

CHAPTER 76
INDUSTRIAL HEALTH

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76-01. Definitions. In this chapter:

1. COMMISSIONER means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

2. DEPARTMENT means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

76-1. Factory Inspections. 1. APPOINTMENT OF SANITARY POLICE. Subject to s. 17-04 of the charter, the commissioner is authorized to appoint sanitary police, in the number determined from time to time by the common council, one of whom to be a woman, for the purpose of inspection of factories and working places as hereinafter provided.

2. DUTY OF COMMISSIONER OF HEALTH. It is made the duty of the commissioner and he is empowered to order and supervise factory inspections in the city through and by means of the assistants mentioned in sub 1, insofar as the said inspection is not covered by statutes of this state, for the purposes and in the respects hereinafter mentioned.

3. AUTHORITY TO INSPECT. All industries within the city wherein material is used producing lint, dust or other particles which fly in the air, and all industries such as foundries, paint shops, dye works, chemical works and all other industries where chemical gases or fumes are created or where the air is otherwise made impure shall be under the control and inspection of the commissioner

insofar as the same are not regulated by the statutes of the state. The commissioner is authorized and empowered to order the inspection of all factories and working places within the city for the purposes of inspecting, examining and considering the ventilation thereof and estimating the sufficiency or insufficiency of the amount of pure air and fresh air furnished each workman therein, and for the purpose of inspecting the general sanitary condition of such factory or working place, and to ascertain the facts as to whether or not each workman therein is provided with sufficient light to avoid injury to his or her eyes, and to ascertain whether or not persons afflicted with tuberculosis are employed therein, and to ascertain the degree of heat or cold to which such factory is heated or cooled.

4. POWER OF ENTRY; BADGES. Each such assistant shall be furnished with a badge bearing his photograph, name and official designation, showing him to be such assistant, and when wearing the same, shall have the right of admission and shall be admitted during working hours by persons, corporations or associations operating or controlling any factory or working places within the city to make the inspection referred to in this section.

5. USE OF FANS TO PREVENT FLYING DUST, ETC. No employer and officer or agent of any employing corporation, co-partnership or association shall permit or cause any employe to work in any factory building or other building at any industry within the city wherein material is used producing lint, dust or other particles which fly in the air unless the flying of the lint, dust or other particles is prevented as much as practical by suction fans, currents of air or some other means.

6. VENTILATION WHERE GASES OR FUMES ARE CREATED. No employer and no officer or agent of any employing corporation, co-partnership or association shall cause or permit any employe to work in any factory building or other building where chemical gases or fumes are created or where the air is rendered impure without ventilating the same or causing the same to be ventilated so as to remove the gas or other impurities as much as practical.

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7. FRESH AIR IN FACTORIES. No employer and no officer or agent of any employing corporation, co-partnership or association shall cause any employe to work in any room where there are so many persons employed as to use up the fresh air therein, without providing means hereby sufficient fresh air will be either let in or forced into the said room so as to provide sufficient fresh air for each employe therein.

8. ILLUMINATION OF FACTORIES. No employer and no officer or agent of any employing corporation, co-partnership or association shall cause or permit any person to be employed in any factory or working place at a place so far removed from a window or other light-giving aperture and so far from an artificial light as to be injurious to the eyes or eyesight of the average man, and in the seasons of the year when a working day is longer than a day of light or when night work is done, each employer shall furnish adequate artificial light at all times when the light of the sun is not sufficient to give adequate light for the work to be done.

9. EMPLOYEES AFFLICTED WITH CONTAGIOUS DISEASES, ETC. No employer and no officer or agent of any employing corporation, co-partnership or association shall knowingly permit any person afflicted with tuberculosis to work in the same room with a person not afflicted with that disease, and no such employer and no such agent or officer shall knowingly permit any person afflicted with any infectious or contagious disease to work in the same room with any other person not afflicted with the same. A written notice signed by any duly licensed physician or by the commissioner of health certifying that any such person has any such disease and which notice shall be left with any such employer or with any such officer or agent shall constitute knowledge of the fact that any such person has any such disease.

10. POWER OF COMMISSIONER TO ORDER CHANGES. The commissioner is authorized and empowered to order changes and improvements in the structure, windows, ventilation, equipment, location of machinery, lights and air purifying devices of any factory or working place within the city to meet the requirements of subs. 5 to 8 and where new equipment shall be in his judgment needed to carry out the purposes of said subsections he is

authorized and empowered to order the same put in and kept in operation during working hours; but before the said commissioner shall order any such change or new equipment he shall confer, either in person or by an assistant, with such employer or with an officer of such employing company, and if such employer or such officer shall concede that such change or new equipment is advisable, and if such change or the installation of such new equipment is started within 10 days thereafter and prosecuted in good faith to completion, then the said commissioner shall not order the same to be done. If, however, such employer or such officer shall refuse to comply with said request or fail to make or commence such change or the installation of such improvement within 10 days after consenting to do so, then the said commissioner shall order the same to be done in a written order signed by him and left with said employer or officer of such employing company and the said order shall be complied with within 60 days thereafter.

11. COMMISSIONER TO REPORT VIOLATIONS OF STATE LAW. The assistants mentioned herein and the commissioner shall report all violations of the state law as to factories and working places and kindred subjects that may come to their attention to the proper state authorities.

12. PENALTY. Any person violating this section shall be punished by a fine of no less than \$25 and no more than \$200 for each such offense.

76-20. Dry Cleaning Establishments with Category I, II, IIIA and IIIB Equipment.

- 1. DEFINITIONS.** In this section:
 - a. "ACGIH" means the American Conference of Governmental Industrial Hygienists.
 - b. "Attendant" means a person other than the operator who works at a dry cleaning establishment.
 - c. "Dry Cleaning Equipment" means any device which uses an organic solvent such as but not limited to perchloroethylene (perc) or any halogenated hydrocarbons to clean fabric or clothing.
 - d. "Category I - Transfer Style" means a separate washer/extractor and separate dryer/reclaimer.

e. "Category II - Vented Dry to Dry" means a single machine which completes both cleaning and drying. At the end of the dry cycle, a vent opens to the outside atmosphere or a separate carbon absorber for aeration. Installations of this type use cold water to recover solvent vapors during the dry cycle.

f. "Category IIIA - Non-vented Dry to Dry" means a single machine with refrigeration recovery of solvent vapor during the dry cycle. This category of dry cleaning equipment does not vent to the room or outside atmosphere during the wash/extract/dry cycle.

g. "Category IIIB - Non-vented Dry to Dry" means a single machine which includes all the features of category IIIA dry cleaning equipment plus an integral hermetically sealed carbon recovery system.

h. "Dry Cleaning Establishment" means any building or structure where dry cleaning solvents are used to clean any type of natural or synthetic fabric.

i. "Dry Cleaning Solvent" means a solvent used in the dry cleaning process including but not limited to halogenated hydrocarbons and stoddard solvents.

j. "Dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants that include any appurtenances attached thereto.

k. "Floor Plan" means a blueprint or detailed sketch of the dry cleaning establishment that includes but is not limited to the following information: location of dry cleaning equipment, spill containment area, chemical storage areas, location of exhaust ventilation units, switches for ventilation units and all entrances and exits to the dry cleaning establishment.

L. "Low Toxicity Solvent" means any solvent with a TLV (Threshold Limit Value) 8-hour TWA (time-weighted average) greater than 500 ppm (parts per million).

m. "Operator" means a person who operates the dry cleaning equipment.

n. "PEL" means permissible exposures limit established by the federal occupational safety and health administration (OSHA) which is the time weight average (TWA) concentration that must not be exceeded during any 8-hour work shift of a 40-hour work week.

o. "Person" means any individual, firm, corporation or other legal entity.

p. "TLV" means threshold limit value established by the ACGIH which is the maximum time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed, day after day, without adverse health effects.

q. "VOC" means volatile organic compounds.

2. PERMIT REQUIRED. No person, firm or corporation shall install or operate any dry cleaning equipment in any building located in the city unless they hold a valid permit issued by the department in the name of the person and for the specific building within which the dry cleaning equipment is contained.

3. APPLICATION FOR PERMIT. Any person, firm or corporation intending to install or operate dry cleaning equipment shall file an application for such permit on forms obtained from and returned to the department. In addition, a detailed floor plan shall be submitted with the application. The person shall apply for or have obtained an occupancy permit, issued by the department of city development, prior to application to the department for the operation of a dry cleaning establishment. No person shall modify an existing dry cleaning establishment without written notification and approval of the department and the department of city development.

4. ISSUANCE OF PERMIT, FEES.

a. When all applicable provisions of this section and all rules and regulations adopted pursuant thereto have been complied with by the person, firm or corporation, the department shall issue a permit upon the payment of the fee required in s. 60-17.

b. Whenever any person, firm or corporation to whom a permit has been issued sells, leases or otherwise relinquishes control of a dry cleaning establishment, they shall within 5 business days hereafter notify the department and as a part of such notification provide the department with the name and address of the person to whom such control has been relinquished.

c. Permits are not transferable and are personal to the person issued and cannot be transferred, sublet, leased, assigned, given away or sold under any circumstances.

5. REVOCATION, DENIAL OR SUSPENSION OF PERMIT. a. Whenever inspection of any establishment containing dry cleaning equipment indicates that there is a violation of this section or of any rule or

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regulation promulgated pursuant to this section, the department may give notice to the person to correct such violation and revoke, deny or suspend the permit unless the violation is eliminated.

b. A permit to operate may be revoked, denied or suspended for cause or failure to comply with the requirements of this section.

c. A person, firm or corporation whose permit to operate has been revoked, denied or suspended shall, upon written petition to the commissioner, be afforded a hearing before the environmental health review board within 10 days of such petition.

6. INSPECTION OF PREMISES. The department is authorized to enter any part of the premises in which dry cleaning equipment is located at any time for the purpose of inspecting the installation and operation of said equipment and the building in which the same is located.

7. PERMISSIBLE BUILDINGS. Dry cleaning equipment shall not be installed in any building a part of which is occupied as a dwelling nor in any building or portion of a building except a single story structure; provided, that this subsection shall not apply to that part of any building for which the department of city development had, prior to May 9, 1997, issued an occupancy permit for operation of a dry cleaning establishment. The floor of every dry cleaning equipment area shall be constructed of materials which are impervious to dry cleaning solvents. Every such building shall be structurally sound and in good state of maintenance and repair.

8. INSTALLATION AND OPERATION. Dry cleaning equipment shall be installed and operated in accordance with the following requirements:

a. A copy of the detailed installation, operation and maintenance manual of the current dry cleaning equipment in use shall be kept on the premises.

b. An operator who has been trained and understands the proper operation of the dry cleaning equipment shall be present on the premises whenever the dry cleaning equipment is operating. An emergency telephone number shall be posted for use by the operator or attendant in case of an emergency.

c. Access to all establishment storage, equipment and maintenance areas shall be prohibited to customers.

d. Category I and II dry cleaning equipment shall be provided with an exhaust system capable of maintaining a minimum of 100 linear feet per minute face velocity through the loading doors whenever this door is open. The duct work connections from this system shall be sealed, soldered or taped. Category IIIA & Category IIIB dry cleaning equipment not equipped with loading door ventilation (as designed by the manufacturer) are exempt from the loading door ventilation requirement.

e. A department approved method of containing liquid leaks within storage, equipment and maintenance areas shall be provided. This may include, but is not limited to, diking of the floor in these areas, or providing an enclosure around the machine base large enough to hold a liquid volume equal to the maximum quantity of solvent which might escape. A means shall be provided by the dry cleaning establishment for draining the containment area of solvent in the event of a spill or leak. In the event of a spill or leak, the solvent shall be removed from the enclosure or diked area immediately. Documentation of proper disposal or reuse of solvent must be submitted to the department within 5 business days. In the event of a spill, if the recovered solvent is transferred to a holding tank, the tank shall be vented to the outside atmosphere. No underground tanks are permitted for storage of dry cleaning solvents.

f. The machine design and operation shall be such that the cleaned items are completely dried and minimal (de minimus) solvent is retained upon completion of the full dry cleaning cycle.

g. An interlock system shall be provided on all dry cleaning equipment to prevent the loading door from being opened during the entire cleaning cycle. This system may be either electrical or mechanical and so connected that in the event of a power failure only the operator can open the loading door.

h. Only the solvent or solvents specified by the manufacturer shall be used in the dry cleaning equipment.

i. Make-up air shall be provided at a rate sufficient to allow for proper operation of all gas and oil-fired equipment on the premises and shall be in compliance with all state and local building code regulations. A minimum work area temperature of 65°F shall be maintained at all times.

j. Exhaust ventilation stacks of all dry cleaning equipment shall be located so as to prevent any type of health hazard or nuisance including those related to odor or noise.

k. Dry cleaning equipment shall be maintained in a good state of repair.

L. All dry cleaning equipment and operations must meet all existing local, state and federal regulations.

m. Ambient solvent concentration levels must be maintained below the TLV established by the ACGIH or the PEL established by OSHA, which ever is more stringent, anywhere within the establishment. The department shall set maximum ambient concentration levels for solvents with no established TLV or PEL.

n. Enclosed Set-ups: Only the front side of the dry cleaning equipment shall be exposed for enclosed set-ups. The remaining portions of the equipment shall be enclosed by a ceiling height partition which is solid, except as provided hereinafter. The partition of the dry cleaning equipment housing shall contain grill openings located within 24 inches of the floor on the wall opposite the exhaust fan. Air shall flow through the grill openings at the following minimum flow rates.

Minimum Flow Rate

<u>No. of Machines</u>	<u>Per Machine (cfm)</u>
1-3	500
4-8	400
9-16	375
17 (or more)	360

n-1. The exhaust ventilation rates established in par. m shall be maintained on a continuous basis at all times while the dry cleaning equipment is operating.

n-2. An additional fan to provide emergency ventilation at the rate of 500 cfm per machine and vented to the outside atmosphere shall be provided within the enclosure so that such fan may be used in case of serious solvent leakage. The switch for this ventilation equipment shall be located outside the enclosure, readily accessible and clearly identified for the employees and emergency responders.

o. Non-enclosed set-ups include all dry cleaning equipment not described as an enclosed set-up.

o-1. General exhaust shall provide a minimum of 6 air changes per hour within the room where the dry cleaning equipment is located. Exhaust ventilation rates shall be maintained on a continuous basis at all times while the dry cleaning equipment is operating.

o-2. Manually operated emergency ventilation for spills or leaks shall be installed within the room where the dry cleaning equipment is located and shall provide 12 air changes per hour in combined capacity with general exhaust requirements. The switch for this ventilation equipment shall be clearly identified and readily accessible to employees and emergency responders.

p. Category IIIA and category IIIB machines installed on or after March 1, 2008, are exempt from the requirements of pars. n and o, but must comply with the provisions of the 2006 International Fire Code, ch. 12. Category IIIA and category IIIB machines installed before March 1, 2008, which are already in compliance with the requirements of the International Fire Code, ch. 12, are exempt from the requirements of pars. n and o.

9. VOC EMISSION AND AMBIENT AIR COMPLIANCE REQUIREMENTS. Dry cleaning establishments shall comply with all ambient air and emission standards described under chs. NR 423 and 468, Wis. Adm. Code, as amended. Compliance with these requirements shall be determined through any/or all of the following:

- a. On-site inspections.
- b. Review of any required monitoring results.
- c. Active sampling of emission or ambient air for VOCs by representatives of the health department or the Wisconsin department of natural resources.

10. MISCELLANEOUS REQUIREMENTS. a. Dry cleaning solvents shall be stored in closed containers and transferred in a line free of leaks.

b. Filters, still bottoms and other residues containing dry cleaning solvents shall be stored, handled and disposed as defined in ch. NR 600, Wis. Adm. Code, as amended. A sealed and properly labeled container shall be used for temporary storage of such residues and filters so as not to create a health hazard nuisance. Disposal manifests and related records for dry cleaning solvent residues shall be kept on site by the owner/operator of the establishment.

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c. No heating devices having an open flame or incandescent surfaces shall be placed, operated or stored in areas where solvent vapors are likely to be present. Air intakes of all combustion equipment shall be placed so that solvent contaminated air cannot enter.

d. All chemicals and products used in the dry cleaning establishment must be properly labeled and stored in accordance with occupational safety and health administration (OSHA) regulations, 29 CFR 1910.1200, as amended.

11. WORKER HEALTH AND SAFETY.

a. All employes shall be thoroughly trained as to the health hazards involved with the handling and use of dry cleaning solvents and other chemicals used in the performance of their duties. All attendants and operators shall be trained in the safety hazards with the equipment used.

b. When an employer requires an employe to wear respiratory protection equipment, the employer shall comply in accordance with occupational safety and health administration (OSHA) regulations, 29 CFR 1910.134, as amended.

c. Material safety data sheets for all chemicals used shall be kept on the premises and available for employe review. In addition, the employer shall comply with occupational safety and health administration (OSHA) regulations, 29 CFR 1910.1200, as amended.

d. Representative full shift exposure monitoring shall be conducted on dry cleaning equipment operators at a frequency based on the category of dry cleaning equipment used. The monitoring must be conducted for the specific solvent in use in a manner approved by the department. A copy of all monitoring results shall be submitted to the department within 2 weeks of receipt of the results. Whenever exposure monitoring results exceed the ACGIH-TLV or OSHA-PEL, immediate measures must be taken to reduce airborne solvent levels. Retesting that is representative of initial exposure monitoring must be conducted to verify that airborne solvent concentrations have been reduced to levels in accordance with this section. The following schedule shall be used to determine the minimum frequency of exposure monitoring:

d-1. Category I equipment: quarterly

d-2. Category II equipment: semi-annually

d-3. Category IIIA & IIIB equipment: annually

12. ADDITIONAL RULES AND REGULATIONS. The department is authorized and directed to make such further and additional rules and regulations as may be necessary from time to time to assure the health and safety of the public and carry out the intent of this section, and such rules and regulations shall have the same force and effect as if specifically set forth in this section 30 days after the same have been promulgated by the department. A copy of all such rules and regulations shall be kept on file in the department and in the legislative reference bureau and copies shall be made available by the department to any person requesting the same.

13. PENALTIES AND ENFORCEMENT.

a. Any person, firm or corporation who violates this section or fails to obey an order of the commissioner to conform to this section shall be liable upon conviction to a Class J penalty under s. 61-16.

b. Citations may be issued for all violations of this section with or without prior order or notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

14. TO ACT ON NUISANCES. Nothing in this section shall be construed or interpreted to limit or impair in any way the authority of the city to define and declare nuisances or of the commissioner to cause the removal or abandonment of any nuisance by summary or other appropriate proceedings.

76-21. Dry Cleaning Establishments with Category IV Dry Cleaning Equipment.

1. DEFINITION. In this section: "Category IV" means any machine which uses Class II, Class IIIA and Class IIIB solvents as defined in s. 1202 of the International Fire Code, as amended.

2. REQUIREMENTS. Any person, firm or corporation operating Category IV dry cleaning equipment shall comply with and be subject to all applicable provisions and requirements of ch. 12 of the International Fire Code, as amended.

3. MONITORING. Representative full shift exposure monitoring shall be conducted on dry cleaning equipment operators on an annual basis. The monitoring must be conducted for the specific solvent in use in a manner approved by the department. A copy of all monitoring results shall be submitted to the department within 2 weeks of receipt of the results. Whenever exposure monitoring results exceed the ACGIH-TLV or OSHA-PEL, immediate measures must be taken to reduce airborne solvent levels. Retesting that is representative of initial exposure monitoring must be conducted to verify that airborne solvent concentrations have been reduced to levels in accordance with s. 76-20-11.

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**LEGISLATIVE HISTORY
CHAPTER 76**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
76-01	cr	980963	12/18/98	1/1/99
76-1-1	am	980963	12/18/98	1/1/99
76-1-2	am	980963	12/18/98	1/1/99
76-1-3	am	980963	12/18/98	1/1/99
76-1-10	am	980963	12/18/98	1/1/99
76-1-11	am	980963	12/18/98	1/1/99
76-20	rc	961958	4/22/97	5/9/97
76-20-1-c	rp	980963	12/18/98	1/1/99
76-20-1-d	rn to 76-20-1-c	980963	12/18/98	1/1/99
76-20-1-e	rn to 76-20-1-d	980963	12/18/98	1/1/99
76-20-1-f	rn to 76-20-1-e	980963	12/18/98	1/1/99
76-20-1-g	rn to 76-20-1-f	980963	12/18/98	1/1/99
76-20-1-h	rn to 76-20-1-g	980963	12/18/98	1/1/99
76-20-1-i	rn to 76-20-1-h	980963	12/18/98	1/1/99
76-20-1-j	rn to 76-20-1-i	980963	12/18/98	1/1/99
76-20-1-k	rn to 76-20-1-j	980963	12/18/98	1/1/99
76-20-1-L	rn to 76-20-1-k	980963	12/18/98	1/1/99
76-20-1-m	rn to 76-20-1-L	980963	12/18/98	1/1/99
76-20-1-n	rn to 76-20-1-m	980963	12/18/98	1/1/99
76-20-1-o	rn to 76-20-1-n	980963	12/18/98	1/1/99
76-20-1-p	rn to 76-20-1-o	980963	12/18/98	1/1/99
76-20-1-q	rn to 76-20-1-p	980963	12/18/98	1/1/99
76-20-1-r	rn to 76-20-1-q	980963	12/18/98	1/1/99
76-20-2	am	951346	1/23/96	2/9/96
76-20-2	am	980963	12/18/98	1/1/99
76-20-3	am	980963	12/18/98	1/1/99
76-20-3-a	am	881803	1/24/89	2/11/89
76-20-3-c	rp	881803	1/24/89	2/11/89
76-20-4-a	am	980963	12/18/98	1/1/99
76-20-4-b	am	980963	12/18/98	1/1/99
76-20-5-a	am	980963	12/18/98	1/1/99
76-20-6	am	951346	1/23/96	2/9/96
76-20-6	am	980963	12/18/98	1/1/99
76-20-7	am	980963	12/18/98	1/1/99
76-20-8-e	am	980963	12/18/98	1/1/99
76-20-8-m	am	980963	12/18/98	1/1/99
76-20-8-p	cr	080345	7/30/2008	8/16/2008
76-20-11-d-0	am	980963	12/18/98	1/1/99
76-20-12	am	980963	12/18/98	1/1/99
76-20-13-a	am	070109	5/8/2007	5/25/2007
76-21	cr	961958	4/22/97	5/9/97
76-21-1	am	971589	2/10/98	2/27/98
76-21-1	am	020467	8/1/2002	8/20/2002
76-21-2	am	971589	2/10/98	2/27/98
76-21-2	am	020467	8/1/2002	8/20/2002
76-21-3	am	980963	12/18/98	1/1/99