or revocation to the holder at the address indicated on the application for the permit.

2. A notice of suspension or revocation issued pursuant to this section must include:

(a) A statement indicating the legal authority and jurisdiction of the Division to suspend or revoke the permit; and

(b) A statement of the reasons for the suspension or revocation, including a citation of the federal or state statutes or regulations that support the suspension or revocation.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5108 Appeal of suspension or revocation of permit. (NRS 618.295, 618.898)

1. A holder of a permit issued pursuant to NRS 618.898 may appeal the suspension or revocation of the permit by filing an appeal with the Administrator within 15 days after the date on which the permit is suspended or revoked.

2. An appeal filed pursuant to this section must be made in writing and describe in particular the matters to be appealed. An appeal must be accompanied by:

(a) All documents that are applicable to the appeal;

(b) The names of any witnesses who may be called at the hearing on the appeal; and

(c) The expected time needed to present the appeal.

3. If a holder of a permit who is appealing the suspension or revocation of the permit alleges that the Division does not have legal authority or jurisdiction to act with regard to the suspension or revocation of the permit, the holder of the permit must so indicate on his or her appeal.

4. The Administrator or a designee of the Administrator shall set a date for hearing an appeal filed pursuant to this section within 30 days after the date on which the appeal is received by the Division. A holder of a permit may request that the hearing be held on an earlier date by submitting a written request to the Administrator. A request for an earlier date must demonstrate that the holder of the permit will suffer a substantial hardship if the date of the hearing for the appeal is not changed and must include a proposed date for the hearing. The holder of the permit has the burden of establishing the existence of a substantial hardship.

5. The Administrator or a designee of the Administrator shall hear all appeals filed pursuant to this section and give each party to such an appeal notice of the hearing on the appeal and an opportunity to participate in the hearing. The Administrator or a designee of the Administrator shall issue his or her decision on the appeal within a reasonable time after the conclusion of the hearing. The decision of the Administrator or a designee of the Administrator issued pursuant to this section is a final decision for the purposes of judicial review.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

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Certificates of Competency

NAC 618.511 Services for which certificate required. (NRS 618.295, 618.890) A person shall not provide annual explosives training or testing of employees who manufacture explosives unless the person has first obtained a certificate of competency from the Enforcement Section.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5111 Requirements for certificate. (NRS 618.295, 618.890) To receive a certificate of competency, a person must provide to the Enforcement Section:

1. A completed application on a form provided by the Enforcement Section;
2. A description of the qualifications of the applicant;
3. A copy of the lesson plans and course materials that the applicant will be using to instruct the explosives training course; and
4. A copy of the examinations, including answers, that the applicant will be using to instruct the explosives training course.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5112 Renewal of certificate. (NRS 618.295, 618.890) A certificate of competency must be renewed by the holder of the certificate annually, and at any other time that the explosives training which the holder is instructing is updated. To renew the certificate of competency, the holder of the certificate must submit an application for renewal to the Enforcement Section. Such an application must include a copy of all new and updated materials to be used in the explosives training.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5113 Suspension or revocation of certificate. (NRS 618.295, 618.890)

1. The Enforcement Section may, at any time, upon a showing of good cause and after notice and an opportunity to be heard, suspend or revoke a certificate of competency.

2. The Enforcement Section shall provide notice of the suspension or revocation of a certificate of competency to the holder of the certificate at least 48 hours before the time set by the Enforcement Section for a hearing on the matter.

3. Service of a notice of suspension or revocation of a certificate of competency must be made by personal service or by certified mail to the holder of the certificate. Such a notice must specify the reason for the suspension or revocation of the certificate to allow the holder of the certificate to prepare for the hearing on the matter.

4. A hearing on the suspension or revocation of a certificate of competency must be held at the Office of the Enforcement Section as soon as possible after the Enforcement Section determines that the certificate should be suspended or revoked. The Chief or a designee of the Chief shall preside over such a hearing.

5. At a hearing held pursuant to this section, the Enforcement Section has the burden of establishing the existence of good cause for the suspension or revocation of the certificate of

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competency. Good cause shall be deemed to exist if the Enforcement Section establishes that the holder of the certificate did not provide the required explosives training or examination.

6. The Chief or a designee of the Chief, as appropriate, shall issue his or her decision on the matter within a reasonable time after the conclusion of the hearing. A decision by the Chief or a designee of the Chief is a final decision for the purposes of judicial review.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5114 Notification of Enforcement Section of pending explosives training course. (NRS 618.295, 618.890) A holder of a certificate of competency must, at least 10 days before conducting an explosives training course, notify the Enforcement Section so that the Enforcement Section may audit the course if it so chooses.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

Safety Programs and Procedures

NAC 618.5115 Adoption by reference of standards relating to process safety management of highly hazardous chemicals. (NRS 618.295, 618.890) An employer that manufactures explosives must comply with the requirements set forth in 29 C.F.R. § 1910.119, relating to process safety management of highly hazardous chemicals, which is hereby adopted by reference. A copy of 29 C.F.R. Parts 1900-1910 may be obtained for \$42 by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5116 Adoption by reference of standards relating to the storage of explosives. (NRS 618.295, 618.890) An employer that manufactures explosives must comply with the requirements relating to the storage of explosives that are set forth in 27 C.F.R. §§ 55.201 et seq., which is hereby adopted by reference. A copy of 27 C.F.R. Parts 1-199 may be obtained for \$57 by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5117 Establishment of safety procedures and written safety program; availability of training materials to employees. (NRS 618.295, 618.383, 618.890)

1. In addition to any other requirement set forth in subsection 2 of NRS 618.383 or in NAC 618.540, an employer that manufactures explosives shall establish and carry out safety procedures and a written safety program. The safety procedures and program must include:

(a) Work rules to prevent the exposure of employees to hazards and accidental explosions in the workplace.

(b) A program concerning personal protective equipment that is in compliance with 29 C.F.R. § 1910.132.

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(c) If the employer manufactures any explosive containing trinitrotoluene, a program for medical surveillance of the employees who manufacture the explosives that is under the direction of a licensed physician.

(d) If the employer manufactures division 1.1, 1.2 or 1.3 explosives, or any combination thereof, the provision of a change room and shower facility that conforms with 29 C.F.R. § 1910.141.

(e) Provisions for the security of the site to ensure that only designated persons enter the explosives manufacturing plant.

(f) Procedures that are to occur during the approach and duration of an electrical storm that suspend manufacturing operations and allow for the safe withdrawal of the employees working in the explosives manufacturing plant.

(g) An emergency evacuation plan, which must be tested at least once each year.

(h) Procedures for the safe movement of explosives materials within the explosives manufacturing plant.

(i) Procedures for testing explosives and for quality control operations.

(j) The limits for the number of personnel and amount of explosives for each explosives manufacturing building, which must be posted on each such building.

(k) The limit of the amount of explosives materials for each magazine, which must be posted on the magazine.

(l) Procedures to ensure that foreign matter that could cause an accidental explosion does not enter the process of manufacturing the explosives.

(m) Operating rules and standard operating procedures, which must be posted for each operation involving explosives materials.

(n) Procedures to ensure that personnel do not enter, remain in or go near explosives manufacturing buildings unless it is necessary for the personnel to enter, remain in or go near such a building in the performance of their duties.

(o) Procedures to ensure that only approved tools are used for construction, maintenance and repairs in explosives material operations.

2. An employer that manufactures explosives shall make available to its employees copies of the initial explosives training program and annual training programs which those employees are required to take.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5118 Training of employees for duties relating to manufacture of explosives. (NRS 618.295, 618.890) An employee must participate in an explosives training course and pass an examination from that course before an employer may assign the employee to any duties relating to the manufacturing of explosives. An employee who is assigned to any duties relating to the manufacturing of explosives shall annually participate in a refresher explosives training course.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

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NAC 618.5119 Separation of buildings within confines of explosives manufacturing plant. (NRS 618.295, 618.890)

1. Except as otherwise provided in this section, a building that contains division 1.1, 1.2 or 1.3 explosives, or any combination thereof, must be separated from all other buildings, including magazines, that are within the confines of the explosives manufacturing plant by a distance as follows:

Pounds of explosives over	Pounds of explosives not over	Distance in feet when building is barricaded	Pounds of explosives over	Pounds of explosives not over	Distance in feet when building is barricaded
2	5	16	12,000	14,000	220
5	10	20	14,000	16,000	230
10	20	25	16,000	18,000	238
20	30	28	18,000	20,000	245
30	40	31	20,000	25,000	265
40	50	34	25,000	30,000	280
50	75	38	30,000	35,000	295
75	100	42	35,000	40,000	310
100	125	45	40,000	45,000	320
125	150	48	45,000	50,000	330
150	200	53	50,000	55,000	340
200	250	57	55,000	60,000	350
250	300	60	60,000	65,000	360
300	400	66	65,000	70,000	370
400	500	71	70,000	75,000	380
500	600	76	75,000	80,000	390
600	700	80	80,000	85,000	395
700	800	84	85,000	90,000	400
800	900	87	90,000	95,000	410
900	1,000	90	95,000	100,000	420
1,000	1,200	96	100,000	110,000	430
1,200	1,400	101	110,000	120,000	445
1,400	1,600	106	120,000	130,000	455
1,600	1,800	110	130,000	140,000	465
1,800	2,000	113	140,000	150,000	475
2,000	2,500	122	150,000	160,000	485
2,500	3,000	130	160,000	170,000	495
3,000	4,000	143	170,000	180,000	505
4,000	5,000	154	180,000	190,000	515

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5,000	6,000	164	190,000	200,000	525
6,000	7,000	172	200,000	210,000	535
7,000	8,000	180	210,000	230,000	555
8,000	9,000	190	230,000	250,000	575
9,000	10,000	200	250,000	275,000	600
10,000	12,000	210	275,000		635

2. If a building or magazine that contains explosives does not have a barricade as prescribed by NAC 618.5120, the required distance between the building or magazine and other buildings and magazines as determined by this section must be doubled.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

NAC 618.5120 Requirements for barricades. (NRS 618.295, 618.890) A barricade for a building or magazine containing explosives materials must effectively screen the building from the other buildings, public ways and magazines in the explosives manufacturing plant. A barricade that is made of mounds of revetted walls of earth must be not less than 3 feet in thickness. A barricade for a building or magazine containing explosives materials will be considered to be in compliance with this section if a straight line from the top of any side wall of the building or magazine to the eave line of any other building, or to a point that is 12 feet above the center line of a public way, passes through the barricade for the building or magazine.

(Added to NAC by Div. of Industrial Relations by R109-00, eff. 9-6-2001)

MANUFACTURE, HANDLING AND STORAGE OF AMMONIUM PERCHLORATE

NAC 618.5155 Definitions. (NRS 618.295) As used in NAC 618.5155 to 618.5335, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.5159 to 618.5215, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5159 “Ammonium perchlorate” defined. (NRS 618.295) “Ammonium perchlorate” means any chemical compound in a solid state that is represented by the formula NH_4ClO_4 .

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5163 “Blending” defined. (NRS 618.295) “Blending” means any operation in which different lots of ammonium perchlorate are combined together in a mixture.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5167 “By-product” defined. (NRS 618.295) “By-product” means any chemical compound, other than ammonium perchlorate, that is produced during the manufacture of ammonium perchlorate, separated from the process of manufacturing and not reintroduced into the process.

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(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5171 “Chemical intermediate” defined. (NRS 618.295) “Chemical intermediate” means any chemical compound that is produced as a precursor in the manufacture of ammonium perchlorate. The term does not include any by-product.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5179 “Drying” defined. (NRS 618.295) “Drying” means any operation in which ammonium perchlorate is dehydrated.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5183 “Explosive properties” defined. (NRS 618.295) “Explosive properties” means physical or chemical characteristics that cause a chemical compound or a mixture to undergo a very rapid chemical change, with the evolution of a large volume of highly heated gases that exert pressure in the surrounding medium, if the compound or mixture is subjected to heat, impact, friction, detonation or other suitable initiation.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5187 “Incompatible material” defined. (NRS 618.295) “Incompatible material” means:

1. Any material that is ignited easily and burns readily; or
2. Any substance that, when mixed with ammonium perchlorate, decreases the stability of the mixture and makes it more susceptible to an undesired event.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5191 “Operation” defined. (NRS 618.295) “Operation” means any activity directly involved in the manufacture, handling or storage of ammonium perchlorate or any chemical intermediate.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5195 “Operation building” defined. (NRS 618.295) “Operation building” means any structure in which an operation occurs.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5199 “Operation facility” defined. (NRS 618.295) “Operation facility” means the land, structures and machinery used directly in the manufacture, handling or storage of ammonium perchlorate.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5203 “Process” defined. (NRS 618.295) “Process” means any treatment or chemical reaction used in the manufacture of ammonium perchlorate. The term includes oxidation,

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reduction, double decomposition, displacement, electrolysis, pumping, filtration, evaporation, crystallization, drying, screening, conveying, pneumatic transferring, blending and packaging.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5207 “Qualified employee” defined. (NRS 618.295) “Qualified employee” means a person employed at an operation facility who:

1. Possesses a recognized degree or certificate; or
2. Through extensive knowledge, training and experience, has successfully demonstrated the ability to solve problems relating to the operation at the facility.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5211 “Redissolve ammonium perchlorate” defined. (NRS 618.295) “Redissolve ammonium perchlorate” means ammonium perchlorate that is designated for reprocessing.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5215 “Storage pad” defined. (NRS 618.295) “Storage pad” means any flat surface, whether enclosed, partially enclosed or unenclosed, on which ammonium perchlorate is stored.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5219 Applicability. (NRS 618.295) The provisions of NAC 618.5155 to 618.5335, inclusive, apply to all activities involving the manufacture, handling or storage of ammonium perchlorate in this State except:

1. The handling or storage of less than 10 pounds of ammonium perchlorate;
2. The transportation of ammonium perchlorate on any railway or public highway;
3. The handling or storage of ammonium perchlorate solely for educational purposes in a laboratory of a school or college; or
4. The storage of less than 1,000 pounds of ammonium perchlorate in a laboratory for quality control.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5223 Training of employees. (NRS 618.295) All employees of every employer, contractor and subcontractor engaged in the manufacture, handling or storage of ammonium perchlorate, except delivery and service workers, must be trained regarding the requirements of NAC 618.5155 to 618.5335, inclusive. Suitable documentation concerning the training must be maintained by the employer, contractor or subcontractor.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5231 Plan of action for emergency. (NRS 618.295) An employer who operates an operation facility shall establish and maintain for the facility a written plan of action to be taken

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in an emergency. The plan must satisfy the requirements of 29 C.F.R. § 1910.38 or 29 C.F.R. § 1910.120(q).

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5235 Contractors and subcontractors: Duties of employer who operates operation facility. (NRS 618.295) An employer who operates an operation facility shall:

1. Inform any contractor or subcontractor performing work at the facility of:
 - (a) All known potential hazards of fire or explosion associated with the activities of the contractor or subcontractor; and
 - (b) Any known potential for exposure to toxic substances related to these activities;
2. Inform each such contractor and subcontractor of any rules of safety of the facility that apply to the work being performed;
3. Provide each such contractor or subcontractor with a copy of the provisions of the emergency plan of action required by NAC 618.5231 that apply to the work being performed;
4. Designate a qualified employee to oversee the work being done, to assure that the employees of the contractor or subcontractor follow all operating procedures and rules of safety applicable to the work; and
5. Ensure that the employees of the contractor or subcontractor receive training relating to:
 - (a) The hazards associated with ammonium perchlorate; and
 - (b) The practices necessary to perform their work safely.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5239 Protective clothing and equipment; showers. (NRS 618.295) At each operation facility:

1. If required for the protection of employees, appropriate protective clothing, protective equipment for the eyes and face and respiratory protective equipment must be worn by all employees.
2. Each employee must be trained in the use and importance of the clothing and equipment described in subsection 1.
3. Any employee who has come into physical contact with ammonium perchlorate must be allowed to shower before the end of his or her shift.
4. Rubber foot coverings or other appropriate foot coverings must be worn at all times by any person who enters an area of the facility in which he or she can come into contact with ammonium perchlorate or any chemical intermediate.
5. Each person shall remove any contaminated clothing or foot coverings he or she is wearing before leaving the facility. The clothing and coverings must not be removed from the facility until they are decontaminated.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5243 Facilities for employees to change clothing. (NRS 618.295) A building with facilities for employees to change into and out of work clothes must be provided at each

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operation facility used to manufacture ammonium perchlorate. The building must comply with the provisions of 29 C.F.R. § 1910.141.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5247 Requirements for construction of operation building. (NRS 618.295)

1. Incompatible materials must not be used in the construction of any part of an operation building that may come into direct contact with ammonium perchlorate.

2. All electrical switches, controls, motors, wiring and equipment located in any part of an operation building where ammonium perchlorate dust is present must conform to the requirements of 29 C.F.R. § 1910.307 for hazardous locations designated as Class II, Division 2.

3. The primary electrical supply to any operation building must be so arranged that it can be cut off by switches located away from the building at one or more locations.

4. All surfaces in an operation building must be constructed to facilitate cleaning and, to the extent practicable, must have no cracks or crevices in which ammonium perchlorate can lodge or accumulate.

5. Each operation building in which the blending, screening or drying of ammonium perchlorate is performed must be provided with an automatic system for the detection of fire and initiation of the operation of a sprinkler system.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5251 Posting of signs prohibiting smoking. (NRS 618.295) Each operation building in which blending, screening or drying is performed and each storage pad must be clearly posted with signs prohibiting smoking.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5255 Standards for equipment used to manufacture ammonium perchlorate. (NRS 618.295)

1. Equipment for blending which is used in the manufacture of ammonium perchlorate must be of a construction suitable for the hazards of the materials with which it is used.

2. Any motorized equipment used to drive a blender, mixer, press, screener or other equipment used to handle ammonium perchlorate in any process must have an enclosure for the motor which keeps the motor free from dust.

3. Any new or newly repaired equipment used in an operation must be cleaned, examined and tested before being placed into routine operation.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5259 Safe temperature for drying ammonium perchlorate; mechanism for controlling temperature. (NRS 618.295)

1. A safe temperature for drying ammonium perchlorate must be established by the employer and identified in the written procedure established for that operation.

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2. Equipment used for drying must be equipped with a mechanism for controlling the temperature when it exceeds the safe temperature. The mechanism must operate on an independent electrical circuit and have a manual reset switch.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5263 Use of separator or detector of foreign materials in screening of raw materials. (NRS 618.295) If necessary for the safe handling of the materials, the screening of raw materials must be supplemented by a separator or detector of foreign materials.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5267 Barriers to protect against entry; posting of signs warning against trespassing. (NRS 618.295) The boundaries of an operation facility must be fenced unless topographical or other barriers provide adequate protection against entry. Signs warning against trespassing must be posted at 100-foot intervals around the boundaries of the facility.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5271 Operating procedures and rules of safety. (NRS 618.295) Each operation must be conducted in accordance with written operating procedures and rules of safety. These procedures and rules must include, without limitation:

1. A description of the procedure required for the safe performance of the operation.
2. A provision for the use of any personal protective clothing and equipment required for the operation.
3. A provision for the assurance of the quality of the product.
4. A provision for the inspection and maintenance of equipment used in the operation.
5. A provision for the performance of periodic audits of safety.
6. A description of required housekeeping and operational procedures and procedures for storage.
7. In the case of a new operation or process, a description of the procedure for carrying the operation or process into effect, including a provision for a detailed analysis of hazards before and after the operation or process is put into effect.
8. A description of the procedure for the destruction or disposal of ammonium perchlorate and all chemical intermediates.
9. A provision for the investigation of any incident, including any near-miss.
10. A description of the procedure for reporting any fire.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5275 Availability and enforcement of operating procedures. (NRS 618.295)

1. Applicable portions of the written procedure established for each operation must be readily available to all employees engaged in performing the operation.

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2. Each supervisory employee shall maintain a copy of the entire procedure established for the operation he or she supervises. Each such employee is responsible for the enforcement of the procedure.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5279 General requirements for manufacture, handling and storage of ammonium perchlorate. (NRS 618.295)

1. Ammonium perchlorate must be manufactured, handled and stored as a substance with explosive properties.

2. A person shall not store, handle or convey ammonium perchlorate under circumstances or in a manner constituting an undue hazard to the health or safety of any employee.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5283 Clean up of spills and hazardous residues; maintenance of clean environment. (NRS 618.295)

1. Any spill of ammonium perchlorate, a chemical intermediate or by-product must be cleaned up immediately. An appropriate system for the clean up and collection of hazardous residues must be provided and used at each operation facility.

2. Each operation building must be cleaned to prevent accumulations of ammonium perchlorate, chemical intermediates or by-products. Incompatible materials not required for an operation must be removed from the building at least daily or as often as necessary to maintain a clean environment.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5287 Redissolution or disposal of contaminated ammonium perchlorate. (NRS 618.295) Except as otherwise provided in this section, ammonium perchlorate that is known or suspected to be contaminated with an incompatible material must be promptly redissolved. If a redissolution is not practical or prudent, the ammonium perchlorate must be disposed of in a manner that does not create an undue hazard to the health or safety of any person.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5291 Identification, labeling and tracking of redissolve and finished ammonium perchlorate. (NRS 618.295) Redissolve and finished ammonium perchlorate must be identified, labeled and tracked from production to final disposition.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5295 Tools and equipment. (NRS 618.295)

1. Appropriate tools and equipment must be used in each operation, including any clean-up activity.

2. Any tool used to lubricate, repair or adjust equipment used in an operation must be removed from the operation building or returned to its proper location within the building before routine

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operations are resumed. The provisions of this subsection do not apply to any tool that is used to adjust the equipment when it is started or any tool that is routinely carried by employees.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5299 Repair of operation building and machinery. (NRS 618.295) Any repair to an operation building or to machinery used in an operation must not be made without prior cleanup, decontamination and the approval by a qualified employee designated by the employer.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5303 Use of inorganic oil for lubrication. (NRS 618.295) To the extent practicable, inorganic oil must be used for lubrication within an operation facility.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5307 Facilities for storage of lubricating oil or fuel oil; performance of fueling operations. (NRS 618.295)

1. All facilities for the storage of lubricating oil or fuel oil, including heating oil, must be:
(a) Separated from any operation building or storage pad; and
(b) Designed in such a way that, in the event of a ruptured tank, the oil will drain away from the operation building or storage pad or into a containment area.

2. All fueling operations must be performed away from any operation building or storage pad.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5311 Restriction of vehicular traffic; inspection and cleaning of vehicles used within operation facility. (NRS 618.295)

1. Except as required for the purposes of education or training, vehicular traffic that is not essential to the conduct or maintenance of the operation must not be permitted in an operation facility.

2. Any vehicle used within an operation facility must be inspected daily, and washed or cleaned with steam if necessary, to prevent the accumulation of ammonium perchlorate or any incompatible material.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5315 Permit for hot work. (NRS 618.295)

1. A permit is required for any hot work performed at an operation facility, except for work performed in a welding shop that is permanently established at the facility. Each employer shall designate a qualified employee to issue such permits.

2. A permit for hot work:

(a) Must certify that, before the beginning of the work, there has been compliance with the requirements for fire prevention and protection contained in 29 C.F.R. §§ 1910.251 and 1910.252;

(b) Must identify the equipment or facility on which the work is to be done; and

(c) Must be kept at the site of the work until the work is completed.

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3. A permit for hot work remains valid as long as the work continues without interruption. If work is interrupted for more than 90 minutes, a new permit must be issued before work is resumed. If work is interrupted for 90 minutes or less, the person to whom the permit is issued shall inspect the area for any hazardous condition before resuming work. If any such condition exists, it must be corrected before work is resumed.

4. As used in this section, “hot work” means any work involving welding, cutting, brazing, grinding or any similar activity that produces a flame or a spark.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5319 Transportation of ammonium perchlorate. (NRS 618.295)

1. If ammonium perchlorate is transported within an operation facility, it must be placed in a container meeting the requirements of NAC 618.5331 and covered with a lid. Motorized equipment used to transport ammonium perchlorate may be operated only by a trained and authorized employee.

2. Any powered industrial truck used for the transportation of ammonium perchlorate must meet the requirements of 29 C.F.R. § 1910.178 for trucks designated LPS or ES.

3. As used in this section, “authorized employee” means an employee designated or assigned by an employer to perform specific duties or to be present at a specific location at a job site.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5323 Storage of ammonium perchlorate: General requirements. (NRS 618.295)

1. Ammonium perchlorate must be stored on a storage pad except while it is in process, being loaded or unloaded into a vehicle for transportation or during handling.

2. Not more than 300,000 pounds of ammonium perchlorate may be stored on any storage pad. Not more than 80,000 pounds of redissolve ammonium perchlorate may be stored at an operation facility at any time.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5327 Storage of ammonium perchlorate: Construction of storage pad. (NRS 618.295) Any storage pad constructed or replaced on or after March 1, 1992, must be constructed of concrete.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5331 Storage of ammonium perchlorate: Requirements for containers. (NRS 618.295)

1. Any container used to store ammonium perchlorate:

(a) Must be approved by the Enforcement Section or comply with the standards set forth in 49 C.F.R. § 173.239a, as it existed on July 1, 1990, for containers used in the transportation of ammonium perchlorate.

(b) Must be examined before use for the presence of any foreign material.

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(c) Must not be stacked on top of another such container.

2. Any container designated for disposal must be visually inspected for contamination by ammonium perchlorate and thoroughly cleaned before disposal.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

NAC 618.5335 Storage of ammonium perchlorate: Distances from inhabited buildings, storage pads and operation buildings. (NRS 618.295)

1. Inhabited buildings, storage pads and operation buildings must be separated by the following minimum distances from the specified quantities of ammonium perchlorate in storage. The distance specified in each instance is the distance, at their nearest points to each other, between the ammonium perchlorate in storage and the inhabited building, storage pad or operation building, as the case may be.

Pounds of Ammonium Perchlorate		Inhabited Building	Storage Pad	Operation Building
Over	Not over	Minimum Separation Distance (Feet)		
10	1,000	75	15	50
1,000	5,000	115	30	85
5,000	10,000	150	30	110
10,000	20,000	190	60	135
20,000	30,000	215	60	155
30,000	40,000	235	85	170
40,000	50,000	250	85	185
50,000	60,000	260	100	200
60,000	70,000	270	100	205
70,000	80,000	280	100	215
80,000	90,000	295	100	225
90,000	100,000	300	100	235
100,000	200,000	375	100	290
200,000	300,000	450	100	335

2. As used in this section, “inhabited building” means any structure that is regularly occupied, in whole or in part, by human beings, but does not include an operation building.

(Added to NAC by Div. of Enforcement for Industrial Safety & Health, 1-22-92, eff. 3-1-92)

SAFETY PROGRAMS

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NAC 618.538 Establishment of written safety program. (NRS 618.295, 618.383) An employer who enters into business in this State after May 18, 1994, shall, within 60 days after the date on which his or her eleventh employee is hired in this State, establish a written safety program in accordance with NRS 618.383 and NAC 618.538 to 618.544, inclusive.

(Added to NAC by Div. of Industrial Relations, eff. 5-18-94; A by R142-98, 2-28-2000)

NAC 618.540 Requirements of written safety program. (NRS 618.295, 618.383)

1. Except as otherwise provided in this section, in addition to the requirements set forth in subsection 2 of NRS 618.383, a written safety program must include:

(a) A statement explaining that the managers, supervisors and employees are responsible for carrying out the program;

(b) An explanation of the methods used to identify, analyze and control new and existing hazardous conditions;

(c) An explanation of the methods used to ensure that employees receive the appropriate safety and health training before performing their work duties;

(d) The procedures that must be followed to investigate an accident which has occurred and the corrective actions that are to be initiated; and

(e) A method for ensuring that employees comply with the safety rules and work practices.

2. Except as otherwise provided in this section, an employer with more than 25 employees who is required to establish a safety committee pursuant to NRS 618.383 shall include in the written safety program:

(a) The manner in which members of the committee are selected;

(b) The purpose and duties of the committee; and

(c) The frequency of the meetings of the committee.

3. In lieu of establishing a written safety program in accordance with subsections 1 and 2, an employer may establish an equivalent written safety program if the employer obtains the approval of the Administrator.

(Added to NAC by Div. of Industrial Relations, eff. 11-5-93; A by R142-98, 2-28-2000; R124-00, 9-6-2001)

NAC 618.542 Records of written safety program. (NRS 618.295, 618.383)

1. An employer who establishes a written safety program shall keep written records of:

(a) The safety and health issues which are discussed at the meetings of the safety committee, if the employer is required to establish such a committee;

(b) The attendance of those persons who participate in the meetings of the safety committee; and

(c) The attendance of employees participating in the training programs.

2. The records must be:

(a) Maintained for 3 years; and

(b) Available for review by the Division upon request.

(Added to NAC by Div. of Industrial Relations, eff. 11-5-93; A by R142-98, 2-28-2000)

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NAC 618.544 Conformance with document and videotape produced by Division. (NRS 618.295, 618.376)

1. The contents of the document required by NRS 618.376 that sets forth the rights and responsibilities of employers and employees to promote safety in the workplace must conform with “Nevada Workplace Safety: Your Rights and Responsibilities,” SCATS Form IE, 0-302, published by the Division. The Division will publish “Nevada Workplace Safety: Your Rights and Responsibilities” in English, Spanish and any other language the Division determines is appropriate.

2. The contents of the videotape required by NRS 618.376 that sets forth the rights and responsibilities of employers and employees to promote safety in the workplace must conform with “Safety in the Workplace,” produced by the Division. The Division will produce “Safety in the Workplace” in English, Spanish and any other language the Division determines is appropriate.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

VARIANCES FROM STANDARDS

General Provisions

NAC 618.630 Definitions. (NRS 618.295) As used in NAC 618.630 to 618.6382, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.6304 to 618.6313, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6304 “Affected employee” defined. (NRS 618.295) “Affected employee” means an employee who would be affected by the grant or denial of a variance from a standard adopted pursuant to chapter 618 of NRS, or the employee’s authorized representative, such as his or her agent for collective bargaining.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6307 “Interim order” defined. (NRS 618.295) “Interim order” means an order which is effective during the period between the receipt of a request for a variance and a final decision.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.631 “Permanent order” defined. (NRS 618.295) “Permanent order” means an order for a variance which remains in effect for the time during which the conditions addressed in the request exist.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

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NAC 618.6313 “Temporary order” defined. (NRS 618.295) “Temporary order” means an order which is effective during the period after the adoption of a new standard to allow the employer a reasonable time to conform to the new standard.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6316 Application for permanent variance: General requirements. (NRS 618.295) An application for a permanent variance from a standard adopted under chapter 618 of NRS must:

1. Be submitted on a form provided by the Enforcement Section.
2. Be legible.
3. Be signed by the applicant or an authorized representative of the applicant.
4. Contain a statement, signed by a representative of the employees or an employee who knows the contents of the application, that he or she has read the application.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6319 Application for permanent variance: Contents. (NRS 618.295) An application for a permanent variance must include:

1. The applicant’s name, address and telephone number;
2. The address of each place of employment involved;
3. A description of the conditions, practices, methods, operations or processes used or proposed to be used by the applicant;
4. A statement showing how the conditions, practices, methods, operations or processes used or proposed to be used would provide the applicant’s employees with employment and places of employment which are as safe and healthful as those required by the standard from which the variance is sought;
5. A certification that the applicant has informed his or her employees of the application by:
 - (a) Giving a copy of it to their authorized representative; and
 - (b) Posting a copy of the text or a summary of the application at each place where the applicant normally posts notices to his or her employees; and
6. A description of the way the applicant’s employees have been informed of their right to petition the Administrator for a hearing.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6322 Interim order: Application; notice of terms of order. (NRS 618.295)

1. An employer may apply for an interim order for a variance to be effective until a decision is rendered on an application for a temporary variance. An application for an interim order may include statements of fact and reasons why the order should be granted. The Administrator may rule ex parte upon the application.

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2. If such an application is denied, the Administrator will give the applicant prompt notice of the denial. The notice will include or be accompanied by a brief statement of the grounds for the denial.

3. If an interim order is granted, the Administrator will have a copy of it served upon the applicant and other parties. The terms of the order are a public record and will be published in at least two daily newspapers. The affected employer shall give notice of such an interim order to his or her affected employees by the same means as would be used to inform them of an application for a permanent or temporary variance.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6325 Consideration of application made while proceeding on citation pending. (NRS 618.295) If a citation has been issued to an employer and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before the Occupational Safety and Health Review Board, the Administrator will not consider an application for a variance from a standard adopted under chapter 618 of NRS until the completion of that proceeding.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6328 Consolidation. (NRS 618.295) The Administrator will, on his or her own motion or that of any party to a proceeding, consolidate or contemporaneously consider two or more applications for variances which involve the same or closely related issues if efficiency would result from a consolidation and the parties would not be prejudiced by it.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6331 Denial of application. (NRS 618.295)

1. If an application for a variance does not conform to the requirements relating thereto, the Administrator will deny the application.

2. The Administrator will give prompt notice of the denial of an application to the applicant. The notice of denial will include or be accompanied by a brief statement of the ground for the denial.

3. If an application is denied because it is defective, another application may be filed without prejudice.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6334 Notice of application; decision of Administrator. (NRS 618.295)

1. If an application for a variance has not been denied because it is defective, the Administrator will have published in at least two daily newspapers a notice of the filing of the application.

2. The Administrator will include in the notice:

(a) The terms or an accurate summary of the application;

(b) A reference to the statutory section under which the application has been filed;

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(c) An invitation to interested persons to submit, within a stated period, written data, views or arguments regarding the application; and

(d) A statement of the right of affected employers and employees to request a hearing on the application.

3. Within 10 days after issuing a final decision on the application, the Administrator will furnish a copy of his or her decision to the affected employer and employees and will have the decision published in at least two daily newspapers.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6337 Acceptance of federal variance. (NRS 618.295) If the Federal Government has granted an employer a variance from a federal standard which applies to the employer's operations in more than one state and the standard is identical to a Nevada standard, the Administrator will accept the federal variance as an authoritative interpretation determining the employer's obligation to comply with the Nevada standard if:

1. The employer files the information required for an application for a variance; and
2. The Administrator finds that there is no objection of substance to the interpretation.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.634 Variance not retroactive. (NRS 618.295) A variance granted pursuant to NRS 618.415 to 618.421, inclusive, is not retroactive.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

Hearings

NAC 618.6343 Request for hearing. (NRS 618.295)

1. Any affected employer or employee may file with the Administrator a request for a hearing on an application for a variance.

2. A request for such a hearing must include:

(a) The name, address and telephone number of the person requesting the hearing;

(b) A concise statement of facts showing how the employer and employee would be affected by the variance applied for;

(c) An identification of any statement or representation in the application which the person requesting the hearing denies, and a concise summary of the evidence that the person would adduce in support of each denial; and

(d) Any statements concerning any issue of fact or law raised in the application.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6346 Hearings conducted by Administrator or hearing officer. (NRS 618.295) The Administrator will personally conduct hearings on applications for variances or will appoint a hearing officer to perform that duty. If the Administrator appoints a hearing officer, the Administrator will furnish the hearing officer:

1. The original application and request for the hearing; and

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2. A copy of the notice of the hearing.
- ↪ The hearing officer shall conform to the procedures established by the Administrator for hearings.
(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6349 Powers of Administrator. (NRS 618.295) The Administrator will, in order to conduct a fair, full and impartial hearing:

1. Rule upon offers of proof;
2. Allow the use of discovery and determine its scope;
3. Regulate the course of the hearing and the conduct of the parties and their counsel;
4. Consider and rule upon procedural requests;
5. Hold conferences whenever issues can be settled or simplified with the consent of the parties; and
6. Make or have made an inspection of the place of employment involved if such an inspection will aid in resolving the issues.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6352 Parties to hearings. (NRS 618.295)

1. An applicant for relief and any affected employee are entitled to be named as parties to a hearing for a variance.
2. The Enforcement Section, represented by the general counsel of the Division, shall be deemed to be a party to such a hearing.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6355 Service of process; proof of service. (NRS 618.295)

1. The service of any document relating to a hearing on an application for a variance upon any party to the proceeding must be made by personal delivery or by certified mail to the last known address of the party.
 2. The person serving the document shall certify to the manner and the date of the service.
- (Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6358 Prehearing conference. (NRS 618.295)

1. Upon his or her own motion or the motion of a party to the proceeding, the Administrator will, in an appropriate case, direct the parties or their counsel to meet with him or her for a conference to consider:
 - (a) The necessity or desirability of amending documents for purposes of clarification, simplification or limitation;
 - (b) Stipulations, admissions of fact and of the contents and authenticity of documents;
 - (c) Limitations upon the number of parties and expert witnesses; and

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(d) Such other matters as may tend to expedite the disposition of the issues to ensure a just conclusion of the proceeding.

2. The Administrator will make an order which recites the action taken upon such a conference, the amendments allowed to any documents which have been filed and any agreements made between the parties. The order will limit the issues for hearing to those not disposed of by admission or agreement. The order controls the subsequent course of the hearing unless it is modified at the hearing to prevent manifest injustice.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6361 Agreements for settlement. (NRS 618.295)

1. At any time before or during a hearing, the parties may request the Administrator to allow them an opportunity to negotiate an agreement for settlement containing findings by consent and an order disposing of the proceeding or any part of it. The Administrator will set the amount of time to be granted for any such negotiation, after considering:

(a) The nature of the proceeding;

(b) The public interest;

(c) The representations of the parties; and

(d) The probability that the parties will reach an agreement which will result in a just disposition of the issues involved.

2. Any such agreement must provide that:

(a) The order made in accordance with the agreement will have the same effect as if it were made after a full hearing;

(b) The entire record on which the order will be based will consist solely of the application for the variance and the agreement;

(c) Any rights of the parties to further procedural steps before the Administrator are waived; and

(d) Any rights of the parties to challenge the validity of the findings and of the order made in accordance with the agreement are waived.

3. Before the expiration of the time granted for negotiating the settlement, the parties or their counsel shall:

(a) Submit the proposed agreement to the Administrator for his or her consideration; or

(b) Inform the Administrator that they cannot reach an agreement.

4. If an agreement for settlement is submitted within the time granted and the Administrator accepts the agreement, the Administrator will issue his or her decision based upon the agreed findings.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6364 Conduct at hearings. (NRS 618.295)

1. A person's contumacious conduct at any such hearing is a ground for exclusion from the hearing.

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2. If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Administrator will make such an order as is just and appropriate, such as an order denying the application or regulating the content of the record.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6367 Discovery. (NRS 618.295)

1. A party may take the deposition of a witness if the witness will not be able to attend the hearing or if some other good reason exists for taking his or her deposition. A deposition may be taken orally or upon written interrogatories before any person who is designated by the Administrator and who has the power to administer oaths.

2. Any party desiring to take the deposition of a witness must make written application to the Administrator, setting forth:

- (a) The reasons why the deposition should be taken;
- (b) The time and place for taking the proposed deposition;
- (c) The person before whom the deposition would be taken;
- (d) The name and address of the witness; and
- (e) The subject on which the witness is expected to testify.

3. The party taking the deposition shall give the other parties such notice as the Administrator may order.

4. Each witness testifying by deposition must be sworn and the parties not calling the witness may cross-examine him or her.

5. The questions propounded and answers thereto, together with all objections made, must be reduced to writing, read to the witness, subscribed by the witness and certified by the officer before whom the deposition is taken. The officer shall enclose two copies of the deposition in an envelope, seal the envelope and send it by registered mail to the hearing officer.

6. Subject to such objections to questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, the party who has taken a deposition may read it at the hearing and offer it in evidence against any party who was present or represented at the taking of the deposition, or who had due notice thereof. No part of a deposition may be admitted in evidence unless the person offering it shows that the reasons for taking the deposition in the first instance exist at the time of the hearing.

7. Whenever appropriate to a just disposition of any issue in a hearing, the Administrator will allow discovery by a method other than the taking of a deposition, as by written interrogatories, request for production of documents, or request for permission to inspect the place of employment.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.637 Presentation of evidence; objections. (NRS 618.295)

1. Except as may otherwise be ordered by the Administrator, the applicant for a variance must proceed first at a hearing.

2. The applicant has the burden of proof.

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3. If a party objects to the admission or rejection of any evidence, the limitation of the scope of any examination or cross-examination or the failure to limit the scope, the party must state briefly the grounds for his or her objection. Rulings on all objections must appear in the record. Only objections made before the Administrator may be relied upon in a subsequent proceeding.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6373 Records of hearings. (NRS 618.295) A hearing must be stenographically reported or recorded on magnetic tape. Copies of the transcript may be obtained by the parties upon the filing of a written application with the reporter and the payment of fees at the rate provided in the agreement with the reporter or the Enforcement Section.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6376 Briefs. (NRS 618.295) Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the Administrator may allow, each party may file with the Administrator proposed findings of fact and conclusions of law, together with a supporting brief expressing the reasons for the proposed findings and conclusions. The briefs and proposed findings of fact and conclusions of law must refer to all portions of the record and to all authorities relied upon in support of each proposal. A party's brief, with the proposed findings and conclusions, must be served on all other parties.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6379 Decision of Administrator. (NRS 618.295)

1. Within a reasonable time after the time allowed for the filing of the briefs and the proposed findings of fact and conclusions of law, the Administrator will make and serve upon each party his or her decision, which becomes final upon the 20th day after service, unless exceptions are filed thereto.

2. The Administrator's decision will:

(a) Include the reasons for each of his or her findings and conclusions for each material issue of fact and law presented on the record, and will specify each fact which the Administrator officially noticed.

(b) Be based upon a consideration of the whole record, and will be made on the basis of a preponderance of the reliable and probative evidence.

3. The Administrator's decision, after the opportunity for the parties to make exceptions, is a final administrative decision for purposes of judicial review.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6382 Exceptions to decision. (NRS 618.295)

1. Within 20 days after the Administrator's decision is served, any party to the proceeding may file written exceptions to the decision. Such exceptions must be filed with the Administrator and must include:

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(a) A reference to the specific findings of fact, conclusions of law or terms of the order to which the exceptions are being made;

(b) The specific pages of the transcript relevant to the exceptions; and

(c) Suggestions for correcting those findings, conclusions or terms.

2. Upon receipt of any such exceptions, the Administrator will fix a time for the filing of any objections to the exceptions and any supporting reasons therefor.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

ENFORCEMENT

General Provisions

NAC 618.640 Definitions. (NRS 618.295) As used in NAC 618.640 to 618.6497, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.64005 to 618.6422, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.64005 “Abatement” defined. (NRS 618.295) “Abatement” means the action taken by an employer to:

1. Comply with a standard or regulation cited by the Enforcement Section in a citation; or

2. Eliminate a hazard identified by the Enforcement Section in a citation.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.6401 “Board” defined. (NRS 618.295) “Board” means the Occupational Safety and Health Review Board.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6404 “District manager” defined. (NRS 618.295) “District manager” means the officer or employee of the Enforcement Section who is regularly or temporarily in charge of a district office of the Enforcement Section or any person who is authorized to act for that employee or officer.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.641 “Establishment” defined. (NRS 618.295) “Establishment” means a building or area where business is conducted or where services or industrial operations are performed, as a bank, central administrative office, factory, farm, hotel, mill, movie theater, ranch, restaurant, sales office, store or warehouse.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6413 “Imminent danger” defined. (NRS 618.295) “Imminent danger” means the existence of any condition or practice in a workplace which could reasonably be expected

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immediately to cause death or serious physical harm to any employee if operations were to proceed in the workplace or if employees were to enter it before the condition or practice is eliminated.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6416 “Inspection” defined. (NRS 618.295) “Inspection” means any inspection or investigation made pursuant to NRS 618.325, 618.425 or 618.445.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6419 “Inspector” defined. (NRS 618.295) “Inspector” means a person employed as a safety and health representative or industrial hygienist who is authorized by the Chief to conduct inspections.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6422 “Working day” defined. (NRS 618.295) “Working day” means every day of the year except Saturdays, Sundays and legal holidays.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6425 Computation of time. (NRS 618.295) In computing any period prescribed or allowed in NAC 618.640 to 618.6497, inclusive, the day from which the designated period begins to run is not included. The last day of the period so computed is included.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6428 Posting of notices; district managers to provide applicable statutes, regulations and standards. (NRS 618.295)

1. An employer shall:

(a) Post all notices provided by the Enforcement Section in each of the employer’s establishments in a conspicuous place where he or she customarily posts notices to employees; and

(b) Ensure that those notices are not altered, defaced or covered by other material.

2. Reproductions or facsimiles of those notices must be at least 8 1/2 inches by 14 inches. The size of the print must be at least 10-point type. If the size of the notice is increased, the size of the print must be increased accordingly. The caption or heading on the notice must be printed in not less than 36-point type.

3. Where separate activities are performed at a single physical location, each activity must be treated as being conducted at a separate physical establishment, and separate notices must be posted at the site of each activity to the extent that sufficient copies of the notices have been furnished by the Enforcement Section. If an employer is engaged in dispersed activities, the notices must be posted at the location to which his or her employees report each day. If the employees do not usually work at or report to a single establishment, the notices must be posted at the location from which the employees operate.

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4. District managers shall maintain and make available upon request copies of chapter 618 of NRS, all regulations of the Division and all applicable standards. If an employer has copies of these materials, the employer shall make them available upon request to any employee or the employee's authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time which is mutually convenient to the employee or the employee's authorized representative and the employer.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

Inspections

NAC 618.6431 Advance notice of inspection. (NRS 618.295)

1. Advance notice of an inspection may be given only in a situation where:

(a) There appears to be an imminent danger and advance notice is needed to enable the employer to correct the danger as quickly as possible;

(b) The inspection can most effectively be conducted after regular business hours or where special preparations are necessary;

(c) The district manager determines that the presence of the employer, the representative of the employees or the appropriate personnel are needed to aid in the inspection; or

(d) The district manager determines that giving advance notice will increase the probability of carrying out an effective and thorough inspection.

2. When an advance notice of an inspection is received, the employer shall give notice of the inspection to the representative of the employees if the identity of the representative is known to the employer. If the identity of the representative is not known, the employer shall notify a reasonable number of employees.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6434 Powers and duties of inspector. (NRS 618.295)

1. At the beginning of an inspection, an inspector shall:

(a) Present his or her credentials to the owner, operator or agent in charge at the place of employment to be inspected;

(b) Explain the nature and purpose of the inspection;

(c) Indicate generally the scope of the inspection; and

(d) Designate the records the inspector wishes to review, but such a designation does not preclude access to additional records.

2. An inspector may take environmental samples and take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques in conducting the inspection, and question privately any employer, owner, agent or employee of the place of employment being inspected. As used in this subsection, the phrase "employ other reasonable investigative techniques" includes, without limitation, the use of devices to measure the exposure of employees to hazardous elements and the attachment of personal sampling equipment such as

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dosimeters, pumps, badges and other similar devices to employees to monitor the exposure of the employees.

3. In taking photographs and sampling, an inspector shall take such reasonable precautions as are necessary to ensure that his or her actions with any flash, spark-producing or other type of equipment is not hazardous. An inspector shall comply with all safety and health rules established by the employer for that place of employment, and shall wear and use appropriate protective clothing and equipment.

4. An inspection must be conducted in such a manner as to preclude unreasonable disruption of the operations of the place of employment being inspected.

5. At the conclusion of the inspection, an inspector shall confer with the employer or the employer's representative to advise the employer or representative informally of any apparent safety or health violations disclosed by the inspection. During such a conference, the inspector shall afford the employer or the employer's representative the opportunity to bring to the attention of the inspector any pertinent information regarding conditions at the place of employment.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R109-00, 9-6-2001)

NAC 618.6437 Persons authorized to accompany inspector. (NRS 618.295)

1. Except as provided in subsections 6 and 7, an inspector may permit a representative of an employer or the employees, or both, to accompany the inspector on an inspection if he or she determines that the representative or representatives will aid the inspection.

2. Each representative of the employees must be a person selected by the employees of the employer being inspected.

3. A different representative of the employer or employees may be permitted to accompany the inspector during each phase of an inspection if this arrangement will not interfere with the conduct of the inspection.

4. An inspector shall resolve all disputes as to who is the representative authorized by the employer or employees.

5. A third person, such as an industrial hygienist or safety inspector, may be permitted to accompany the inspector if the inspector determines that the person is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace.

6. A representative of the employees and any third person accompanying the inspector must be authorized by the employer to enter any area containing trade secrets.

7. Only persons authorized to have access to information classified by an agency of the United States Government in the interest of national security may accompany an inspector in areas containing such information.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.644 Scope of inspection. (NRS 618.295) If an employee or representative of employees requests an inspection of a workplace by giving written notice of an alleged violation

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to the Chief or a representative of the Chief, the inspector may also inspect matters which are not referred to in the notice.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6443 Waiver of penalty prohibited. (NRS 618.295) No employer who allows an inspector to enter a place of employment to inspect, review records or question any person may impose the condition that the inspector or the Chief waive any cause of action, citation or penalty under chapter 618 of NRS. The inspector shall not give any such waiver.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6446 Authorization required to inspect area with classified information. (NRS 618.295) An inspector shall obtain the appropriate authorization before inspecting areas containing information which is classified by an agency of the United States Government in the interest of national security.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6449 Trade secrets. (NRS 618.295) If, during the conference at the beginning of an inspection, the employer identifies areas in the establishment which contain or might reveal a trade secret, the inspector shall label any information obtained in those areas, including negatives and prints of photographs and environmental samples, as “confidential-trade secrets” and shall not disclose the information except in accordance with NRS 618.365.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6452 Objections to inspections. (NRS 618.295)

1. If an inspector, while in the exercise of his or her official duties, is refused entry into any place of employment, the inspector shall try to ascertain the reason for the refusal and shall immediately report the refusal and the reason to his or her district manager.

2. The district manager shall consult with the Chief and may request the Chief to take appropriate action, which may include an application ex parte for a warrant to conduct or complete the inspection.

3. If entry is allowed but the employer interferes with or limits any aspect of the inspection, including a review of the employer’s records, the questioning of persons or the right of a representative of the employees to accompany the inspector, the inspector shall try to ascertain the reason for the refusal and shall immediately report the refusal and any reason for it to his or her district manager.

4. The district manager shall consult with the Chief and may request the Chief to take appropriate action as provided in NRS 618.325, 618.435, 618.515, 618.665 and 618.705.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6455 Denial of request for investigation. (NRS 618.295)

1. If the district manager determines that an employee requesting an investigation pursuant to NRS 618.425 has not complied with the provisions of that section, the district manager shall

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notify the employee of the determination. Such a determination does not preclude the employee from filing a new complaint concerning the same violation or danger.

2. If the district manager determines that an inspection is not warranted with respect to a complaint made under NRS 618.425, the district manager shall notify the employee in writing of his or her determination and the reasons for it. The district manager's determination is final.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

Citations, Notices of Violations and Proposed Penalties; Abatements

NAC 618.6458 Citations and notices of violations. (NRS 618.295)

1. If an inspector, on the basis of his or her inspection, or the district manager, on the basis of the report of an inspection, believes that the employer has violated a requirement of NRS 618.375 or of any standard or other regulation adopted pursuant to NRS 618.295 or 618.315, the inspector or district manager shall issue to the employer:

- (a) A written citation for the violation;
- (b) A written notice of violation if the violation is not serious and the employer agrees to correct it within a reasonable time; or
- (c) An oral notice of the violation if it is minor and has no direct or immediate relationship to safety or health.

2. The district manager or the inspector may issue an appropriate citation or notice of violation even though, after being informed of the violation, the employer immediately abates it.

3. The district manager shall review copies of citations issued by inspectors and may amend or withdraw citations when appropriate.

4. Citations must be issued with reasonable promptness after the inspection is completed and must be sent by certified mail to the employer or delivered to him or her personally.

5. The inspector shall issue any written notice of violation or oral notice of a minor violation before the end of the inspection.

6. Each notice of violation must contain all the provisions which NRS 618.465 requires for citations. Each citation or notice of violation must contain a clause informing employees of their right to contest the reasonableness of the period of time for abatement which is set forth in the citation or notice.

7. Where a violation is not serious, the inspector may issue a notice of violation in lieu of a citation in order to allow the employer an opportunity to abate the violation promptly and voluntarily, without any contest or penalty.

8. The district manager may issue a citation even though a notice of violation has already been issued.

9. A notice of violation has the same effect as a citation which has become a final order when the notice is used in a subsequent proceeding involving:

- (a) A willful violation of applicable standards or regulations;
- (b) A failure to abate the violation for which the notice was issued; or
- (c) A repeat of the violation for which the notice was issued.

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10. If a citation or notice of violation is issued for a violation alleged under NRS 618.425 or 618.435, the district manager shall send a copy of the citation or notice of violation to the employee or the representative of the employees who requested the inspection or notification of danger.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6461 Review upon refusal to issue citation. (NRS 618.295, 618.435)

1. If a district manager refuses to issue a citation with respect to an inspection conducted pursuant to NRS 618.435, the district manager shall notify the employee in writing of his or her determination and inform the employee of his or her right to informal review.

2. The employee or representative of the employees may obtain a review of the determination by submitting a written statement of his or her position to the Chief.

3. The Chief shall notify the employer in writing when a request for review has been submitted by an employee or representative of the employees.

4. At the request of the employee or the employer, the Chief will hold an informal conference at which the employee and the employer may orally present their views.

5. After considering all written and oral statements presented, the Chief will affirm, modify or reverse the determination of the district manager and furnish the employee and the employer a written notice of his or her decision and the reasons for it. The Chief's decision is final.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6464 Imminent dangers. (NRS 618.295)

1. An inspector may issue appropriate citations and notices of proposed penalties with respect to an imminent danger even though, after being informed of the danger, the employer immediately eliminates the imminence of the danger and initiates steps to abate it.

2. If the inspector is not satisfied that the employer will eliminate the danger, the inspector shall:

(a) Inform the employer and the affected employees of the danger and that he or she will recommend that the Administrator issue an emergency order pursuant to NRS 618.545; and

(b) Upon the approval of the Administrator, deliver or cause to be delivered Form OSHES-8, Emergency Restraining Order to Remove Alleged Imminent Danger, to the employer or a representative of the employer.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-8; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.6465 Violations concerning movable equipment. (NRS 618.295)

1. An employer shall attach a warning tag provided by the Division or a copy of the citation on the operating controls or component of the movable equipment that was cited in a citation if the Enforcement Section determines that the violation set forth in the citation was willful, serious or a repeat violation.

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2. For handheld movable equipment, the warning tag or copy of the citation must be attached immediately after the employer receives the citation. For movable equipment that is not handheld, the warning tag or copy of the citation must be attached before the equipment is moved.

3. An employer shall ensure that the warning tag or copy of the citation attached to movable equipment pursuant to this section:

(a) Is not altered, defaced or covered by any material; and

(b) Remains attached to the movable equipment until:

(1) The violation has been abated and the documents required pursuant to NAC 618.6494 and 618.6495 have been submitted to the Enforcement Section;

(2) The movable equipment has been permanently removed from service or is no longer under the control of the employer; or

(3) The Board issues an order vacating the citation,

↳ whichever occurs earliest.

4. An employer shall remove movable equipment from use if the Enforcement Section determines that the movable equipment is a serious hazard to employees. The equipment must not be used until it is repaired and approved by the Enforcement Section.

5. As used in this section, “movable equipment” means a powered or unpowered machine or device that is used to perform work and may be moved between work sites.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.6467 Posting of citation, notice of violation or notice of intent to contest citation; compliance. (NRS 618.295, 618.465)

1. Except as otherwise provided in this section and NAC 618.6465, upon receipt of any citation or notice of violation, the employer shall immediately post the citation or notice, or a copy of it, unedited, at or near each place where the alleged violation occurred.

2. Where, because of the nature of the employer’s operations, it is not practicable to post the citation or notice of violation at or near each place of alleged violation, the citation or notice of violation must be posted, unedited, in a prominent place where it will be readily observable by all affected employees. If the employees are engaged in activities which are physically dispersed, the citation or notice may be posted at the location to which the employees report each day.

3. If the employees do not primarily work at or report to a single location, the citation or notice of violation may be posted at the location from which the employees operate to carry out their activities.

4. The employer shall ensure that the citation or notice of violation is not altered, defaced or covered by other material.

5. Each citation or notice of violation, or copy of it, must be kept posted until the violation has been abated, or for 3 working days, whichever is later.

6. An employer must comply with the posting requirements of this section even if the employer files a notice of his or her intent to contest a citation.

7. An employer is not required to comply with the requirements of this section after the Board issues a final order vacating a citation.

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8. An employer to whom a citation has been issued may post a notice of the employer's intent to contest the citation in the same location where the citation is posted. The employer's notice may explain the reason for such a contest and indicate the steps that have been taken to abate the violation.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.647 Modification of time for abatement of violation: General requirements. (NRS 618.295)

1. An employer may request a modification of the time allowed for abatement of a violation which is not serious or may file a written petition for a modification of the time allowed for abatement of a serious violation if the employer has made an effort in good faith to comply with the requirements of the citation or notice of violation but has not been able to complete the abatement because of factors beyond his or her reasonable control.

2. A request for a modification of the time for the abatement of a violation which is not serious must be made no later than the day originally set for the abatement. The district manager may grant an extension of time for the abatement after entering into an appropriate oral or written agreement with the employer.

3. Where the violation is serious, any petition for modification of the requirement for abatement contained in a citation must be in writing.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6473 Modification of time for abatement of violation: Contents, posting and service of petition. (NRS 618.295)

1. If determined to be pertinent and required by the district manager, the following items must be included in a petition for a modification of the time for the abatement of a serious violation:

(a) A list of all steps taken by the employer to achieve compliance during the prescribed period for the abatement and the dates on which the employer took those steps.

(b) The additional time needed to achieve compliance.

(c) The reasons the additional time is needed, such as, the unavailability of personnel, materials or equipment, or the inability to complete the necessary construction or alteration by the original date for abatement.

(d) All steps which are being taken to safeguard the employees against the cited hazard during the period of abatement.

(e) A certified statement that a copy of the petition has been posted and served on the representative of the employees, if they have a representative, and the date on which the posting and service was made.

2. The petition must be filed with the district manager who issued the citation on or before the original date set for the abatement. If the petition is filed later, it must be accompanied by the employer's statement of exceptional circumstances explaining the delay.

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3. The employer must post a copy of the petition in a conspicuous place where all affected employees will have notice of it or near the location where the violation occurred. The petition must remain posted for 10 working days.

4. Where the affected employees have a representative, the employer must serve the representative with a copy of the petition.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6476 Modification of time for abatement of violation: Objections to petitions. (NRS 618.295)

1. Affected employees or their representative may file a written objection to a petition for a modification of the time for the abatement of a serious violation with the district manager. Failure to file an objection within 10 working days after the date of posting the petition or service of it upon the representative of the employees, whichever is later, constitutes a waiver of any further right to object to the petition.

2. If the affected employees or their representative objects to the petition, the district manager shall consult with the Chief and the Chief will make a determination. The Chief will furnish to the employer and the affected employees or their representative a written notice of his or her decision and the reasons for it. The Chief's decision is final.

3. If the petition is uncontested upon the expiration of 15 working days after the date on which a copy of it was posted or served upon the representative of the employees, the district manager may approve or deny the petition.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6479 Modification of time for abatement of violation: Informal review upon denial of petition. (NRS 618.295) If the district manager denies a petition for a modification of the time for the abatement of a serious violation, the employer may request an informal review by the Chief. After considering all written and oral statements presented, the Chief will affirm, modify or reverse the determination of the district manager. The Chief's determination is final.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6482 Proposed penalties. (NRS 618.295)

1. The district manager shall determine the amount of any proposed penalty and may at the employer's request explain to the employer, in an informal conference, how the proposed penalty was determined.

2. An appropriate penalty may be proposed with respect to an alleged violation even though, after being informed of the alleged violation by the inspector, the employer immediately abates or initiates steps to abate the alleged violation.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6485 Notices of contests. (NRS 618.295)

1. An employer's notice of his or her intention to contest a citation or proposed penalty must:

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- (a) Be in writing;
 - (b) Be filed with the district manager; and
 - (c) Specify whether it is directed to:
 - (1) The citation; or
 - (2) The proposed penalty,
- ↪ or both.
2. A notice by an employee or the representative of the employees of the intention to contest the reasonableness of the period allowed for abatement of a violation must be:
- (a) In writing; and
 - (b) Filed with the district manager.
3. The district manager shall immediately transmit a notice of contest to the Chief.
4. The Chief will have any such notice of contest filed with the Board.
- (Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6488 Conference for discussion of intended contest of citation, date for abatement or proposed penalty. (NRS 618.295)

1. At the request of an affected employer, an affected employee or a representative of employees, the district manager may hold a conference for discussion of:
- (a) An intended contest of a citation;
 - (b) A date for an abatement; or
 - (c) A proposed penalty,
- ↪ within 15 days after receipt of the citation or before a notice of contest is filed with the Enforcement Section.
2. Whenever such a conference is requested by an employer or employee, both parties must be afforded the opportunity to participate.
3. If the party requesting the conference objects to the attendance of the other party, the district manager may hold separate conferences.
4. Any party may be represented by counsel at such a conference.
5. No such conference operates to stay the 15-day period for notifying the Enforcement Section of an intent to contest a citation, date of abatement or proposed penalty or to file an appeal.
6. If the parties reach agreement on any issue raised at such a conference, their agreement must be embodied in a determination by the district manager, based on findings of fact, affirming, modifying or vacating the citation or penalty or directing other appropriate relief.
- (Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6491 Failure to correct violations. (NRS 618.295)

1. If any inspection discloses that an employer has failed to correct an alleged violation for which a citation or notice of violation has been issued within the period permitted for its correction, the district manager shall if appropriate:
- (a) Consult with the Chief; and

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(b) Notify the employer of his or her failure and of the penalty or additional penalty which may be assessed under NRS 618.655 because of that failure.

2. Each notice of an employer's failure to correct a violation and of a proposed penalty or additional penalty must state that it shall be deemed to be the final order of the Board and not subject to review unless, within 15 working days after the date of the employer's receipt of the notice, the employer notifies the district manager in writing that he or she intends to contest the proposed or additional penalty.

3. If the employer does not, within the 15-day period, contest the proposed penalty or correct the violation, the district manager shall request the Chief to take appropriate action pursuant to NRS 618.515.

(Added to NAC by Div. of Occupational Safety & Health, eff. 8-26-83)

NAC 618.6494 Abatement: Certification; exemption. (NRS 618.295)

1. Except as otherwise provided in subsection 3, within 10 calendar days after the date of abatement, an employer shall certify to the Enforcement Section on a form provided or approved by the Division that each violation or hazard set forth in a citation has been abated.

2. If required by the citation issued by the Enforcement Section, an employer who provides a certification to the Enforcement Section pursuant to subsection 1 shall submit to the Enforcement Section documents that provide proof of abatement. The documents include evidence of the purchase or repair of equipment, photographs, videotape or other written records acceptable to the Enforcement Section.

3. An employer is not required to certify to the Enforcement Section that each violation or hazard set forth in a citation has been abated if an inspector, during the on-site portion of the inspection:

(a) Observes, within 24 hours after the violation or hazard has been identified, that abatement has occurred; and

(b) Sets forth in the citation that abatement has occurred.

4. As used in this section, "date of abatement" means:

(a) For an uncontested violation or hazard set forth in a citation, the date by which abatement is required pursuant to:

(1) The citation;

(2) The written approval from the Enforcement Section; or

(3) An informal settlement agreement between the employer and the Enforcement Section,

↳ whichever is latest.

(b) For a contested violation or hazard set forth in a citation for which the Board has issued an order after notice and hearing, the date set forth in:

(1) The order by which abatement is required; or

(2) A formal settlement agreement between the employer and the Enforcement Section,

↳ whichever is later.

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(c) For a contested violation or hazard set forth in a citation for which the Board has issued an order after notice and hearing and for which the district court has affirmed the order of the Board, the date by which abatement is required pursuant to the order of the district court.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.6495 Abatement: Submission of plan; progress report. (NRS 618.295)

1. If the number of days given to an employer for abatement is more than 90 days, the employer may be required to submit to the Enforcement Section a plan for abatement for each violation or hazard set forth in a citation on a form provided or approved by the Division. If the employer is required to submit a plan for abatement pursuant to this subsection, the Enforcement Section shall set forth in the citation the requirement and for which violation or hazard the requirement must be met.

2. The employer shall submit a plan for abatement to the Enforcement Section within 25 calendar days after:

(a) The citation is issued;

(b) The date on which the Board has issued an order after notice and hearing that requires abatement; or

(c) The date on which the district court has issued an order affirming the order of the Board,
↳ whichever is later.

3. An employer who is required to submit a plan for abatement pursuant to this section may be required to submit to the Enforcement Section on a form provided or approved by the Division a progress report relating to the abatement of each violation or hazard set forth in the citation. If the employer is required to submit a progress report pursuant to this subsection, the Enforcement Section shall set forth in the citation the requirement, the violation or hazard for which the requirement must be met and the date when the report must be submitted.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.6496 Abatement: Contents of documentation; date of submission. (NRS 618.295)

1. On each document that an employer is required to submit to the Enforcement Section pursuant to NAC 618.6494 and 618.6495, the employer shall set forth:

(a) His or her name and address;

(b) The inspection number of the citation related to the document;

(c) The number of the citation and the item number of the citation to which the document relates;

(d) A statement that the information contained in the document is accurate; and

(e) The signature of the employer or an authorized representative of the employer.

2. For each document an employer is required to submit to the Enforcement Section pursuant to NAC 618.6494 and 618.6495, the date of submission shall be deemed to be:

(a) For a document deposited with the United States Postal Service, the date of the postmark.

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(b) For a document submitted by any other means, the date the Enforcement Section receives the document.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.6497 Abatement: Posting of documentation; notification of employee or authorized representative; right to examine or copy documents. (NRS 618.295)

1. An employee shall post a copy or summary of each document submitted to the Enforcement Section pursuant to NAC 618.6494 and 618.6495 near the place where the violation occurred or the hazard is located.

2. If the Enforcement Section determines that posting the copy or summary of a document as required by subsection 1 does not inform adequately each affected employee or the employee's authorized representative, the employer shall:

(a) Post the copy or summary for 3 working days in a conspicuous location where it will be readily observable by each affected employee or the employee's authorized representative; or

(b) Take such other action as the Enforcement Section determines is necessary to inform adequately each affected employee or the employee's authorized representative.

3. An employer shall notify each employee or the employee's authorized representative of his or her right to examine and copy each document submitted to the Enforcement Section by the employer pursuant to NAC 618.6494 and 618.6495.

4. An employer shall notify his or her employees or their authorized representatives that documents are being submitted to the Enforcement Section pursuant to NAC 618.6494 and 618.6495 before or at the same time that those documents are submitted to the Enforcement Section.

5. An employee or the employee's authorized representative may submit a written request to examine or copy any document submitted by the employer to the Enforcement Section pursuant to NAC 618.6494 and 618.6495 within 3 working days after the employee or authorized representative receives notice that the document has been submitted. The employer shall allow the employee or the employee's authorized representative to examine or copy such a document within 5 working days after the employer receives the written request to examine or copy the documents.

6. The employer shall ensure that each document posted pursuant to this section is not altered, defaced or covered by other material.

7. As used in this section, "affected employee" means an employee who was exposed to the hazard set forth in a citation issued by the Enforcement Section.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

PRACTICE BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

General Provisions

NAC 618.650 Definitions. (NRS 618.585) As used in NAC 618.650 to 618.848, inclusive, unless the context otherwise requires:

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1. The words and terms defined in NAC 618.653 to 618.677, inclusive, have the meanings ascribed to them in those sections.

2. The words and terms defined in NRS 618.029 to 618.165, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.653 “Affected employee” defined. (NRS 618.295) “Affected employee” means an employee of an employer who has been cited, who is exposed to the hazard described in the citation as a result of his or her assigned duties.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.656 “Authorized employee representative” defined. (NRS 618.295) “Authorized employee representative” means a labor organization which has a collective bargaining relationship with the employer and which represents affected employees.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.659 “Board” defined. (NRS 618.295) “Board” means the Occupational Safety and Health Review Board.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.662 “Citation” defined. (NRS 618.295) “Citation” means a written communication issued by the Chief to an employer pursuant to NRS 618.465.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.665 “Day” defined. (NRS 618.295) “Day” means a calendar day.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.668 “Notification of proposed penalty” defined. (NRS 618.295) “Notification of proposed penalty” means a written communication issued by the Chief to an employer pursuant to NRS 618.475.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.671 “Proceeding” defined. (NRS 618.295) “Proceeding” means any proceeding before the Board.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.674 “Representative” defined. (NRS 618.295) “Representative” means any person, including an authorized employee representative, authorized by a party or intervener to represent him or her in a proceeding.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

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NAC 618.677 “Working day” defined. (NRS 618.295) “Working day” means all days except Saturdays, Sundays or state holidays.

[Dep’t of Occupational Safety & Health, Rule No. 1 part subsec. 2, eff. 11-9-73]

NAC 618.680 Scope. (NRS 618.295)

1. The provisions of NAC 618.650 to 618.848, inclusive, govern all proceedings before the Board.

2. In the absence of a specific provision, all procedures must be in accordance with the Nevada Rules of Civil Procedure.

[Dep’t of Occupational Safety & Health, Rule No. 2, eff. 11-9-73]

NAC 618.683 Computation of time. (NRS 618.295)

1. In computing any period of time prescribed or allowed in NAC 618.650 to 618.848, inclusive, the day from which the designated period begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday or state holiday. If the period prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and state holidays are excluded in the computation.

2. If service of a document is made by mail pursuant to NAC 618.707, 3 days must be added to the time allowed for the filing of a responsive pleading.

[Dep’t of Occupational Safety & Health, Rule No. 4, eff. 11-9-73]

NAC 618.686 Extensions of time. (NRS 618.295, 618.585) A request for an extension of time for the filing of any document required to be filed by NAC 618.650 to 618.848, inclusive, must be received at least 3 days before the date on which the document is due.

[Dep’t of Occupational Safety & Health, Rule No. 5, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.692 Penalties. (NRS 618.295) All penalties assessed by the Enforcement Section are civil penalties.

[Dep’t of Occupational Safety & Health, Rule No. 109, eff. 11-9-73]

NAC 618.695 Filing. (NRS 618.295, 618.585)

1. Before the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703. After the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Board at the address given in the notice of the appeal or contest.

2. Except as otherwise ordered by the Chief or the Board, all papers required to be filed must be filed by first-class certified mail, return receipt requested, or by personal delivery, with an affidavit of service.

3. The filing is effective at the time of mailing.

[Dep’t of Occupational Safety & Health, Rule No. 8, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87; A by Div. of Industrial Relations by R142-98, 2-28-2000)

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Parties

NAC 618.698 Participation by affected employee. (NRS 618.295, 618.585)

1. An affected employee may participate as a party in the hearing before the Board if:
 - (a) The affected employee notifies the Board and all parties in writing at least 30 days before the beginning of the hearing, of his or her desire to participate; or
 - (b) For good cause shown, the Board allows the affected employee to participate as a party without notice.
2. If a notice of a contest is filed by an employee or by an authorized employee representative concerning the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may participate as a party in the hearing before the Board if he or she notifies the Board and all parties at least 30 days before the beginning of the hearing of his or her desire to participate.

[Dep't of Occupational Safety & Health, Rule No. 20, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.701 Representation of parties and interveners; qualifications of representatives. (NRS 618.295, 618.585)

1. Any party to or intervener in a hearing before the Board may appear in person or through a representative.
2. A representative of a party or intervener controls all matters respecting the interest of the party or intervener in the proceeding.
3. Affected employees who are represented by an authorized employee representative may appear only through the authorized employee representative.
4. A representative of a party, an intervener or a representative of employees is not required to be an attorney at law.
5. Unless 1 year has elapsed since the termination of his or her employment, a former employee of the Division, the Enforcement Section or the Chief may not appear before the Board as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which he or she was personally responsible during the period of his or her employment.

[Dep't of Occupational Safety & Health, part Rule No. 22 & Rule No. 106, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.704 Withdrawal of representative. (NRS 618.295, 618.585) Any representative may withdraw from representation by filing a written notice of withdrawal and by serving a copy of the notice on all parties and interveners.

[Dep't of Occupational Safety & Health, part Rule No. 22, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.707 Service of process: General requirements. (NRS 618.295, 618.585)

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1. When a pleading or other document is filed, a copy of the document must be served by the party or intervener filing the document on every other party or intervener.

2. Service upon a party or intervener who is appearing through a representative must be made only upon the representative.

3. Unless otherwise ordered by the Board or the Chief, service must be made by first-class certified mail, return receipt requested, or by personal delivery.

4. Service is completed when the document is mailed or delivered.

[Dep't of Occupational Safety & Health, Rule No. 7 subsecs. 1-3, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.710 Service of process: Authorized employee representatives; unrepresented employees. (NRS 618.295, 618.585)

1. If an affected employee is not represented by an authorized employee representative, the employer shall, immediately upon receipt of the notice sent by the Enforcement Section to the Board, post, where the citation is required to be posted, a copy of the statement informing affected employees of their right to participate as a party and of the availability of all pleadings for inspection and copying at reasonable times. The notice may be in the following form:

(Name of employer)

Your employer has been cited by the Chief of the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry for violation of the Nevada Occupational Safety and Health Act, chapter 618 of NRS. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Board in NAC 618.650 to 618.848, inclusive. Notice of intent to participate must be sent, at least 30 days before the date of the hearing, to:

Occupational Safety and Health Review Board
400 West King Street, Suite 200
Carson City, Nevada 89703

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace).

If appropriate, the second sentence of this notice may be deleted and the following sentence may be substituted:

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The reasonableness of the period prescribed by the Chief for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board.

2. The authorized employee representative must be served with the notice in subsection 1 and with a copy of the notice of the appeal or contest.

3. A copy of the notice of the hearing to be held before the Board must be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of the hearing at or near the place where the citation is required to be posted.

4. A copy of the notice of the hearing to be held before the Board must be served by the employer on the authorized representative of any employee who has entered an appearance as of the date the notice is received by the employer.

5. If a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall serve a copy on the authorized representative as prescribed in subsection 3 of NAC 618.707 and file proof of the service.

6. If a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and the response filed in support of the contest must be provided to the employer for posting as prescribed in subsection 1.

7. An authorized employee representative who files a notice of contest shall serve a copy of the notice on any other authorized employee representative whose members are affected employees.

8. Where posting is required by this section, the posting must be maintained until the commencement of the hearing or until an earlier disposition of the contest or appeal.

[Dep't of Occupational Safety & Health, Rule No. 7 subsecs. 6-14, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.713 Proof of service. (NRS 618.295, 618.585)

1. Proof of service must be made by a written affidavit which gives the date and manner of service. The affidavit must be filed with the pleading or document.

2. If service is accomplished by posting, proof of posting must be made by written affidavit filed not later than the first working day after the document is posted.

[Dep't of Occupational Safety & Health, Rule No. 7 subsecs. 4 & 5, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

Pleadings, Motions and Other Papers

NAC 618.716 Contents of initial pleading. (NRS 618.295) An initial pleading filed by any person must contain the person's name, address and telephone number. Any change in this

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information must be communicated promptly in writing to the Board and to all other parties and interveners. A party or intervener who fails to furnish this information shall be deemed to have waived the right to notice and service.

[Dep't of Occupational Safety & Health, Rule No. 6, eff. 11-9-73]

NAC 618.719 All relevant documents to be submitted to Board with notice of appeal or contest. (NRS 618.295, 618.585) All relevant documents must be sent to the Board with the notice of appeal or contest.

[Dep't of Occupational Safety & Health, Rule No. 32, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.720 Notice of appeal or contest to be sent to all interested parties. (NRS 618.295) A copy of the notice of an appeal or contest sent by the Enforcement Section to the Board must also be sent to all interested parties.

(Added to NAC by Occupational Safety & Health Review Bd., eff. 2-19-87)

NAC 618.722 Captions; titles of cases. (NRS 618.295, 618.585)

1. A hearing before the Board initiated by a notice of contest must be titled "Chief of the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry, Complainant vs. Respondent."

2. A hearing before the Board initiated by an appeal must be titled "(Name of employer), Petitioner vs. Chief of the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry, Respondent."

3. The titles must appear at the left upper portion of the first page of any pleading or document, other than exhibits.

4. The first page of any pleading or document, other than exhibits, must show, at the upper right of the page opposite the title, the docket number, if known, assigned by the Board.

[Dep't of Occupational Safety & Health, Rule No. 31, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.725 Form of pleadings. (NRS 618.295)

1. Except as otherwise provided in this section, there are no specific requirements for the form of any pleading. A pleading must contain a caption sufficient to identify the parties in accordance with NAC 618.722, which must include the Board's docket number, if assigned, and a clear and plain statement of the relief that is sought, and the grounds for that relief.

2. Pleadings and other documents, other than exhibits, must be typewritten, double spaced, on letter size opaque paper, approximately 8 1/2 by 11 inches. The left margin must be 1 1/2 inches and the right margin 1 inch. Pleadings and other documents must be fastened at the upper left corner.

3. Pleadings must be signed by the party filing or by his or her representative. This signature constitutes a representation by the signer that he or she has read the document or pleading, that to

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the best of his or her knowledge, information and belief the statements made therein are true, and that the pleading is not interposed for delay.

4. The Board may refuse for filing any pleading or document which does not comply with the requirements of this section.

[Dep't of Occupational Safety & Health, Rule No. 30, eff. 11-9-73]

NAC 618.734 Response to motions. (NRS 618.295) Any party or intervener upon whom a motion is served has 10 days from the service of the motion to file a response.

[Dep't of Occupational Safety & Health, Rule No. 37, eff. 11-9-73]

NAC 618.737 Statement of position. (NRS 618.295) At any time before the commencement of the hearing before the Board, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

[Dep't of Occupational Safety & Health, Rule No. 36, eff. 11-9-73]

NAC 618.740 Petition for leave to intervene. (NRS 618.295, 618.585)

1. A petition for leave to intervene in a hearing before the Board must be filed at least 30 days before the date of the hearing.

2. The petition must describe the interest of the petitioner in the proceeding, show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding.

3. The Board will grant a petition for intervention to such an extent and upon such terms as the Board determines to be proper.

[Dep't of Occupational Safety & Health, Rule No. 21, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.743 Failure to file pleadings. (NRS 618.295) Failure to file any pleading when due may constitute a waiver of the right to further participation in the proceedings.

[Dep't of Occupational Safety & Health, Rule No. 38, eff. 11-9-73]

Complaints

NAC 618.746 Filing by Chief; allegations; amendment of citation or proposed penalty. (NRS 618.295, 618.585)

1. The Chief shall file a complaint with the Board no later than 20 days after his or her receipt of a notice of contest.

2. The complaint must allege all violations and proposed penalties which are contested, stating with particularity:

(a) The basis for jurisdiction;

(b) The time, location, place and circumstances of each alleged violation; and

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(c) The considerations upon which the citation and the proposed penalty for each alleged violation are based.

3. If the Chief seeks in the complaint to amend his or her citation or proposed penalty, the Chief shall give the reasons for amendment and state with particularity the change sought.

[Dep't of Occupational Safety & Health, part Rule No. 33, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.749 Answer. (NRS 618.295, 618.585)

1. Within 15 days after service of a complaint, the party against whom the complaint was issued shall file an answer with the Board and serve the opposing parties with a copy of the answer.

2. The answer must contain a short and plain statement denying those allegations in the complaint which the party intends to contest. Any allegation not denied shall be deemed admitted.

[Dep't of Occupational Safety & Health, part Rule No. 33, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

Hearings

NAC 618.752 Conduct of hearings by Board. (NRS 618.295, 618.585) The Board will conduct a fair and impartial hearing to assure that the facts are fully elicited to adjudicate all issues and avoid delay. The Board will, between the time it is notified of an appeal or contest and the time it issues a decision:

1. Rule upon offers of proof and receive relevant evidence;
2. Take or cause depositions to be taken whenever the needs of justice would be served;
3. Regulate the course of the hearing and, if appropriate or necessary, exclude persons from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
4. Hold conferences for the settlement or simplification of the issues;
5. Dispose of procedural requests or similar matters, including motions referred to the Board by the Chief and motions to amend pleadings, to dismiss complaints or portions of them and to order hearings reopened or, upon motion, consolidated before the issuance of the Chair's report;
6. Make decisions in conformity with the act;
7. Call and examine witnesses and introduce into the record documentary or other evidence;
8. Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support of the case;
9. Adjourn the hearing as the needs of justice and good administration require; and
10. Take any other action necessary and authorized by the regulations of the Board or the Division.

[Dep't of Occupational Safety & Health, Rule No. 66, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.755 Disqualification of member of Board. (NRS 618.295, 618.585)

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

1. A member of the Board may withdraw from a proceeding whenever the member of the Board considers himself or herself to be disqualified.

2. Any party may request a member of the Board, at any time before the filing of the Board's decision, to withdraw on the grounds of personal bias or other disqualification, by filing with the Board promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.

3. If, in the opinion of the member of the Board, the affidavit is filed with due diligence and is sufficient on its face, the member of the Board shall disqualify himself or herself and withdraw from the proceeding.

4. If a member of the Board withdraws from the proceeding, the member of the Board shall state the reason for the disqualification upon the record, stating the grounds for his or her decision. If the member of the Board does not believe the affidavit is sufficient on its face, the member of the Board shall state his or her decision on the record. The Board shall proceed with the hearing, or, if the hearing has closed, proceed with issuing its decision.

[Dep't of Occupational Safety & Health, Rule No. 67, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.758 Chief's participation in hearing. (NRS 618.295) In any proceeding noticed pursuant to NAC 618.650 to 618.848, inclusive, the Chief will not participate in or give advice regarding the report of the Board's decision.

[Dep't of Occupational Safety & Health, Rule No. 104, eff. 11-9-73]

NAC 618.761 Ex parte communication. (NRS 618.295)

1. There may be no ex parte communication, with respect to the merits of any case not decided, between the Board, including any member, officer, employee or agent of the Board who is employed in the decision process, and any of the parties or interveners.

2. If an ex parte communication occurs, the Board may make any orders or take any action fairness requires. Upon notice and hearing, the Board may take any disciplinary action appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

[Dep't of Occupational Safety & Health, Rule No. 103, eff. 11-9-73]

NAC 618.764 Confidential information. (NRS 618.295)

1. Upon application by any person, in a proceeding where trade secrets or other matters may be divulged, the confidentiality of which is protected by the act, the Board will issue such orders as may be appropriate to protect the confidentiality of these matters.

2. An interlocutory appeal from an adverse ruling under this section will be granted as a right.

[Dep't of Occupational Safety & Health, Rule No. 11, eff. 11-9-73]

NAC 618.767 Prehearing conference. (NRS 618.295)

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1. At any time before a hearing, the Board, on its own motion or on the motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference to consider matters which will simplify the issues or expedite the proceedings.

2. The Board may issue a prehearing order which includes the agreements reached by the parties. The order will be served on all parties and is a part of the record.

[Dep't of Occupational Safety & Health, Rule No. 51, eff. 11-9-73]

NAC 618.770 Notice of hearing. (NRS 618.295, 618.585) Except as otherwise provided in NAC 618.650 to 618.848, inclusive, the Board will send a notice of the time, place and nature of a hearing to the parties and interveners of record at least 10 days before the hearing.

[Dep't of Occupational Safety & Health, Rule No. 60, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.773 Withdrawal of notice of contest. (NRS 618.295) At any stage of a proceeding, a party may withdraw his or her notice of contest, subject to the approval of the Board.

[Dep't of Occupational Safety & Health, Rule No. 50, eff. 11-9-73]

NAC 618.776 Postponement of hearing. (NRS 618.295)

1. The postponement of a hearing ordinarily will not be allowed.
2. Except in the case of an extreme emergency or in unusual circumstances, no request will be considered unless received in writing at least 3 days in advance of the time set for the hearing.

3. No postponement in excess of 30 days will be allowed without the Board's approval.

[Dep't of Occupational Safety & Health, Rule No. 61, eff. 11-9-73]

NAC 618.779 Expedited proceeding. (NRS 618.295, 618.585)

1. Upon application of any party or intervener, or upon the motion of any member of the Board, the Chair of the Board may order an expedited proceeding.

2. If an expedited proceeding is ordered:

(a) The Chief shall notify all parties and interveners.

(b) The Chair of the Board shall make necessary rulings for the time for the filing of pleadings and all other matters, order daily transcripts of the hearing, and do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

[Dep't of Occupational Safety & Health, Rule No. 101, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.782 Failure of party to appear. (NRS 618.295)

1. Subject to the provisions of subsection 3, the failure of a party to appear at a hearing is a waiver of all rights except the rights to be served with a copy of the decision of the Board.

2. Requests for reinstatement must be made, in the absence of extraordinary circumstances, within 5 days after the scheduled date for the hearing.

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3. The Board, upon a showing of good cause, may excuse a failure to appear. In this event, the hearing will be rescheduled.

[Dep't of Occupational Safety & Health, Rule No. 62, eff. 11-9-73]

NAC 618.785 Conduct at hearings. (NRS 618.295) All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the State of Nevada.

[Dep't of Occupational Safety & Health, Rule No. 102, eff. 11-9-73]

NAC 618.788 Burden of proof. (NRS 618.295, 618.585) In all proceedings commenced by the filing of a notice of contest, the burden of proof rests with the Chief.

[Dep't of Occupational Safety & Health, Rule No. 73, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.791 Subpoenas. (NRS 618.295, 618.585)

1. The Chair of the Board or any member of the Board shall, on the application of any party directed to the Board, request the Chief to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence or documents. An application, if filed after the notice of appeal or contest is sent to the Board, must be filed with the Board. An application for a subpoena may be made *ex parte*. The subpoena must show on its face the name and address of the party at whose request the subpoena was issued.

2. If the person served with a subpoena does not intend to comply with the subpoena, the person shall, within 5 days after the date of service, move in writing to revoke or modify the subpoena. All motions to revoke or modify a subpoena must be served on the party at whose request the subpoena was issued.

3. The Chair of the Board may revoke or modify the subpoena if:

(a) The evidence whose production is required does not relate to any matter under investigation or in question in the proceedings;

(b) The subpoena does not describe with sufficient particularity the evidence whose production is required; or

(c) For any other reason sufficient in law, the subpoena is otherwise invalid.

↪ The Chair shall state his or her reasons for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed to the motion, and any ruling on the motion are a part of the record.

4. Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payment of lawfully prescribed costs, to procure, copies of transcripts of the data or evidence submitted by them.

5. Upon the failure of any person to comply with a subpoena issued upon the request of a party, the Board will request that the Chief initiate proceedings in the appropriate district court for the enforcement of the subpoena.

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[Dep't of Occupational Safety & Health, Rule No. 55, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.794 Failure to comply with order for discovery. (NRS 618.295) If any party or intervener fails to comply with an order of the Board to permit discovery in accordance with the provisions of NAC 618.650 to 618.848, inclusive, the Board may issue appropriate orders.

[Dep't of Occupational Safety & Health, Rule No. 54, eff. 11-9-73]

NAC 618.797 Depositions; interrogatories. (NRS 618.295)

1. Except by special order of the Board, discovery depositions of parties, interveners or witnesses are not allowed.

2. If the Board grants an application for discovery proceedings, the order granting the proceedings must give appropriate time limits governing the discovery.

[Dep't of Occupational Safety & Health, Rule No. 53, eff. 11-9-73]

NAC 618.800 Requests for admissions. (NRS 618.295)

1. At any time after the filing of a responsive pleading, any party may request of any other party admissions of facts to be made under oath. Each admission requested must be listed separately. The matter shall be deemed admitted unless, within 15 days after service of the request, or within such shorter or longer time as the Board may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.

2. Copies of all requests and responses must be served on all parties in accordance with the provisions of NAC 618.707, 618.710 and 618.713 and filed with the Board within the time allotted. Such requests are a part of the record.

[Dep't of Occupational Safety & Health, Rule No. 52, eff. 11-9-73]

NAC 618.803 Rules of evidence. (NRS 618.295) Hearings before the Board must be in accordance with the Nevada Administrative Procedure Act, chapter 233B of NRS, and, if practicable, must be governed by the rules of evidence applicable in the district courts of this State.

[Dep't of Occupational Safety & Health, Rule No. 72, eff. 11-9-73]

NAC 618.806 Exhibits. (NRS 618.295)

1. All exhibits offered in evidence must be numbered and marked with a designation identifying the party or intervener by whom the exhibit is offered.

2. In the absence of objection by another party or intervener, exhibits must be admitted into evidence as a part of the record, unless excluded by the Board pursuant to NAC 618.803.

3. Unless the Chair of the Board finds it impractical, a copy of each exhibit must be given to the other parties and interveners.

4. All exhibits offered, but denied admission into evidence, must be identified and placed in a separate file designated for rejected exhibits.

[Dep't of Occupational Safety & Health, Rule No. 71, eff. 11-9-73]

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NAC 618.809 Examination of witnesses; affidavits. (NRS 618.295)

1. Witnesses may be examined orally under oath. Opposing parties have the right to cross-examine any witness whose testimony is introduced by an adverse party.

2. An affidavit may be admitted as evidence in lieu of oral testimony if the matters contained therein are otherwise admissible and the parties agree to its admission.

[Dep't of Occupational Safety & Health, Rule Nos. 68 & 69, eff. 11-9-73]

NAC 618.812 Inspection and reproduction of documents. (NRS 618.295)

1. Subject to the provisions of the law restricting public disclosure of information, any person may, at the offices of the Enforcement Section, inspect and copy any document filed in any proceeding.

2. The costs of the copies must be paid by the person inspecting the documents.

[Dep't of Occupational Safety & Health, Rule No. 105, eff. 11-9-73]

NAC 618.815 Objections. (NRS 618.295)

1. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling by the Chair of the Board, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and is included in the record. No objection is waived by further participation in the hearing.

2. Whenever evidence is excluded from the record, the party offering the evidence may make an offer of proof, which must be included in the record of the proceeding.

[Dep't of Occupational Safety & Health, Rule No. 74, eff. 11-9-73]

NAC 618.818 Depositions. (NRS 618.295, 618.585)

1. An application to take the deposition of a witness in lieu of oral testimony must be in writing and must set forth the reasons the deposition must be taken, the name and address of the witness, the matters to which the witness will testify and the time and place proposed for the taking of the deposition. The application must be filed with the Board and served on all other parties and interveners not less than 7 days, if the deposition is to be taken within the continental United States, or not less than 15 days, if the deposition is to be taken elsewhere, before the time the deposition is to be taken. Where good cause has been shown, the Board will make and serve on the parties and interveners an order which specifies the name of the witness whose deposition is to be taken and the time, place and designation of the officer before whom the witness is to testify.

2. The deposition may be taken before any officer authorized to administer oaths by the laws of the State of Nevada or of the place where the examination is held. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul or consular agent of the United States.

3. At the time and place specified in the order, the officer designated to take the deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing. The testimony of the witness must be typewritten by the officer or under the officer's direction. All objections to questions or evidence are waived unless made at the examination. The officer

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may not rule upon any objection, but shall note them upon the deposition. The testimony must be subscribed by the witness in the presence of the officer who shall attach his or her certificate stating that the witness was sworn by the officer, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because the witness is ill, dead, cannot be found or refuses to sign it, this fact must be included in the certificate of the officer and the deposition may be used as though signed. The officer shall immediately deliver an original and four copies of the transcript, together with the officer's certificate, in person or by registered mail to the Chief.

4. The Board will rule upon the admissibility of the deposition or any part of the deposition.

5. All errors or irregularities in compliance with the provisions of this section are waived unless a motion to suppress the deposition or a part of it is made with reasonable promptness after the defect is, or with due diligence might have been, discovered.

6. If the parties stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken, may be used as other depositions are used.

[Dep't of Occupational Safety & Health, Rule No. 70, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.821 Oral arguments. (NRS 618.295, 618.585) Oral arguments on motions or other preliminary matters before the Board will not be allowed unless the Board advises all parties to the proceeding of the date, hour, place, time allotted and scope of the argument at least 10 days before the date set for the argument.

[Dep't of Occupational Safety & Health, Rule No. 92, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.824 Severance. (NRS 618.295) Upon its own motion, or upon a motion of any party or intervener, the Board may, for good cause, order any proceeding severed with respect to some or all issues or parties.

[Dep't of Occupational Safety & Health, Rule No. 10, eff. 11-9-73]

NAC 618.827 Consolidation. (NRS 618.295) Cases may be consolidated on the motion of any party or on the Board's own motion if there exist common parties, common questions of law or fact, or both, or in any other circumstances as justice and the administration of the act require.

[Dep't of Occupational Safety & Health, Rule No. 9, eff. 11-9-73]

NAC 618.830 Time for filing briefs or proposed findings of fact or conclusions of law. (NRS 618.295, 618.585) The Chair of the Board may fix a reasonable period for the filing of any briefs ordered by the Board or proposed findings of fact and conclusions of law.

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[Dep't of Occupational Safety & Health, Rule No. 75, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.833 Settlement. (NRS 618.295, 618.585)

1. A settlement will be approved by the Board at any stage of the proceedings if the settlement is consistent with the provisions and objectives of chapter 618 of NRS.

2. An agreement for a settlement submitted by the parties must be accompanied by an appropriate proposed order.

3. If parties agree to a settlement, a copy of the agreement must be served upon all affected employees who have given notice. Proof of service must accompany the proposed settlement when submitted to the Board.

[Dep't of Occupational Safety & Health, Rule No. 100, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.836 Decision of Board. (NRS 618.295, 618.585)

1. The decision of the Board will include findings of fact, conclusions of law and an order.

2. All motions, petitions and other pleadings filed after the issuance of the decision must be addressed to the Board.

[Dep't of Occupational Safety & Health, Rule No. 90, eff. 11-9-73] — (NAC A by Occupational Safety & Health Review Bd., 2-19-87)

NAC 618.839 Stay of final order. (NRS 618.295)

1. Any party aggrieved by a final order of the Board may, while the matter is within the jurisdiction of the Board, file a motion for a stay.

2. The motion must list the reasons for which a stay is sought and the length of the stay requested.

3. The Board may order a stay for the period requested or for a longer or shorter period as appropriate.

[Dep't of Occupational Safety & Health, Rule No. 91, eff. 11-9-73]

NAC 618.842 Transcript. (NRS 618.295) Hearings must be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, fully certified by the reporter, must be filed with the Board before whom the matter was heard. The Board will promptly serve notice upon each of the parties and interveners of the filing of the transcript.

[Dep't of Occupational Safety & Health, Rule No. 65, eff. 11-9-73]

NAC 618.845 Reporter's fees. (NRS 618.295) Except as otherwise provided in NAC 618.848, reporter's fees must be paid by the Enforcement Section.

[Dep't of Occupational Safety & Health, Rule No. 64, eff. 11-9-73]

NAC 618.848 Witness fees; fees to persons taking depositions. (NRS 618.295)

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1. Witnesses summoned before the Board are entitled to be paid the same fees and mileage that are paid to witnesses in the courts of the State of Nevada.
2. Witnesses whose depositions are taken and the persons taking the depositions are entitled to the same fees as are paid for similar services in the courts of the State of Nevada.
3. Witness fees and mileage must be paid by the party at whose instance the witness appears. The party at whose instance the deposition is taken shall pay the person taking the deposition. [Dep't of Occupational Safety & Health, Rule No. 63, eff. 11-9-73]

ABATEMENT OF ASBESTOS

General Provisions

NAC 618.850 Definitions. (NRS 618.295, 618.760) As used in NAC 618.850 to 618.986, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.851 to 618.904, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.851 “Abatement” defined. (NRS 618.295, 618.760) “Abatement” means any act which is intended to reduce, eliminate or encapsulate asbestos or materials containing asbestos. (Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.852 “Abatement worker” defined. (NRS 618.295, 618.760) “Abatement worker” means any person who is licensed by the Enforcement Section in a nonsupervisory capacity, to clean, handle, repair, remove, encapsulate, enclose, haul, dispose of or otherwise work with materials containing asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.853 “Accredited” defined. (NRS 618.295, 618.760) “Accredited” means the formal approval of a person's credentials given by the Enforcement Section, or an authority approved by the Enforcement Section, based on the person's training, experience and education.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.854 “Activity for the abatement of asbestos” defined. (NRS 618.295, 618.760) “Activity for the abatement of asbestos” means any process related to the job set-up, removal, encapsulation, enclosure, renovation, repair, demolition, construction, alteration or maintenance of material containing asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.856 “Aggressive sampling” defined. (NRS 618.295, 618.760) “Aggressive sampling” means a method of sampling in which the act of collecting the samples creates the

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motion of matter during the sampling process, stirs up settled dust or stimulates the movement of materials in an area of a structure.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.857 “AHERA” defined. (NRS 618.295, 618.760) “AHERA” means the Asbestos Hazard Emergency Response Act of 1986, Pub. L. 99-519, 100 Stat. 2970, Title 15, Oct. 22, 1986, and the regulations adopted pursuant thereto.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.860 “Asbestos” defined. (NRS 618.295, 618.760) “Asbestos” has the meaning ascribed to it in NRS 618.750.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.861 “Asbestos fiber” defined. (NRS 618.295, 618.760) “Asbestos fiber” means a particulate form of asbestos which is 5 micrometers or longer with a length-to-width ratio of at least 3 to 1.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.862 “Building” defined. (NRS 618.295, 618.760) “Building” means a roofed or walled structure built for permanent use, including any associated external or internal mechanical system.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.863 “Containment area” defined. (NRS 618.295, 618.760) “Containment area” means a negative pressure enclosure containing a project for the abatement of asbestos, emergency asbestos project or decontamination enclosure system which is configured so as to isolate those activities from areas which are to remain uncontaminated.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.864 “Contractor” defined. (NRS 618.295, 618.760) “Contractor” means a contractor, as that term is defined in NRS 624.020, who is involved in a project for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.866 “Demolition” defined. (NRS 618.295, 618.760) “Demolition” means the wrecking or taking out of any structural member and any related razing, removing or stripping of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.869 “Emergency asbestos project” defined. (NRS 618.295, 618.760) “Emergency asbestos project” means any activity for the abatement of asbestos requiring immediate action for safety or the protection of the public health, which is not planned but results

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from a sudden, unexpected event. The term includes projects required because of nonroutine failures of equipment.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.870 “Employee” defined. (NRS 618.295, 618.760) “Employee” means an employee, as that term is defined in NRS 618.085, who is required, directed, allowed or permitted by his or her employer to engage in any employment at any place where an activity for the abatement of asbestos is being performed.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.874 “EPA” defined. (NRS 618.295, 618.760) “EPA” means the Environmental Protection Agency.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.875 “Friable material containing asbestos” defined. (NRS 618.295, 618.760) “Friable material containing asbestos” means a substance containing asbestos which can be crumbled, pulverized or reduced to powder by hand pressure.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.879 “Inspector” defined. (NRS 618.295, 618.760) “Inspector” means a licensed consultant who is specially accredited to:

1. Determine the presence, condition and location of building material that is material presumed to contain asbestos; and
2. Collect samples of building material to determine the amount of asbestos in the material.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.881 “License” defined. (NRS 618.295, 618.760) “License” means an authorization issued by the Enforcement Section to engage in a project for the control of asbestos in a specific occupation.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.882 “Licensed consultant” defined. (NRS 618.295, 618.760) “Licensed consultant” means any person who is licensed by the Enforcement Section to be directly involved with providing consultant services regarding the control of asbestos and who is accredited as:

1. An inspector;
2. A management planner;
3. A monitor;
4. A project designer; or
5. Any combination thereof.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

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NAC 618.883 “Licensee” defined. (NRS 618.295, 618.760) “Licensee” means any person who is licensed by the Enforcement Section pursuant to NAC 618.850 to 618.986, inclusive.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.884 “Lock down” defined. (NRS 618.295, 618.760) “Lock down” means the process of spraying the work area with an encapsulant or other material as a measure to prevent any remaining materials containing asbestos from becoming airborne after the abatement of asbestos is completed.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.885 “Maintenance” defined. (NRS 618.295, 618.760) “Maintenance” means any act intended to preserve or sustain the integrity of a structure, material or apparatus.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.886 “Management planner” defined. (NRS 618.295, 618.760) “Management planner” means a licensed consultant who is specially accredited to assess the hazards of material containing asbestos in order to determine the appropriate response actions and to write management plans.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.887 “Material containing asbestos” defined. (NRS 618.295, 618.760) “Material containing asbestos” means any material which is determined to contain more than 1 percent asbestos. The term includes “asbestos-containing material” and “ACM,” as those terms are defined in Part 763 of Title 40 of the Code of Federal Regulations.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.8875 “Material presumed to contain asbestos” defined. (NRS 618.295, 618.760) “Material presumed to contain asbestos” means thermal system insulation, surfacing material or flooring material found in a building or structure which may contain asbestos.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.888 “Monitor” defined. (NRS 618.295, 618.760) “Monitor” means any licensed consultant who is specially accredited to oversee projects for the abatement of asbestos and monitor the quality of air and who authorizes the final clearance for projects for the abatement of asbestos.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.889 “Nonfriable material containing asbestos” defined. (NRS 618.295, 618.760) “Nonfriable material containing asbestos” means a substance containing asbestos which cannot be crumbled, pulverized or reduced to powder by hand pressure.

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(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.890 “Occupant” defined. (NRS 618.295, 618.760) “Occupant” means any person who is physically located under or within a structure or building. The term does not include a person who is involved in an activity for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.8905 “Owner of a building or structure” defined. (NRS 618.295, 618.760) “Owner of a building or structure” means a person, including a lessee, who exercises control over a building or structure.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.891 “Plan for the abatement of asbestos” defined. (NRS 618.295, 618.760) “Plan for the abatement of asbestos” means the written specifications for a project for the abatement of asbestos which are set forth in 29 C.F.R. § 1910.1001 and 29 C.F.R. § 1926.1101 and a drawing that indicates the location of that project.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.892 “Project designer” defined. (NRS 618.295, 618.760) “Project designer” means any licensed consultant who is specially accredited to formulate plans and write specifications for conducting projects for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.893 “Project for spot repairs” defined. (NRS 618.295, 618.760) “Project for spot repairs” means any activity for the abatement of asbestos which encompasses not more than 25 linear feet of material containing asbestos located on pipes or ducts or not more than 10 square feet of any other material containing asbestos. The term does not include large projects which are divided into smaller segments.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.894 “Project for the abatement of asbestos” defined. (NRS 618.295, 618.760) “Project for the abatement of asbestos” means any activity for the abatement of asbestos involving more than 25 linear feet of material containing asbestos located on pipes or ducts or more than 10 square feet of any other material containing asbestos. The term includes activities for the abatement of asbestos, but does not include projects for spot repairs if the number of procedures can be predicted within 1 year and the material containing asbestos to be disturbed exceeds these limits.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000; R109-00, 9-6-2001)

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NAC 618.895 “Removal” defined. (NRS 618.295, 618.760) “Removal” means the stripping of any material containing asbestos from surfaces or components of a structure.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.896 “Renovation” defined. (NRS 618.295, 618.760) “Renovation” means altering in any way one or more components of a structure.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.897 “Repair” defined. (NRS 618.295, 618.760) “Repair” means the restoration of material containing asbestos that has been damaged, to seal exposed areas where asbestos fibers may be released. The term includes the repair of enclosures around materials containing asbestos.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.898 “Structural member” defined. (NRS 618.295, 618.760) “Structural member” means any part of a structure which supports a load, including beams, walls which support loads and walls which do not support loads.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.899 “Structure” defined. (NRS 618.295, 618.760) “Structure” means any man-made object composed of a number of parts that are interdependent and form a definite pattern of organization, including any internal or external mechanical systems.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.900 “Supervisor” defined. (NRS 618.295, 618.760) “Supervisor” means any abatement worker who is licensed by the Enforcement Section to be a contractor’s competent person.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.9005 “Surfacing material” defined. (NRS 618.295, 618.760) “Surfacing material” means material that is sprayed or troweled on or otherwise applied to a surface.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.9015 “Thermal system insulation” defined. (NRS 618.295, 618.760) “Thermal system insulation” means material applied to pipes, fittings, boilers, breeching, tanks, ducts or structural components to prevent the loss or gain of heat.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.902 “Training course approved by the EPA” defined. (NRS 618.295, 618.760) “Training course approved by the EPA” means a training course approved by the EPA pursuant to the Model Contractor Accreditation Plan for States contained in Appendix C of Subpart E of Part 763 of Title 40 of the Code of Federal Regulations, as it existed on January 1, 1989.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

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NAC 618.903 “Training day” defined. (NRS 618.295, 618.760) “Training day” means a day of training equal to 8 hours, including breaks and lunch.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.904 “TSCA” defined. (NRS 618.295, 618.760) “TSCA” means the Toxic Substances Control Act, 15 U.S.C. § 2643.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.906 Adoption by reference of certain provisions of Code of Federal Regulations and other publications. (NRS 618.295, 618.760, 618.765) The Division hereby adopts by reference:

1. Appendix A of Subpart E of Part 763 of Title 40 of the Code of Federal Regulations, published in the Federal Register, October 30, 1987, as “Part III, Environmental Protection Agency, 40 C.F.R. 763, Asbestos-Containing Materials in Schools; Final Rule and Notice.” The publication may be obtained from the Office of Toxic Substances, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, free of charge.

2. Method No. 7400, entitled “Asbestos and Other Fibers by PCM” and Method No. 7402, entitled “Asbestos by TEM-7402” included in *The National Institute for Occupational Safety and Health (NIOSH) Manual of Analytical Methods (NMAM)*, 4th edition, DHHS (NIOSH) Publication 94-113 (August 1994) which may be obtained by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, for the price of \$56.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.907 Limitations on exposure of persons to asbestos; notice of excess levels in building; compliance with requirements. (NRS 618.295, 618.760, 618.765)

1. An occupant of a building may not be exposed to an 8-hour time-weighted-average of airborne asbestos fibers in excess of 0.01 asbestos fibers per cubic centimeter of air. The amount of fibers in the air must be determined using the field sampling protocol and analytical method set forth in Appendix A of Subpart E of 40 C.F.R. Part 763. An air sample volume of at least 600 liters must be sampled at a maximum flow rate of 10 liters per minute.

2. If an owner of a building discovers that the quantity of airborne asbestos therein exceeds the level set forth in subsection 1, the owner shall post in a conspicuous place within the building or structure, including all entrances, a written notice to all occupants that the levels of airborne asbestos exceed the level set forth in subsection 1. The notice must be at least 8 inches by 11 inches in size and must consist of not less than 10 characters per inch in size. The owner shall immediately notify the Enforcement Section of the excess levels of asbestos.

3. An owner of a building shall comply with the requirements for the communication of hazards set forth in 29 C.F.R. § 1910.1001(j) and 29 C.F.R. § 1926.1101(k).

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(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

Licensing and Accreditation to Perform Services

NAC 618.910 Application for initial license; period of validity of license. (NRS 618.295, 618.760, 618.765)

1. A person who wishes to apply for an initial license as a contractor, supervisor, abatement worker or consultant must submit a signed, completed application with all necessary documentation to the Enforcement Section on a form provided by the Enforcement Section.

2. An application for initial licensing must be delivered to the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703.

3. The Enforcement Section may, within 30 days after the receipt of an application, require further information to determine whether the application should be approved or denied.

4. If the Enforcement Section requests further information from an applicant and does not receive that information within 60 days after the date of the request, the application will be considered abandoned and the request for an initial license will be denied.

5. An applicant must include his or her mailing address on the application and immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an amendment to the original application. The address stated on the original application or as amended must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the applicant.

6. A license issued by the Enforcement Section is valid:

(a) Until the expiration date of the certificate for a training course or a refresher training course;

or

(b) For 1 year,

↳ whichever occurs earlier.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.911 Action by Enforcement Section on application for license or renewal. (NRS 618.295, 618.760, 618.765)

1. Within 30 days after receiving an application for a license or the renewal of a license, the Enforcement Section will notify the applicant of any deficiencies in the application.

2. Within 60 days after receiving a completed application, including all additional information requested, the Enforcement Section will approve or deny the application.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.912 Grounds for denial of application for license or renewal. (NRS 618.295, 618.760, 618.765) The Enforcement Section may deny an application for an initial

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license or the renewal of a license if an applicant fails to demonstrate competency in the field of asbestos abatement, including, but not limited to:

1. Failure to demonstrate his or her ability to comply fully with the applicable requirements, procedures and standards set forth in NAC 618.850 to 618.986, inclusive.

2. Any history of incompetence or negligence on the part of the applicant or the applicant's employees or agents, or both, with regard to asbestos abatement.

3. Submission of false information or documentation required in an application or regulation, if requested by the Enforcement Section.

4. Failure to submit any information or documentation required in an application or regulation, if requested by the Enforcement Section.

5. Any past violation of state or federal laws or regulations relating to the abatement of asbestos.

6. Failure to provide proof of the maintenance of a policy of industrial insurance as required by chapters 616A to 617, inclusive, of NRS.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.913 Renewal of license: Generally. (NRS 618.295, 618.760, 618.765)

1. A licensee must submit an application for the renewal of his or her license before the license expires.

2. An application for the renewal of a license must be submitted on a form provided by the Enforcement Section and delivered to the Enforcement Section at 400 West King Street, Suite 200, Carson City, Nevada 89703.

3. An application must be accompanied by:

(a) Evidence that the applicant has, within the preceding 12 months, completed a refresher training course approved by the EPA for his or her discipline; and

(b) The applicable fee for renewal.

4. The renewal of a license is not effective until final action on the application is taken by the Enforcement Section.

5. An application for the renewal of a license must include the applicant's mailing address. The applicant shall immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an immediate amendment to the original application. The address stated on the original application or amended application must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the licensee.

6. Before the license of a contractor or consultant may be renewed, the contractor or consultant must abate all conditions for which the contractor or consultant has been issued a citation by the Enforcement Section and pay all fines due to the Division.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

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NAC 618.914 Renewal of license: Fee. (NRS 618.295, 618.760, 618.765, 618.770)

1. Except as otherwise provided in subsection 2, the renewal fee for:
 - (a) A contractor is \$200.
 - (b) A supervisor is \$50.
 - (c) An abatement worker is \$25.
 - (d) A consultant is \$100.
2. The fee for the first renewal is one half of the applicable amount set forth in subsection 1 if:
 - (a) The training certificate expires within 6 months after the date on which the license was issued;
 - (b) Proof of the applicant's completion of a refresher training course is received by the Enforcement Section before the license expires; and
 - (c) The application for renewal is received by the Enforcement Section before the license expires.
3. The Division shall refund the renewal fee if the application to renew the license is denied. (Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.915 Licensing of persons authorized to act in other states. (NRS 618.295, 618.760, 618.765) A person who is authorized to act as a consultant or to engage in an activity for the abatement of asbestos in another state may submit an application to the Enforcement Section for a license to act in that capacity in this State without repeating the requirements for training if the person complies with all other licensing requirements set forth in NAC 618.850 to 618.986, inclusive, for his or her occupation.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.9155 Contractors: License required; qualified employees; compliance. (NRS 618.295, 618.760, 618.765)

1. A project for the abatement of asbestos must be performed by a contractor who is licensed pursuant to the provisions of NAC 618.850 to 618.986, inclusive.
 2. Such a contractor shall:
 - (a) Use only supervisors and abatement workers on a project for the abatement of asbestos; and
 - (b) Comply with the requirements set forth in 29 C.F.R. § 1926.1101.
- (Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.916 Contractors: Prerequisites to obtaining license; fee. (NRS 618.295, 618.760, 618.765) To obtain a license as a contractor, an applicant must:

1. Provide evidence of at least 2 years of experience working on projects for the abatement of asbestos;

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2. Provide proof that he or she maintains a policy of industrial insurance as required by chapters 616A to 617, inclusive, of NRS;
3. Except as otherwise provided in subsection 4, provide evidence of the successful completion of an initial training course approved by the EPA for contractors;
4. If the certificate for the initial training course has expired, provide evidence of participation in a refresher training course approved by the EPA for contractors;
5. Submit to the Enforcement Section a written description of the protective gear and clothing that will be issued to all potentially exposed employees;
6. Submit to the Enforcement Section a written medical monitoring program for his or her employees;
7. Submit to the Enforcement Section a written program for monitoring air for projects for the abatement of asbestos; and
8. Pay, at the time of application, a license fee of \$200.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.917 Contractors: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for contractors must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.918 Contractors: Requirements for maintenance of license. (NRS 618.295, 618.760, 618.765) To maintain his or her license, a contractor must:

1. Ensure that proper notification of any proposed project for the abatement of asbestos is given in writing to the Enforcement Section;
2. Ensure that records of all projects for the abatement of asbestos the contractor performs are maintained and retained for at least 30 years in accordance with 29 C.F.R. § 1926.33;
3. Ensure that a supervisor who is properly trained and licensed pursuant to NAC 618.850 to 618.986, inclusive, remains present at the site if any asbestos activity is being carried out as part of a project for the abatement of asbestos;
4. Ensure that all abatement workers and supervisors in the contractor's employ are properly trained and licensed;
5. Establish and carry out a program for respiratory protection and submit a written copy of the program to the Enforcement Section;
6. Provide each of his or her employees who engages in activities for the abatement of asbestos with the necessary protective gear and clothing;
7. Provide or make available to all employees who engage in activities for the abatement of asbestos, a written medical monitoring program;
8. Establish and carry out a written program for monitoring air for projects for the abatement of asbestos to protect employees who may be exposed to airborne asbestos fibers;

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9. Ensure that all asbestos activities performed are carried out pursuant to the provisions of NAC 618.850 to 618.986, inclusive;

10. Provide employees of the Enforcement Section with the use of a supplied air system to use during inspections of the work area if a supplied air system is being used for activities for the abatement of asbestos at that location.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.919 Contractors: Permission to act as limited contractor. (NRS 618.295, 618.760, 618.765)

1. A person who has complied with all of the requirements to be a contractor, except the requirements relating to experience, may apply to the Enforcement Section for permission to be a limited contractor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703.

3. Permission to act as a limited contractor:

(a) Authorizes the limited contractor to perform a progression of projects for the abatement of asbestos, from simple inexpensive projects to difficult and complex projects;

(b) Is effective upon notification by the Enforcement Section; and

(c) Is limited to those situations where a project for the abatement of asbestos is supervised by a licensed supervisor who is experienced in the type of project performed.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.920 Supervisors: Prerequisites to obtaining license; fee. (NRS 618.295, 618.760, 618.765, 618.770) To be licensed as a supervisor, an applicant must:

1. Be at least 18 years of age.

2. Provide evidence of at least 4 months of experience working in projects for the abatement of asbestos.

3. Provide evidence of the successful completion of an initial training course approved by the EPA for supervisors.

4. If the certificate for the initial training course required by subsection 3 has expired, provide evidence of participation in a refresher training course approved by the EPA for supervisors.

5. Pay a licensing fee of \$50.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.921 Supervisors: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for supervisors must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

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NAC 618.922 Supervisors: Location of current license. (NRS 618.295, 618.760, 618.765) A licensed supervisor shall keep his or her current license at the location at which the licensed supervisor is performing activities for the abatement of asbestos. (Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.923 Supervisors: Permission to act as probationary supervisor. (NRS 618.295, 618.760, 618.765)

1. A person who has complied with all the requirements to be a supervisor, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be a probationary supervisor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703.

3. A person may act as a probationary supervisor for not more than 4 consecutive months.

4. Permission to act as a probationary supervisor is effective upon notification by the Enforcement Section and is limited to those situations where a project for the abatement of asbestos must have other licensed supervisors present to assist the probationary supervisory in organizing the work site and overseeing the project.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.924 Abatement workers: Prerequisites to obtaining license; fee. (NRS 618.295, 618.760, 618.765, 618.770) To be licensed as an abatement worker, an applicant must:

1. Be at least 18 years of age;

2. Except as otherwise provided in subsection 3, provide evidence of the successful completion of an initial training course approved by the EPA for workers;

3. If the certificate for the initial training course required by subsection 2 has expired, provide evidence of participation in a refresher training course approved by the EPA for workers; and

4. Pay a licensing fee of \$25.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.925 Abatement workers: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for abatement workers must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.926 Abatement workers: Location of current license. (NRS 618.295, 618.760, 618.765) A licensed abatement worker shall keep his or her current license at

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the location at which the licensed abatement worker is performing activities for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.927 Consultants: Licensing requirements; fee. (NRS 618.295, 618.760, 618.765, 618.770)

1. A person shall not provide any services as a consultant within the State without first obtaining a license from the Division.

2. To obtain a license as a consultant:

(a) An application must be submitted to the Enforcement Section on a form provided by the Enforcement Section.

(b) The applicant must pay a license fee of \$100.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.928 Consultants: Services which may be provided. (NRS 618.295, 618.760, 618.765) Services provided by a consultant include, but are not limited to:

1. Performing surveys to determine if materials containing asbestos are present and to what extent they are present, and preparing an evaluation report.

2. Recommending conceptual methods of asbestos abatement.

3. Preparing specifications for asbestos abatement.

4. Managing or coordinating projects for the abatement of asbestos on behalf of his or her clients.

5. Providing professional technical advice to contractors regarding the protection of the health of abatement workers and other persons potentially exposed to asbestos during and after the activities for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.929 Consultants: Location of current license. (NRS 618.295, 618.760, 618.765) A licensed consultant shall keep his or her current license at the location at which the licensed consultant is providing services as a consultant.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.930 Consultants: Accreditation in particular disciplines. (NRS 618.295, 618.760, 618.765)

1. A consultant may be accredited in any of the following disciplines:

(a) Inspector.

(b) Management planner.

(c) Project designer.

(d) Monitor.

2. A consultant may engage in one or more of the disciplines set forth in subsection 1, but may not perform tasks included in a discipline for which the consultant is not accredited.

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(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.9305 Inspectors: Requirements for performance of certain inspections; exceptions. (NRS 618.295, 618.760, 618.765)

1. Except as otherwise provided in subsection 2, a person who inspects a building or structure for material containing asbestos or who collects samples of material presumed to contain asbestos must be an inspector.

2. The provisions of this section do not apply to an inspection:

(a) Performed by an employee or agent of this State, the Federal Government or a local government that is performed to determine compliance with the applicable statutes, codes or regulations.

(b) Performed to determine the condition of material that has been identified as material containing asbestos or designated as material presumed to contain asbestos.

(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.931 Inspectors: Qualifications for accreditation. (NRS 618.295, 618.760, 618.765) To qualify for accreditation as an inspector, a licensed consultant must:

1. Provide evidence of 1 year of experience as an inspector or inspector trainee;

2. Provide evidence of the successful completion of an initial training course approved by the EPA for inspectors which consists of at least 3 training days; and

3. If the certificate for the initial training course required by subsection 2 has expired, provide evidence of participation in a refresher training course approved by the EPA for inspectors.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.932 Inspectors: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for inspectors must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.933 Inspectors: Services that may be provided. (NRS 618.295, 618.760, 618.765) A licensed consultant who is accredited as an inspector may:

1. Inspect buildings and structures for the presence of materials containing asbestos.

2. Collect bulk samples from materials suspected of containing asbestos.

3. Evaluate the condition of materials containing asbestos.

4. Determine whether materials suspected of containing asbestos are friable or nonfriable.

5. Perform an inspection for the owner of a building or structure to determine the condition of material that has been designated as material presumed to contain asbestos.

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(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.934 Inspectors: Permission to act as inspector trainee. (NRS 618.295, 618.760, 618.765)

1. A person who has complied with all of the requirements to be an inspector, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be an inspector trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703.

3. Permission to act as an inspector trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as an inspector trainee will be rendered under the direct supervisions of a licensed inspector or management planner.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.935 Management planners: Qualifications for accreditation. (NRS 618.295, 618.760, 618.765) To qualify for accreditation as a management planner, a licensed consultant must:

1. Provide evidence:

(a) Of at least 1 year of experience as a management planner; or

(b) Of at least 2 years of experience as a licensed consultant accredited as an inspector;

2. Provide evidence of the successful completion of an initial training course approved by the EPA for inspectors and an initial training course approved by the EPA for management planners which consists of at least 5 training days; and

3. If the certificate for either of the initial training courses required by subsection 2 has expired, provide evidence of participation in a refresher training course approved by the EPA for inspectors or a refresher training course approved by the EPA for management planners, as applicable.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.936 Management planners: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for management planners must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.937 Management planners: Services that may be provided. (NRS 618.295, 618.760, 618.765) A licensed consultant who is accredited as a management planner may:

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1. Use information developed from the inspection of buildings and structures to assess the potential hazards of materials containing asbestos.
2. Develop abatement response actions, management plans and operation and maintenance plans.
3. Select and recommend abatement actions to mitigate any health hazards posed by materials containing asbestos located in buildings and structures.
4. Advise clients of the selection and use of personal protective equipment.
(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.9375 Project designer: Development of plan for abatement of asbestos. (NRS 618.295, 618.760, 618.765) A person who develops a plan for the abatement of asbestos must be a project designer.
(Added to NAC by Div. of Industrial Relations by R142-98, eff. 2-28-2000)

NAC 618.938 Project designers: Qualifications for accreditation. (NRS 618.295, 618.760, 618.765) To qualify for accreditation as a project designer, a licensed consultant must:

1. Provide evidence:
 - (a) Of at least 1 year of experience as a project designer;
 - (b) Of at least 2 years of experience as a monitor or management planner, or both; or
 - (c) Of at least 1 year of experience as a consultant or supervisor;
2. Provide evidence of the successful completion of an initial training course approved by the EPA for project designers; and
3. If the certificate for the initial training course required by subsection 2 has expired, provide evidence of participation in a refresher training course approved by the EPA for project designers.
(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.939 Project designers: Training and examination. (NRS 618.295, 618.760, 618.765) Each training course, refresher training course and examination for project designers must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.
(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.940 Project designers: Services that may be provided. (NRS 618.295, 618.760, 618.765) A licensed consultant who is accredited as a project designer may:

1. Design, prepare and evaluate specifications for projects for the abatement of asbestos.
2. Prepare bidding documents, architectural drawings and schematic representations of locations of material.
3. Determine the method by which asbestos abatement should be conducted.

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4. Assess the health hazards associated with the presence of materials containing asbestos in buildings.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.941 Monitors: Qualifications for accreditation. (NRS 618.295, 618.760, 618.765) To qualify for accreditation as a monitor, a licensed consultant must:

1. Provide evidence of at least 1 year of experience as a monitor or monitor trainee;
2. Provide evidence of the successful completion of an initial training course approved by the EPA for contractors and supervisors; and
3. If the certificate for the initial training course required by subsection 2 has expired, provide evidence of participation in a refresher training course approved by the EPA for contractors and supervisors.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.942 Monitors: Training and examination. (NRS 618.295, 618.760, 618.765) Each initial training course, refresher training course and examination for monitors must comply with the requirements set forth in Appendix C of Subpart E of 40 C.F.R. Part 763.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.943 Monitors: Services that may be provided. (NRS 618.295, 618.760, 618.765) A licensed consultant who is accredited as a monitor may:

1. Oversee abatement projects carried out by a licensed contractor.
2. Collect air samples at abatement projects, including the collection of clearance air monitoring samples, monitoring of employees' exposure and area monitoring.
3. Perform the final clearance of completed abatement projects to determine if the project is complete.
4. Observe abatement projects for compliance with generally accepted standards of the industry and applicable state and federal regulations.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.944 Monitors: Permission to act as monitor trainee. (NRS 618.295, 618.760, 618.765)

1. A person who has complied with all of the requirements to be a monitor, except the requirement relating to experience, may apply to the Enforcement Section for permission to be a monitor trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703.

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3. Permission to act as a monitor trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as a monitor trainee will be rendered under the direct supervision of a licensed monitor.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.945 Exemption of licensed supervisors and contractors from licensing as abatement worker. (NRS 618.295, 618.760, 618.765) A licensed supervisor or contractor may perform the duties of an abatement worker without being licensed as an abatement worker.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.946 Licensing of person who performs project for spot repairs. (NRS 618.295, 618.760, 618.765) Any person who performs a project for spot repairs:

1. Is not required to be licensed as a contractor.
2. Must be appropriately trained for the duties to be performed and supervised by a licensed supervisor.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R109-00, 9-6-2001)

NAC 618.948 Analyses of samples: Accreditation of laboratories; certification of analyst. (NRS 618.295, 618.760, 618.765)

1. A laboratory which analyzes bulk structural material samples for the presence of asbestos using polarized light microscopy must be accredited by the National Institute of Standards and Technology, under the National Voluntary Laboratory Accreditation Program.

2. A laboratory which analyzes air samples from a project for the abatement of asbestos using phase contrast microscopy must be accredited by the American Industrial Hygiene Association Laboratory Accreditation Program.

3. A laboratory which analyzes air samples from a project for the abatement of asbestos using transmission electron microscopy must be accredited by the National Institute of Standards and Technology, under the National Voluntary Laboratory Accreditation Program.

4. Air samples from a project for the abatement of asbestos which are analyzed by a mobile laboratory using phase contrast microscopy must be analyzed by a person who is a registered asbestos analyst certified by the American Industrial Hygiene Association.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

Performance of Activities for Abatement

NAC 618.950 Applicability of provisions of Code of Federal Regulations. (NRS 618.295, 618.760, 618.765) Unless specifically exempted by the provisions of NAC 618.850 to 618.986, inclusive, the provisions of 29 C.F.R. Part 1910 and 29 C.F.R. Part 1926 apply to all activities for the abatement of asbestos.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

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NAC 618.951 Exemption of certain activities from requirements. (NRS 618.295, 618.760, 618.765)

1. Activities for the abatement of asbestos involving vinyl asbestos tile, exterior asbestos roofing material, exterior asbestos siding, drywall joint compound and other nonfriable materials containing asbestos are exempt from the requirements of NAC 618.850 to 618.986, inclusive.

2. To remain eligible for the exemption set forth in subsection 1, the activities must be performed in accordance with 29 C.F.R. § 1910.1001 and 29 C.F.R. § 1926.1101, and practices must be maintained to ensure that materials containing asbestos are:

- (a) Not sanded, power sawed or drilled;
- (b) Removed in the largest sections practicable and carefully lowered to the ground;
- (c) Handled carefully to minimize breakage throughout removal, handling and transportation to an authorized disposal site; and
- (d) Wetted before removal and during subsequent handling, to the extent practicable.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.952 Declaratory order regarding nature of activity: Petition; issuance; appeal. (NRS 618.295, 618.760, 618.765)

1. A person may request the Enforcement Section to determine whether an activity is an activity for the abatement of asbestos and subject to the requirements of NAC 618.850 to 618.986, inclusive, by requesting the Enforcement Section to issue a declaratory order.

2. Any request for a declaratory order must be submitted in the form of a written petition and submitted to the Chief at 400 West King Street, Suite 200, Carson City, Nevada 89703. The petition must describe:

- (a) The material containing asbestos;
- (b) The proposed activity;
- (c) The site at which the activity will be conducted;
- (d) The nature of the work to be done; and
- (e) The results of any tests conducted on samples of material to be disturbed or encapsulated.

3. The Enforcement Section will issue a declaratory order in writing not later than 15 days after receiving a written petition. The order must be signed by the Chief.

4. A declaratory order may be appealed to the Administrator within 15 days after it is issued. An order not appealed within that time is final.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.953 Records of contractor: Maintenance; availability to Enforcement Section; retention. (NRS 618.295, 618.760, 618.765)

1. Each contractor shall:

- (a) Maintain records of each project for the abatement of asbestos the contractor performs;
- (b) Make those records available to the Enforcement Section for inspection, upon request; and

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- (c) Retain such records for at least 30 years.
 - 2. The following documents must be maintained at the site of a project for the abatement of asbestos for the duration of the project and retained by the contractor for the time required by subsection 1:
 - (a) The contract or specifications for the project.
 - (b) The plan of the project and the estimated amount of asbestos involved in the project.
 - (c) The scheduled and actual dates for commencing and completing the project. If the actual date for completing the project differs from the date originally scheduled, a statement of the reasons for the difference must be included.
 - (d) Documentation of compliance with all regulatory requirements related to asbestos.
 - (e) Copies of all correspondence with regulatory agencies concerning the project, such as permits for building or demolition or notices of violations.
 - (f) The name and address of the authorized disposal facility to which the materials containing asbestos were taken, evidence of the amount of asbestos received for disposal and confirmation that the disposal was made pursuant to regulations adopted by the State Environmental Commission.
 - (g) The method by which samples of the air were tested during the abatement process, the results of those tests, the name and license number of the consultant hired to perform the sampling and the name of the laboratory employed to analyze the testing.
 - (h) A complete list of the names of abatement workers, supervisors and other employees or agents participating in the project.
 - (i) A description of unplanned releases of asbestos and accidents which occur at the work site.
 - (j) A log containing the names of persons who entered and exited the containment area and the times of their exit and entry.
- (Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.954 Project for the abatement of asbestos: Notification of Enforcement Section; fees. (NRS 618.295, 618.760, 618.765, 618.770)

- 1. A contractor intending to engage in a project for the abatement of asbestos shall notify the Enforcement Section of the project on a form provided by the Enforcement Section.
- 2. The completed form must be received by the Enforcement Section at least 10 days before any on-site work is begun at the project.
- 3. The form must be accompanied by:
 - (a) A fee of \$100 for a project which is greater than a project for spot repairs, but less than 260 linear feet or 160 square feet.
 - (b) A fee of \$400 for a project which is greater than 260 linear feet or 160 square feet, but less than 2,600 linear feet or 1,600 square feet.
 - (c) A fee of \$1,000 for a project which is greater than 2,600 linear feet or 1,600 square feet.
- 4. The owner of a building or structure will not be required to pay notification fees totaling more than \$2,000 in any calendar year.

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5. A form is not complete until the appropriate fee is received by the Enforcement Section. If an owner of a building or structure engages in any additional projects for the abatement of asbestos after paying a combined total of \$2,000 in fees in any calendar year pursuant to this section, no additional fee is required for that additional project.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.955 Emergency asbestos project: Notification of Enforcement Section. (NRS 618.295, 618.760, 618.765) A contractor who engages in an emergency asbestos project shall:

1. Notify the Enforcement Section of the project by telephone at (775) 687-5240, within 24 hours after the commencement of the project; and

2. Give written notification of the project to the Enforcement Section, postmarked not later than 48 hours after the commencement of the project.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.956 Project for the abatement of asbestos: Final clearance. (NRS 618.295, 618.760, 618.765)

1. Before an area of a structure or building where a project for the abatement of asbestos was performed is allowed to be reoccupied, the contractor shall obtain final clearance from a monitor. The monitor may not be an employee of the contractor or the owner of the building or structure, unless a variance is granted by the Division.

2. After all the materials containing asbestos have been removed and the work area has been washed and vacuumed using a vacuum with high efficiency particulate air filtration, the work area must be:

- (a) Inspected by the monitor for visible residue;
- (b) Recleaned where necessary; and
- (c) Allowed to dry completely.

3. Before issuing a final clearance, the monitor shall conduct final clearance tests by collecting where feasible:

- (a) Air samples using aggressive sampling techniques; and
- (b) Five air monitoring samples from each containment area. The minimum air sample volume must be 1,200 liters sampled at a maximum flow rate of 10 liters per minute.

4. The average concentration of airborne asbestos fiber in all final clearance tests must be equal to or below 0.01 fibers per cubic centimeter of air. The samples must be analyzed using the method set forth in Appendices A and B of 29 C.F.R. § 1926.1101, Appendix A of Subpart E of 40 C.F.R. Part 763 or Method No. 7400, entitled "Asbestos and Other Fibers by PCM." These results are required on all samples taken before the containment barrier and exhaust air filtration system are removed. If those results are not obtained, the area must be rewashed and allowed to dry and samples must be taken again.

5. The monitor shall determine whether the requirements set forth in this section for final clearance tests are feasible for the work area. If the monitor determines that they are not and uses

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an alternate method for monitoring the air, he or she shall describe the rationale for using that method in the final clearance documents.

6. After the monitor has made the determination that the requirements of this section have been satisfied and the area is safe from any asbestos hazard, he or she shall direct the contractor to apply a lock down agent to all surfaces where material containing asbestos was removed, unless a variance is granted by the Division. After the agent is applied, the monitor shall prepare the final clearance documentation and the remaining equipment and containment barrier may be removed.

7. The monitor shall deliver the final clearance documentation to the owner of the building or structure, and deliver a copy of all reports and documents, including the final clearance, to the contractor and, if requested by the Enforcement Section, to the Enforcement Section.

8. The monitor may determine the accuracy of a phase contrast microscopy final clearance sample that is more than 0.01 fibers per cubic centimeter of air by reanalyzing the sample by transmission electron microscopy by using Method No. 7402, entitled “Asbestos by TEM-7402” adopted by reference in NAC 618.906.

9. The monitor shall ensure that the area of a structure or building where a project for the abatement of asbestos was performed is safe to be reoccupied.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.958 Project for spot repairs. (NRS 618.295, 618.760, 618.765) A project for spot repairs must be performed in accordance with the requirements set forth in 29 C.F.R. § 1926.1101.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.960 Demolition of building or structure. (NRS 618.295, 618.760, 618.765)

1. Before a building or structure which contains friable materials containing asbestos may be demolished, the asbestos must be removed pursuant to the requirements set forth in 29 C.F.R. § 1926.1101 and NAC 618.9155.

2. Before a building or structure may be demolished, a licensed inspector must visually inspect the building or structure to determine whether the friable material containing asbestos has been removed. The inspector shall provide written proof of his or her findings to the contractor responsible for demolition and the owner of the building or structure.

3. Air monitoring for a final clearance pursuant to NAC 618.956 is not required before the demolition of a structure unless the area is to be entered by unprotected personnel before demolition or reoccupied after partial demolition.

(Added to NAC by Dep’t of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.961 Material presumed to contain asbestos. (NRS 618.295, 618.760, 618.765) Surfacing material, flooring material or thermal system insulation in a building shall be deemed

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material presumed to contain asbestos unless the presumption is rebutted by a licensed inspector in accordance with the provisions of 29 C.F.R. § 1910.1001(j)(8) or 29 C.F.R. § 1926.1101(k)(5). Before the commencement of a renovation project that will disturb material presumed to contain asbestos, the material must be removed in accordance with the provisions of 29 C.F.R. § 1926.1101 and NAC 618.9155.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

Disciplinary Action

NAC 618.970 Penalties for violation of provisions; action against jointly responsible licensees. (NRS 618.295, 618.760, 618.765)

1. If the Enforcement Section determines that a licensee, other than an abatement worker, has violated any of the provisions of NAC 618.850 to 618.986, inclusive, or any of the provisions of NRS 618.780, 618.790, 618.820 or 618.825, the Enforcement Section may:

(a) For a first violation, impose an administrative fine of not more than \$15,000.

(b) For a second or subsequent violation:

(1) Impose an administrative fine of not more than \$25,000;

(2) Revoke the license of the licensee; and

(3) Require the licensee to fulfill certain training or educational requirements in order to have the license reinstated.

2. The Enforcement Section may take disciplinary action against any licensee at a project for the abatement of asbestos who is jointly responsible for any single violation.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.971 Licensee presumed to have knowledge of actions of employees; rebuttal of presumption. (NRS 618.295, 618.760, 618.765) A licensee is presumed to have knowledge of any action taken by an employee or the employee of any subcontractor at a project for the abatement of asbestos, unless the licensee demonstrates:

1. The intentional misconduct of the employee;

2. That the particular conduct is prohibited by the licensee's internal safety or work rules and procedures;

3. That the employee had knowledge of the particular internal safety or works rules and procedures; and

4. That upon receiving knowledge of the misconduct, the licensee took progressive disciplinary action against the employee pursuant to the licensee's internal safety or work rules.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.972 Imposition of administrative fine: Notification of licensee. (NRS 618.295, 618.760, 618.765) If the Enforcement Section intends to impose an administrative fine pursuant to NAC 618.970, the Enforcement Section will notify the licensee of its intention by:

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1. Delivering a notice of violation to the licensee by certified mail at the address indicated on his or her application for a license;
2. Enclosing with the notice of violation:
 - (a) A statement indicating the Enforcement Section's legal authority and jurisdiction to issue an administrative fine; and
 - (b) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action and the proposed administrative fine; and
3. Stating the effective date of the imposition of the proposed administrative fine upon failure to contest, the procedures for bringing a contest and the procedures for an appeal.
(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.973 Imposition of administrative fine: Appeal to Chief. (NRS 618.295, 618.760, 618.765)

1. A licensee may appeal the imposition of an administrative fine by filing a contest with the Chief within 30 days after the receipt of the notice of violation.
2. Any contest filed pursuant to this section stays the imposition of the administrative fine.
3. A contest made pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:
 - (a) Any documents applicable to the contest;
 - (b) Any samples relevant to the contest;
 - (c) The names of any witnesses who may be called at the hearing; and
 - (d) The expected time needed to present the contest.

↪ If any person alleges that the Division does not have the jurisdiction or legal authority to act with regard to the imposition of an administrative fine, it must be indicated in the contest documents.
4. The Chief shall set a date for hearing within 30 days after the receipt of any written contest. A licensee may request that the hearing be held on an earlier date by submitting a written request to the Chief. The request must show that the licensee will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for hearing. The licensee has the burden of establishing a substantial hardship.
5. The Chief shall hear all contests made pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief shall issue his or her decision within a reasonable time after the conclusion of the hearing.
(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.974 Imposition of administrative fine: Review of Chief's decision. (NRS 618.295, 618.760, 618.765)

1. Any decision of the Chief rendered pursuant to NAC 618.973 may be appealed to the Administrator within 30 days after the issuance of the Chief's decision. A decision not appealed to the Administrator within 30 days becomes final.

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2. Any review of the Chief's decision must be summary in nature, limited to the record, and without hearing, unless a request for a hearing is granted by the Administrator. If the Administrator grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief. A hearing may be granted only to consider new evidence.

3. The Administrator may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief for further consideration.

4. The decision of the Administrator is a final decision for the purposes of judicial review. (Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.975 Suspension, modification or revocation of license: Grounds. (NRS 618.295, 618.760, 618.765)

1. The Enforcement Section may suspend, modify or revoke any license issued pursuant to NAC 618.850 to 618.986, inclusive, if it finds that for any reasons the protection of the public health requires such action.

2. For the purposes of this section, the violation of any federal or state law or regulation governing activities for the abatement of asbestos constitutes a danger to the public health requiring immediate action.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.976 Suspension, modification or revocation of license: Notification of licensee. (NRS 618.295, 618.760, 618.765, 618.840) If the Enforcement Section intends to suspend, modify or revoke a license issued pursuant to NAC 618.850 to 618.986, inclusive, the Enforcement Section will notify the licensee of the suspension, modification or revocation by:

1. Delivering a notice of suspension, modification or revocation to the licensee by certified mail at the address indicated on the licensee's application for a license;

2. Enclosing with the notice of suspension, modification or revocation:

(a) A statement indicating the Division's legal authority and jurisdiction to issue the suspension, modification or revocation; and

(b) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action; and

3. Stating the effective date of the suspension, modification or revocation, the procedures for bringing a contest and the procedures for an appeal.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.977 Suspension, modification or revocation of license: Appeal to Chief. (NRS 618.295, 618.760, 618.765)

1. A licensee may appeal the suspension, modification or revocation of his or her license by filing a contest with the Chief within 15 days after the effective date of the suspension, modification or revocation.

This is an unofficial compilation prepared by the Division of Industrial Relations which incorporates the additions, amendments and repeal of regulations as of the adoption of LCB File No. R048-20 on January 19, 2021.

EXPLANATION — Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

2. Any contest filed pursuant to this section does not stay the suspension, modification or revocation. A stay may be requested from the Chief, but will not be granted if the licensee constitutes an immediate threat to the public health. The licensee has the burden of showing that there is not a threat to the public health if a stay is granted.

3. A contest filed pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:

- (a) Any documents applicable to the contest;
- (b) Any samples relevant to the contest;
- (c) The names of any witnesses who may be called at the hearing; and
- (d) The expected time needed to present the contest.

↪ If any person alleges that the Division does not have the jurisdiction or legal authority to act with regard to any suspension, modification or revocation, it must be indicated in the contest documents.

4. The Chief shall set a date for hearing within 30 days after the receipt of any written contest. A licensee may request that the hearing be held on an earlier date by submitting a written request to the Chief. The request must show that the licensee will suffer a substantial hardship if the date of the hearing is not changed and offer a proposed date for hearing. The licensee has the burden of establishing a substantial hardship.

5. The Chief shall hear all contests filed pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief shall issue his or her decision within a reasonable time after the conclusion of the hearing.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.978 Suspension, modification or revocation of license: Review of Chief's decision. (NRS 618.295, 618.760, 618.765)

1. Any decision of the Chief rendered pursuant to NAC 618.977 may be appealed to the Administrator within 30 days after the issuance of the Chief's decision. A decision not appealed to the Administrator within 30 days becomes final.

2. Any review of the Chief's decision must be summary in nature, limited to the record, and without hearing, unless a request for a hearing is granted by the Administrator. If the Administrator grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief. A hearing may be granted only to consider new evidence.

3. The Administrator may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief for further consideration.

4. The decision of the Administrator is a final decision for the purposes of judicial review.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.979 Summary suspension of license: Grounds. (NRS 618.295, 618.760, 618.765)

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

1. The Enforcement Section may summarily suspend any license issued pursuant to NAC 618.850 to 618.986, inclusive, if it finds that for any reasons the protection of the public health requires such action.

2. For the purposes of this section, the violation of any federal or state law or regulation governing activities for the abatement of asbestos constitutes a danger to the public health requiring immediate action.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.980 Summary suspension of license: Notification of licensee. (NRS 618.295, 618.760, 618.765)

1. If the Enforcement Section intends to summarily suspend a license issued pursuant to NAC 618.850 to 618.986, inclusive, the Enforcement Section will notify the licensee of the summary suspension by:

(a) Delivering a notice of the summary suspension to the licensee by certified mail at the address indicated on the licensee's application for a license; and

(b) Enclosing with the notice of summary suspension:

(1) A statement indicating the Division's legal authority and jurisdiction to issue the summary suspension; and

(2) A statement of the reasons for the proposed action, including a citation of the applicable regulations supporting the action or the effect on the public health necessitating the action, or both.

2. The notice of the summary suspension must:

(a) State the effective date of the summary suspension;

(b) Inform the licensee that he or she is entitled to contest the summary suspension; and

(c) State that the Enforcement Section will hold a hearing within 10 days after the receipt of any contest.

3. Upon the receipt of a notice of summary suspension, the licensee shall immediately cease all operations which are the subject of the suspension and remove all employees from the abatement area.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.981 Summary suspension of license: Appeal to Chief. (NRS 618.295, 618.760, 618.765, 618.840)

1. A licensee may appeal a summary suspension by filing a contest with the Chief within 15 days after the issuance of the summary suspension.

2. Any contest filed pursuant to this section does not stay the summary suspension.

3. A contest filed pursuant to this section must be made in writing and describe in particular the matters to be contested. The contest must be accompanied by:

(a) Any documents applicable to the contest;

(b) Any samples relevant to the contest;

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(c) The names of any witnesses who may be called at the hearing; and

(d) The expected time needed to present the contest.

↪ If any person alleges that the Division does not have the jurisdiction or legal authority to act with regard to any summary suspension, it must be indicated in the contest documents.

4. The Chief shall set a date for hearing within 10 days after the receipt of any written contest.

5. The Chief shall hear all contests filed pursuant to this section and issue his or her decision within 10 days after the conclusion of the hearing.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.982 Summary suspension of license: Review of Chief's decision. (NRS 618.295, 618.760, 618.765)

1. Any decision of the Chief rendered pursuant to NAC 618.981 may be appealed to the Administrator within 30 days after the issuance of the Chief's decision.

2. Any review of the Chief's decision must be summary in nature, limited to the record, and without hearing, unless a request for a hearing is granted by the Administrator. If the Administrator grants a request for a hearing, the hearing must be confined to the issues raised and facts asserted during the hearing before the Chief. A hearing may be granted only to consider new evidence.

3. The Administrator may affirm, reverse or modify the decision of the Chief or remand the matter to the Chief for further consideration. If the matter is remanded, the Chief shall set a date for a new hearing within 10 days.

4. The decision of the Administrator is a final decision for the purposes of judicial review.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.983 Summary suspension of license: Permanency of suspension. (NRS 618.295, 618.760, 618.765) A summary suspension becomes a permanent suspension if the licensee:

1. Does not contest the summary suspension; or

2. Fails to appeal the decision of the Chief or the Administrator pursuant to the provisions of NAC 618.850 to 618.986, inclusive, or the provisions of chapter 233B of NRS governing judicial review.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

NAC 618.984 Summary suspension of license: Modification and revocation of suspension. (NRS 618.295, 618.760, 618.765) A summary suspension may be modified or revoked upon written notice to the licensee given pursuant to the provisions of NAC 618.972.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.985 Summary suspension of license: Withdrawal. (NRS 618.295, 618.760, 618.765) The Chief or the Administrator may withdraw a summary suspension upon giving written notice to the licensee.

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(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90)

NAC 618.986 Certain powers of Administrator not affected by provisions. (NRS 618.295, 618.760, 618.765) The provisions of NAC 618.970 to 618.985, inclusive, do not prohibit or limit the powers of the Administrator to post an emergency order pursuant to NRS 618.545 and to restrain immediately any condition or practice at any location where an activity for the abatement of asbestos is being conducted if the license of a licensee is not otherwise affected.

(Added to NAC by Dep't of Industrial Relations, 12-19-89, eff. 1-1-90; A by Div. of Industrial Relations by R142-98, 2-28-2000)

MANDATORY OSHA-10 AND OSHA-30 TRAINING

NAC 618.990 Definitions. (NRS 618.295, 618.973, 618.977) As used in NAC 618.990 to 618.992, inclusive, unless the context otherwise requires, the words and terms defined in NAC 618.9904, 618.9908 and 618.9912 have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010; A by R071-15, 4-4-2016)

NAC 618.9904 “Approved OSHA-10 course” defined. (NRS 618.295, 618.973, 618.977) “Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to NAC 618.992.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010)

NAC 618.9908 “Approved OSHA-30 course” defined. (NRS 618.295, 618.973, 618.977) “Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to NAC 618.992.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010)

NAC 618.9912 “Valid completion card” defined. (NRS 618.295, 618.973, 618.977) “Valid completion card” means a completion card issued to a person for:

1. An approved OSHA-10 course; or
2. An approved OSHA-30 course.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010; A by R071-15, 4-4-2016)

NAC 618.9914 “Person who actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project, including, without limitation, painting and decorating,” “construction worker” and “components of the property” interpreted. (NRS 618.295, 618.973, 618.977) For the purposes of NRS 618.950 to 618.990, inclusive, and NAC 618.990 to 618.992, inclusive:

1. The phrase “person who actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project, including,

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without limitation, painting and decorating” from subsection 1 of NRS 618.957 is interpreted by the Division to mean a person who physically alters, adds to, subtracts from, improves, moves, wrecks or demolishes any building, highway, road, railroad, excavation or other structure, project, development or improvement, or does any part thereof, including the erection of scaffolding or other structures or works in connection therewith, at a construction site for the construction project.

2. The term “construction worker” does not include the following persons unless the persons are included within NRS 618.957 as interpreted by subsection 1:

(a) Any person engaged solely in architectural, building inspection, delivery, clerical, engineering, surveying or material testing work on a construction site;

(b) Any person engaged solely in administrative work on a construction site unless that person is a supervisory employee as defined NRS 618.967; or

(c) Any person who performs work on a construction site solely in his or her capacity as a public utility employee operating pursuant to safety regulations of the Public Utilities Commission of Nevada or 29 C.F.R. § 1910.

3. The phrase “components of the property” from subsection 2 of NRS 618.957 includes, without limitation, utility equipment.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010; A by R071-15, 4-4-2016)

NAC 618.9917 Requirements for language and format of all courses. (NRS 618.295, 618.973, 618.977) All courses described in NAC 618.990 to 618.992, inclusive, must be conducted and made available in a language and format that is understandable to each employee.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010; A by R071-15, 4-4-2016)

NAC 618.992 Criteria for approved courses. (NRS 618.295, 618.973, 618.977)

1. An OSHA-10 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-10 course.

2. An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-30 course.

(Added to NAC by Div. of Industrial Relations by R141-09, 4-20-2010, eff. 4-28-2010)

ENTERTAINMENT INDUSTRY [R048-20]

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Section 1. *Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this regulation.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 2. *As used in sections 2 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation have the meanings ascribed to them in those sections.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 3. *“Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 4. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 5. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 6. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 12 of this regulation.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 7. *“Qualified continuing education course instructor” means a person who possesses credentials in the field of safety that the Administrator determines to be adequate, pursuant to subsection 2 of section 15 of this regulation, to prepare the person to provide:*

- 1. Approved OSHA-10 continuing education courses; and*
- 2. Approved OSHA-30 continuing education courses.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 8. *“Trainer” has the meaning ascribed to it in NRS 618.991.*

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(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 9. *“Valid completion card” means an unexpired completion card issued to a person for:*

- 1. An approved OSHA-10 course; or*
- 2. An approved OSHA-30 course.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 10. *For the purposes of sections 2 to 15, inclusive, of this regulation, the Division interprets the term:*

- 1. “Site,” as defined in NRS 618.9904, to include an outdoor stage.*
- 2. “Worker,” as defined in NRS 618.9906, as not including:*
 - (a) An actor;*
 - (b) An athlete;*
 - (c) A musician;*
 - (d) A singer; or*
 - (e) Any other person,*

↪ who performs entertainment at a site.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 11. *All courses described in sections 2 to 15, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each person taking the course.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 12. *1. An OSHA-10 course that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA10 course.*

2. An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA30 course.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 13. *1. An employee may renew a valid completion card for an approved OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-10 course must present his or her employer with*

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the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.

2. An employee may renew a valid completion card for an approved OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-30 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 14. *1. If an employer offers and an employee completes an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer must:*

- (a) Provide the employee with written proof of completion of the course;*
- (b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and*
- (c) Retain a copy of the written proof of completion of the course for not less than 5 years.*

2. An employer may offer and an employee may complete an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a trainer or qualified continuing education course instructor.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 15. *1. No person other than a trainer or qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.*

2. The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the entertainment industry; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the entertainment industry and has:

(1) A college degree in occupational safety and health; and

(2) Been designated as:

(I) A certified safety professional; or

(II) A certified industrial hygienist.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

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CONVENTION SERVICES INDUSTRY [R048-20]

Sec. 16. *As used in sections 16 to 28, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 17 to 23, inclusive, of this regulation have the meanings ascribed to them in those sections.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 17. *“Approved OSHA-10 continuing education course” means a 5-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 18. *“Approved OSHA-10 course” means a 10-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 19. *“Approved OSHA-30 continuing education course” means a 15-hour training course, offered to a person, that meets or exceeds one-half of the time, pro rata, of the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 20. *“Approved OSHA-30 course” means a 30-hour course that is deemed approved by the Division pursuant to section 25 of this regulation.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 21. *“Qualified continuing education course instructor” means a person who possesses credentials in the field of safety that the Administrator determines to be adequate, pursuant to subsection 2 of section 28 of this regulation, to prepare the person to provide:*

- 1. Approved OSHA-10 continuing education courses; and*
- 2. Approved OSHA-30 continuing education courses.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 22. *“Trainer” has the meaning ascribed to it in NRS 618.9928.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

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EXPLANATION — Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

Sec. 23. *“Valid completion card” means an unexpired completion card issued to a person for:*

- 1. An approved OSHA-10 course; or*
- 2. An approved OSHA-30 course.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 24. *All courses described in sections 16 to 28, inclusive, of this regulation must be conducted and made available in a language and format that is understandable to each person taking the course.*

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 25. 1. *An OSHA-10 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-10 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA-10 course.*

2. An OSHA-30 course, offered to a person, that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor as they relate to the subject matter of OSHA-30 training courses, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer of the person participates, shall be deemed by the Division to be an approved OSHA30 course.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 26. 1. *An employee may renew a valid completion card for an approved OSHA-10 course by completing an approved OSHA-10 course or approved OSHA-10 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-10 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-10 course or approved OSHA-10 continuing education course.*

2. An employee may renew a valid completion card for an approved OSHA-30 course by completing an approved OSHA-30 course or approved OSHA-30 continuing education course before the expiration of the valid completion card. An employee who renews a valid completion card for an approved OSHA-30 course must present his or her employer with the valid completion card and written proof of completion of an approved OSHA-30 course or approved OSHA-30 continuing education course.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

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Sec. 27. *1. If an employer offers, and an employee completes an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course, the employer must:*

- (a) Provide the employee with written proof of completion of the course;*
- (b) On request by the Division, provide the Division with written proof of the employee's completion of the course; and*
- (c) Retain a copy of the written proof of completion of the course for not less than 5 years.*

2. An employer may offer, and an employee may complete an approved OSHA-10 continuing education course or an approved OSHA-30 continuing education course online if the course is developed by, or with the assistance of, a trainer or qualified continuing education course instructor.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)

Sec. 28. *1. No person other than a trainer or qualified continuing education course instructor may provide an OSHA-10 continuing education course or an OSHA-30 continuing education course.*

2. The Administrator may determine that a person may act as a qualified continuing education course instructor if the person, without limitation:

(a) Is authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, if the person has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry;

(b) Has 3 years of experience in overseeing matters of occupational safety and health in the convention services industry; or

(c) Has 2 years of experience in overseeing matters of occupational safety and health in the convention services industry and has:

(1) A college degree in occupational safety and health; and

(2) Been designated as:

(I) A certified safety professional; or

(II) A certified industrial hygienist.

(Added to NAC by Div. of Industrial Relations by R048-20, eff. 1-19-2021)