

DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
BOARD OF OCCUPATIONAL SAFETY AND HEALTH

**Chapter 2: OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR GENERAL
INDUSTRY EMPLOYMENT IN THE PUBLIC SECTOR**

Summary: The purpose of this Chapter is to incorporate by reference rules governing Occupational Safety and Health in general industry employment as promulgated by the Federal Occupational Safety and Health Administration at 29 CFR Part 1910 as most recently amended as of July 14, 2021.

1. Incorporation by Reference

The State Board of Occupational Safety and Health adopts the *General Industry Standards for Occupational Safety and Health* as promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration as Title 29 *Code of Federal Regulations*, Part 1910, revised as of July 14, 2021.

2. Special Maine Rule (SMR) ME 1910.134 – Respiratory Protection amendments

The attached amendments to 1910.134 adopted May 3, 1999 to become effective in two stages. October 1, 1999 for written program completion; August 2, 2000 for full implementation.

**AMENDMENTS TO
29 CFR 1910.134
ADOPTED MAY 3, 1999**

- A)** Periodic medical evaluations will be conducted as follows: The medical evaluation will include questions 1-15, Part A section 2 in Appendix C. Any “yes” answers to these questions require a medical follow-up. Part “B” of the medical questionnaire is optional at the discretion of the PLHCP.
- B)** Periodic medical evaluation shall be administered according to the following schedule:

Employees:	Up through 35 years of age	-	at least every 5 years
	36 to 40 years of age	-	at least every 2 years
	Over 40 years old	-	at least annually

STATUTORY AUTHORITY:
26 M.R.S. Section 565

EFFECTIVE DATE:
February 14, 1989

REPEAL OF PREVIOUS RULE:
January 8, 1992

ADOPTION OF NEW RULE:
January 8, 1992

AMENDED:
September 23, 1993
September 23, 1993 (addenda)
March 21, 1995
March 20, 1997
April 1, 1997

NON-SUBSTANTIVE CORRECTIONS:
June 18, 1997 - removed stray period after “most”
August 28, 1997 - addition of missing March 20, 1997 amendment date

AMENDED:
November 4, 1997 – filing 97-393
August 18, 1998 – filing 98-343
August 25, 1998 – filing 98-359
October 1, 1999 – filing 99-263
August 2, 2000 – filing 2000-253
January 2, 2001 – filing 2000-565
March 29, 2004 - filing 2004-99
July 7, 2008 – filing 2008-280
March 16, 2013 – filing 2013-060
September 28, 2016 – filing 2016-156, added “Industry” to the rule title, among other changes.
Corrected and re-posted October 13, 2016.
December 26, 2017 – filing 2017-207
December 26, 2020 – filing 2020-253
November 20, 2021 – filing 2021-232

12 DEPARTMENT OF LABOR

179 BUREAU OF LABOR STANDARDS

BOARD OF OCCUPATIONAL SAFETY AND HEALTH

**Chapter 4: OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FIREFIGHTING
IN THE PUBLIC SECTOR**

I. Definitions

A. Fire Department

"Fire Department" refers to a municipal fire department, as defined in Title 30-A, Section 3151(1) or a volunteer fire association, as defined in Title 30-A, Section 3151(3).

B. Firefighter

"Firefighter" refers to a municipal firefighter, as defined in Title 30-A, Section 3151(2) or a volunteer firefighter, as defined in Title 30-A, Section 3151 (4).

C. Full Protective Equipment

"Full Protective Equipment" refers to protective equipment and clothing as listed in the Minimum Safety Standards for Firefighters Statute Title 26, Section 2103 (1) through (9).

D. Records and Training-Records

1. "Records" means records maintained by municipal fire departments and Volunteer fire associations listing:

- A. The date of each inspection and finding for each and every SCBA and the signature or initials of the person making the inspection.

2. "**Training records**" means the records kept of firefighter training and provided by municipal fire departments and volunteer fire associations pursuant to Title 26 Section 2102. Training records shall be kept on all active firefighters.

E. Standards

"Standards" refers to the standards established by the Maine Board of Occupational Safety and Health, 12-179 CMR Chapters 1, 2, 3, 5, 6 and 7 as most recently amended.

II. The Role of the Bureau of Labor Standards

The role of the Bureau of Labor Standards shall include but not be limited to:

- A. Investigating workplace injuries and fatalities (Title 26, Section 2), investigating written employee complaints (Title 26, Section 50), and issuing citations for violations of safety standards. (Title 26, Sections 43, 44, 44-A, 45, 46, 49)
- B. **Conducting routine BLS inspections**

Reviewing inventories, records and training records kept by municipal fire departments and volunteer fire associations to ensure compliance with the provisions of the Minimum Safety Standards for Firefighters statute and rules of the Board of Occupational Safety and Health.
- C. Advising municipal fire departments and volunteer fire associations on procedures for record keeping, inspections of protective equipment and meeting the requirements of various standards for new purchases of protective equipment.

III. Federal OSHA Standards

Federal OSHA Standards, located at 29 CFR Sections 1910 and 1926, as incorporated by the Board of Occupational Safety and Health 12-179CMR all chapters as applicable will also apply to municipal fire departments and volunteer fire associations.

IV. Full Protective Equipment

Full protective equipment is required in firefighting interior structural fires. It is not considered necessary for grass and traditional forest firefighting in most instances, unless determined necessary by local command decision or the Chief on the scene.

STATUTORY AUTHORITY: 26 M.R.S. §§ 2101-2107

EFFECTIVE DATE:

November 9, 1993 (EMERGENCY - expires February 9, 1994) – filing 93-413

EFFECTIVE DATE OF PERMANENT RULE:

August 19, 1994 – filing 94-244

EFFECTIVE DATE (ELECTRONIC CONVERSION):

December 25, 1996

NON-SUBSTANTIVE CHANGES:

August 29, 1997 - converted to Microsoft Word for Windows

AMENDED:

June 10, 2018 – filing 2018-095