

CHAPTER 5205
DEPARTMENT OF LABOR AND INDUSTRY
SAFETY AND HEALTH STANDARDS

5205 0010 ADOPTION OF FEDERAL
 OCCUPATIONAL SAFETY AND
 HEALTH STANDARDS BY
 REFERENCE

HOPPERS
 5205 1400 INSPECTION OF HOPPERS

**5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND
 HEALTH STANDARDS BY REFERENCE.**

[For text of subpart 1, see M.R.]

Subp. 2. Part 1910. Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the Federal Register on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to May 5, 1992:

[For text of items A to K, see M.R.]

L. Federal Register, Volume 54:

[For text of subitems (1) to (18), see M.R.]

(19) Federal Register, Vol. 54, No. 243, dated December 20, 1989: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001); Partial Response to Court Remand."

M. Federal Register, Volume 55:

[For text of subitems (1) to (16), see M.R.]

(17) Federal Register, Vol. 55, No. 183, dated September 20, 1990: "Control of Hazardous Energy Sources (Lockout/Tagout) - (1910.147); Corrections and Technical Amendments to Final Rule."

(18) Federal Register, Vol. 55, No. 212, dated November 1, 1990: "Electrical Safety-Related Work Practices (Subpart S, 1910.331 to 1910.335); Corrections to Final Rule."

(19) Federal Register, Vol. 55, No. 237, dated December 10, 1990: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001); Extension of Partial Stay and Amendment of Final Rule."

(20) Federal Register, Vol. 55, No. 242, dated December 17, 1990: "Occupational Exposure to Formaldehyde (1910.1048); Extension of Administrative Stay."

(21) Federal Register, Vol. 55, No. 217, dated November 8, 1990: "Air Contaminants; Grant of Partial Stay for Nitroglycerin."

(22) Federal Register, Vol. 55, No. 247, dated December 24, 1990: "Air Contaminants; Final Rule Interpretation for Grain Handling Industry."

N. Federal Register, Volume 56:

(1) Federal Register, Vol. 56, No. 48, dated March 12, 1991: "Occupational Exposure to Formaldehyde; Extension of Administrative Stay."

(2) Federal Register, Vol. 56, No. 75, dated April 18, 1991: "Hazardous Waste Operations and Emergency Response; Corrections to Final Rule."

(3) Federal Register, Vol. 56, No. 105, dated May 31, 1991: "Occupational Exposure to Lead; Corrections to Final Rule."

(4) Federal Register, Vol. 56, No. 113, dated June 12, 1991: "Occupational Exposure to Formaldehyde, Extension of Administrative Stay."

(5) Federal Register, Vol. 56, No. 153, dated August 8, 1991: "Occupational Exposure to Formaldehyde, Extension of Administrative Stay."

(6) Federal Register, Vol. 56, No. 171, dated September 4, 1991: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule."

(7) Federal Register, Vol. 56, No. 219, dated November 13, 1991: "Occupational Exposure to Formaldehyde; Extension of Administrative Stay."

(8) Federal Register, Vol. 56, No. 235, dated December 6, 1991: "Occupational Exposure to Bloodborne Pathogens; Final Rule."

O. Federal Register, Volume 57:

(1) Federal Register, Vol. 57, No. 15, dated January 23, 1992: "Occupational Exposure to Formaldehyde; Extension of Administrative Stay."

(2) Federal Register, Vol. 57, No. 36, dated February 24, 1992: "Process Safety Management of Highly Hazardous Chemicals; Explosives and Blasting Agents; Final Rule."

(3) Federal Register, Vol. 57, No. 43, dated March 4, 1992: "Process Safety Management of Highly Hazardous Chemicals; Explosives and Blasting Agents; Corrections to Final Rule."

(4) Federal Register, Vol. 57, No. 44, dated March 5, 1992: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule."

(5) Federal Register, Vol. 57, No. 71, dated April 13, 1992: "Occupational Exposure to Bloodborne Pathogens; Approval of Information Collection Requirements."

(6) Federal Register, Vol. 57, No. 87, dated May 5, 1992: "Occupational Exposure to Formaldehyde; Extension of Administrative Stay."

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to December 1, 1991:

[For text of items A to E, see M.R.]

F. Federal Register, Volume 55:

[For text of subitems (1) and (2), see M.R.]

(3) Federal Register, Vol. 55, No. 202, dated October 18, 1990: "Concrete and Masonry Construction Safety Standards; Lift Slab Construction Operations (Subpart Q) Final Rule."

(4) Federal Register, Vol. 55, No. 220, dated November 14, 1990: "Safety Standards for Stairways and Ladders Used in the Construction Industry; Final Rule."

(5) Federal Register, Vol. 55, No. 237, dated December 10, 1990: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58); Extension of Partial Stay and Amendment of Final Rule."

G. Federal Register, Volume 56:

(1) Federal Register, Vol. 56, No. 15, dated January 23, 1991: "Safety Standards for Stairways and Ladders Used in the Construction Industry; Corrections to Final Rule."

(2) Federal Register, Vol. 56, No. 26, dated February 7, 1991: "Safety Standards for Stairways and Ladders Used in the Construction Industry; Corrections to Final Rule."

(3) Federal Register, Vol. 56, No. 164, dated August 23, 1991: "Safety Standards for Stairways and Ladders Used in the Construction Industry."

(4) Federal Register, Vol. 56, No. 171, dated September 4, 1991: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule."

H. Federal Register, Volume 57:

(1) Federal Register, Vol. 57, No. 44, dated March 5, 1992: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of Partial Stay and Amendment of Final Rule."

[For text of subp 7, see M.R.]

Statutory Authority: *MS s.182.655*

History: *15 SR 1876; 16 SR 441; 16 SR 2054; 16 SR 2617; 17 SR 228*

HOPPERS

5205.1400 INSPECTION OF HOPPERS.

Subpart 1. **Definitions.** The terms used in this part have the meanings given them in this subpart.

A. "Aggregate" means the natural sands, gravels, and crushed stones used for mixing with cementing material in making mortars and cements.

B. "Corrosive agent or substance" means any agent or substance with a pH factor of ten or greater or four or less.

C. "Hopper" means a metal structure designed for storing and dispensing materials, with a capacity of one ton or greater, that is shaped to allow stored materials to flow from it.

D. "Nondestructive testing" means a testing method that does not damage or destroy the test sample. Nondestructive testing includes, but is not limited to, the use of X-rays, ultrasonics, radiography, and magnetic flux.

E. "Visual inspection" means a thorough physical examination of all interior and exterior surface areas, and support members and their component parts.

Subp. 2. **Inspection.** Hoppers used to hold aggregate shall be inspected according to the schedule in subpart 3 if employees have access to the area beneath the hopper or the area surrounding the hopper, equal to the height of the hopper measured from the ground or floor to the hopper's highest point. The inspection shall be conducted by a person qualified to conduct the inspection under subpart 7.

Subp. 3. **Inspection schedule.**

A. Hoppers that must be inspected under subpart 2 shall be visually inspected every 12 months.

B. Hoppers that must be inspected under subpart 2, that have had corrosive agents or substances used within the system, shall be nondestructively tested every five years.

C. Hoppers that must be inspected under subpart 2, that have not had any corrosive agents or substances used within the system, shall be nondestructively tested every ten years.

D. Hoppers that have been modified, altered, or repaired shall be inspected under subpart 2 before returning the hopper to service when the modifications, alterations, or repairs affect the designed load capacity of the hopper. This includes, but is not limited to, relining of the hopper.

Subp. 4. Documentation. Inspections required by this part shall be documented and the required documentation shall be retained for the life of the hopper at the facility where the hopper is located. The documentation shall be made available upon request to representatives of the Occupational Safety and Health Division. The documentation of the inspections shall include:

- A. the dates on which inspections were conducted;
- B. the names, addresses, and employers of persons conducting the inspections;
- C. the means used to inspect the hoppers;
- D. the findings of the inspections;
- E. the deficiencies noted as a result of the inspections; and
- F. the dates on which recommended repairs were completed.

Subp. 5. Repairs. If deficiencies found during an inspection do not compromise the designed load capacity of the hopper, all repairs shall be made within the minimum amount of time necessary to complete repairs. If deficiencies found during an inspection do compromise the designed load capacity, the hopper shall be emptied and removed from service until all repairs are completed.

Subp. 6. Means of inspection. All inspections conducted under this part shall include visual inspections and nondestructive testing that is capable of determining that erosion, corrosion, stress, fatigue, damage, repairs, or alterations have not compromised the designed load capacity.

Subp. 7. Qualified person. A person is qualified to conduct inspections under this part if, through education, training, or experience, the person is capable of determining through visual inspections and nondestructive testing that erosion, corrosion, stress, fatigue, damage, repairs, or alterations have not compromised the designed load capacity.

Statutory Authority: *MS s 182.655*

History: *16 SR 542*