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October 5, 2006

## **Oregon OSHA - Division 4, Agriculture Adopted Changes**

Oregon OSHA adopted changes in 16 subdivisions of Division 4, Agriculture. These changes include:

This is OR-OSHA Administrative Order 9-2006, **adopted and effective September 22, 2006.**

437-004-0002

Changes SIC codes to NAICS to comply with a national switch to the new system. SIC change: 0723 is moving out of Division 4 because under the new NAICS it will be part of a general industrial classification to better reflect industry practices and align with the new NAICS. Also experience has shown that almost all of the companies in this SIC have no connection to agriculture operations.

437-004-0099

These two paragraphs are a version of the general duty clause ORS 654.010. They were in the original agriculture standard but were unintentionally left out when Division 4 was adopted. This restores language omitted during the original adoption of Division 4 in 1998.

437-004-0240 and 0250

Two paragraphs in the safety committee rules are changed to notes because the Hazard Communication rule already has the same requirements. This change fixes some repetitive language in the standard. No change in employer requirements.

437-004-0340

Changed to allow use of specialized ladders by more than one person at a time.

437-004-0405

Changes the title making it easier to find the contents.

437-004-0630

Changes the requirement from retaining records for two years to a reference to access of medical records, to retain for 30 years.

437-004-0800

The references were changed to current references.

437-004-1030

Note added to reference chain saws.

437-004-1305

Fixes issue found subsequent to a fatality investigation. Also add reference to new language in the WPS. Language was added to require the summoning of medical treatment, not just its availability.

437-004-1470

Added a reference to the Division 2 Rules for Firefighters.

437-004-1700

Adds clarifying language.

437-004-2000

Making the rule apply to all non-portable saws instead of limiting the type of saw.

437-004-2230

Adds requirements for chaps and prohibits drop starting chain saws. Issue not addressed anywhere else.

437-004-2260(5)

New rule on varmint killers. This responds to increased use of these new devices. New technology.

437-004-2810

New rules in the electrical section respond to hazards not clearly covered by existing rules. Adds requirements for covers, grounding and live wire exposure in the electricity code. Issues are not addressed elsewhere.

437-004-3100

Added after a fatality revealed the need for more language.

437-004-3410

Added to better define some types of vehicles. Added requirement for hitch pin. Requirements for non-slip surfaces on pedals, hauling gasoline, use of hitch pins and blocking of wheels were added. Also adding an appendix A for clarification of ODOT rules.

437-004-3600

Added language for Ag tractor manufacturers for the testing and performance requirements. This is adopting Federal OSHA Roll-over protective structures (ROPS) rules and has an **effective date of January 1, 2007**.

437-004-6000

Field staff requested addition of notes for clarification to cover eyewash needs of pesticide mixers.

437-004-9010

Added to cover fumigation work not adequately covered by other parts of the standard.

437-004-9600

Lead standard being referenced to Division 2 requirements.

437-004-9720

Adding personal protective measurement requirements when using Thiram.

These changes are adopted to keep Oregon OSHA's standards understandable, correct, and current with technology and Federal OSHA changes.

Please visit OR-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.

**OR-OSHA contact:           Trena VanDeHey, Central Office @ 503-947-7452**

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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 22, 2006 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

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to become effective September 22, 2006 as OR-OSHA Administrative Order 9-2006.  
Date upon filing or later

Rulemaking Notice was published in the May 2006 Oregon Bulletin.\*\*  
Month and Year

**RULE CAPTION**

Adoption of changes throughout Division 4, Agriculture.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:** OAR 437-004-9010

**AMEND:** OAR 437-004-0002, 437-004-0099, 437-004-0240, 437-004-0250, 437-004-0340, 437-004-0405, 437-004-0630, 437-004-0800, 437-004-1030, 437-004-1305, 437-004-1470, 437-004-1630, 437-004-1700, 437-004-2000, 437-004-2230, 437-004-2260, 437-004-2810, 437-004-3100, 437-004-3410, 437-004-3600, 437-004-6000, 437-004-9600, 437-004-9720

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

**ORS** 654.001 through 654.295  
Stats. Implemented

**RULE SUMMARY**

OR-OSHA adopts changes to 16 subdivisions in Division 4, Agriculture, including: clarify language, correct/add reference changes, add notes, the lead standard is removed from Division 4 and OAR 437-002-1910.1025 (Division 2/Z) is referenced, added requirements to Roll-Over Protective Structures (ROPS) due to Federal OSHA changes, changes to General Requirements in Electricity, a new paragraph on varmint killers, and a new rule on fumigated areas.

All of these changes are necessary to keep OR-OSHA standards understandable, correct, and current with technology and Federal OSHA changes.

Please visit OR-OSHA's web site at [www.orosha.org](http://www.orosha.org)

/s/Michael D. Wood  
Authorized Signer

Michael D. Wood 9/19/06  
Printed name 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 the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-2005