

October 1, 2012

## Oregon OSHA - Adopted Changes To Confined Space rules in General Industry and Construction

Oregon OSHA adopts new rule, OAR 437-002-0146 Confined Spaces, which replaces 1910.146 Permit-Required Confined Spaces, in Division 2/J General Environmental Controls. This expands the scope of the new rule to include the construction industry.

During the 2011 proposal, several issues were discovered that needed to be resolved. We reconvened our stakeholder groups to resolve those issues and addressed any other areas for clarification. **The identified issues include:** revising and including several definitions, language for closing permits, ensuring employee access to written materials, ensuring all actions required by the permit are followed, and clarifying when alternate entry cannot be used.

### **Other areas amended for clarification include:**

#### **Permit Space Program.**

- Changed the requirement to catalog all confined spaces to catalog all permit spaces.
- If the permit program needs to be revised, the language was changed that prohibiting entry into any space; to any space that is affected by that revision until the revision is complete.

**Evacuation.** Added language on what to do if entrants need to evacuate a permit space.

**Decontamination.** There was language requiring patient decontamination. The group consensus was to move this language to the appendix on rescue. In its place, language was added requiring MSDSs and providing them to the medical providers.

#### **Rescue.**

- For non-entry rescue – modified the language to include a *rescue person*, as the rescue “team” may only consist of the attendant retrieving the entrant from the space.
- For entry rescue – language change from ensuring the rescue team can *proficiently* perform rescues to ensuring rescue teams can *efficiently* perform rescues.
- Added language requiring that, if a third-party rescue service is used, that the agreement is in writing.

#### **Alternate Entry.**

- Changed the language in the exception for alternate entry.
- Added language to specify which parts of the rule don't apply when one uses alternate entry.
- Added a condition on when the space must be evacuated during alternate entry (new hazard or conditions change).

**Training.** Moved the awareness training piece to the bottom of the training section to avoid confusion and clarified that it is only for employees who work around permit spaces.

**Records.** Modified the record retention section to refer back to the rule that requires a review of the permit program.

The requirements of this standard are similar to the requirements of the existing general industry standard, but are written to clarify employer obligations and eliminate confusing requirements.

This rulemaking amends Oregon-initiated rules OAR 437-002-0182, 437-002-0256, and 437-002-0312 to update the rule reference to the new Oregon rule 437-002-0146 Confined Spaces. Also amended to reflect the new Confined Spaces rules are 1910.120 Appendix E, and 1910.269 that currently refer the reader to 1910.146. We also repeal 1926.21(b)(6) in Division 3/C, and place a note referring the reader to Division 2/J, 437-002-0146 Confined Spaces.

This is Oregon OSHA Administrative Order 6-2012, adopted September 28, 2012, and effective April 1, 2013.

Please visit Oregon OSHA's web site: [www.orosha.org](http://www.orosha.org) for proposed, adopted, and final rules, as well as current publications, training opportunities, and much more.

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Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 28, 2012 by the  
Date prior to or same as filing date

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437  
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449  
Rules Coordinator Address Telephone

to become effective April 1, 2013 as Oregon OSHA Administrative Order 6-2012.  
Date upon filing or later

Rulemaking Notice was published in the April 2012 *Oregon Bulletin*.\*\*  
Month and Year

### RULE CAPTION

Adopt changes to confined space rules in general industry and construction.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

### RULEMAKING ACTION

**AMEND:** OAR 437-002-0100, 437-002-0140, 437-002-0182, 437-002-0256, 437-002-0300,  
437-002-0312, and 437-003-0001.

**ADOPT:** OAR 437-002-0146.

**ORS** 654.025(2), 656.726(4)  
Stat. Auth.

**ORS** 654.001 through 654.295  
Stats. Implemented

### RULE SUMMARY

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Please visit our web site [www.orosha.org](http://www.orosha.org) Click ‘Rules/Compliance’ in the left vertical column and view our proposed, adopted, and final rules.

/s/Michael D. Wood  
Authorized Signer

Michael D. Wood  
Printed name

9/26/2012  
Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\*The *Oregon Bulletin* is published on the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.  
ARC 930-2005