

Oregon OSHA Adopted Changes to
Division 1, General Administrative Rules
Safety Committees

Oregon OSHA Administrative Order 9-2008
Adopted September 19, 2008, effective January 1, 2009

Text added/adopted is in **bold and underlined**.

Text removed/repealed is in [~~brackets with line through~~].

Division 1, General Administrative Rules

437-001-0203 Determination of Penalty – Relating to Violations Which
Have No Probability and Severity.

(1) Safety and Health Protection on the Job Poster. If the employer has not displayed the poster, a minimum penalty of \$100 may be assessed.

(2) Annual Summary – If an employer fails to post the summary portion of the OSHA 300 Form no later than February 1 of the year following the year covered by the records and keep it posted until April 30 in accordance with 437-001-0700(17)(d)(A), a minimum penalty of \$200 may be assessed.

(3) Citation – If an employer fails to post the citation after receipt, a minimum penalty of \$200 may be assessed.

(4) OSHA 300 and DCBS 801 Forms – If the employer does not maintain the Log and Summary of Occupational Injuries and Illnesses, OSHA 300 Form, and the Supplementary Record, DCBS Form 801 or equivalent, a minimum penalty of \$100 may be assessed for each OSHA form not maintained.

(5) Access to Records – If the employer fails upon request to provide records for inspection and copying by any authorized representative of OR-OSHA or by any employee, former employee, or authorized representative of employees, a minimum penalty of \$100 may be assessed for each form not made available.

(6) Flush Toilets/Warm Water Hand Washing Facilities – If an employer fails to provide flush toilets or warm water hand washing facilities on a construction site according to OAR 437-003-0020 in OAR 437, Division 3, Construction, a penalty of not less than \$200, nor more than \$2,500, shall be assessed.

~~[(7) Safety Committees – If an employer fails to establish a safety committee as required by OAR 437-001-0765 in OAR 437, Division 1, General Provisions, a minimum penalty of \$100 shall be assessed.]~~

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.086.

Hist: APD Admin. Order 6-1987, f. 12-23-87, ef. 1-1-88.

APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.

OR-OSHA Admin. Order 7-1992, f. 7/31/92, ef. 10/1/92.

OR-OSHA Admin. Order 9-1995, f. 11/29/95, ef. 11/29/95.

OR-OSHA Admin. Order 11-2001, f. 9/14/01, ef. 1/1/02.

OR-OSHA Admin. Order 6-2003, f. 11/26/03, ef. 11/26/03.

OR-OSHA Admin. Order 9-2008, f. 9/19/08, ef. 1/1/09.

437-001-0765 ~~[Rules for Workplace]~~ Safety Committees **and Safety Meetings.**

~~[(1) Purpose. The purpose of a safety committee is to bring workers and management together in a nonadversarial, cooperative effort to promote safety and health in each workplace. A safety committee assists the employer and makes recommendations for change.]~~

~~[(2) General.]~~

~~[(a) Every public or private employer of 11 or more employees shall establish and administer a safety committee.]~~

~~[(b) Every public or private employer of 10 or fewer employees shall establish and administer a safety committee if the employer:]~~

~~[(A) Has a Days Away, Restricted, or Transferred (DART) rate in the top 10 percent of all rates for the employers in the same industry; or]~~

~~[(B) The employer is not an agricultural employer and the workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes as approved by the Director pursuant to ORS 737.320(3).]~~

~~[(c) In making the determination of employment levels under sections (a) and (b) of this rule, the employer shall count all permanent, contract, temporary, and/or seasonal workers under the employer's direction and control, and shall base the number on peak employment.]~~

~~[(d) Temporary services employers and labor contractors shall establish safety committees based upon the total number of workers over which the employer or contractor exercises direction and control.]~~

~~[(e) Employers who hire only seasonal workers shall meet the intent of these rules by holding crew safety meetings prior to the commencement of work at each job site. Such meetings shall promote discussions of safety and health issues. All workers shall be informed of their rights to report workplace hazards, and shall be encouraged to make such reports during the meetings.]~~

~~[(f) Employers in the logging industry may meet the intent of these rules by complying with OAR 437, Division 7, Forest Activities.]~~

~~[(3) Locations.]~~

~~[(a) Safety committees shall be established at each of the employer's primary places of employment. For the purpose of these rules, a primary place of employment shall mean a major economic unit at a single geographic location, comprised of a building, group of buildings, and all surrounding facilities (Examples of primary places of employment would include a pulp or lumber mill, a manufacturing plant, a hospital complex, bank, a farm/ranch, a school district, or a state agency.) As a primary place of employment the location would have both management and workers present, would have control over a portion of a budget, and would have the ability to take action on the majority of the recommendations made by a safety committee.]~~

~~[(b) An employer's auxiliary, mobile, or satellite locations, such as would be found in construction operations, trucking, branch or field offices, sales operations, or highly mobile activities, may be combined into a single, centralized committee. This centralized committee shall represent the safety and health concerns of all the locations.]~~

~~[(c) In addition to locating safety committees at each primary place of employment, an employer with work locations which include fire service activities shall establish a Fire Service Safety Committee as required by OAR 437-002-0182(7) in OAR 437, Division 2/L, Oregon Rules for Fire Fighters.]~~

~~[(4) Innovation. Upon application, the division may approve safety committees which are innovative or differ in form or function, when such committees meet the intent of these rules.]~~

~~[(5) Safety Committee Formation and Membership.]~~

~~[(a) The safety committees required by OAR 437-001-0765(2) shall:]~~

~~[(A) Be composed of an equal number of employer and employee representatives. Employee representatives shall be volunteers or shall be elected by their peers unless there is a provision in their collective bargaining agreement that addresses the selection of employee representatives. When agreed upon by workers and management, the number of employees on the committee may be greater than the number of employer representatives. Seasonal workers shall not be counted for the purpose of determining the number of members who will serve on the committee.]~~

~~[(B) Consist of:]~~

~~[(i) No fewer than 2 members for each employer with 20 or less employees, or]~~

~~[(ii) No fewer than 4 members for each employer with more than 20 employees.]~~

~~[(C) Have a chairperson elected by the committee members.]~~

~~[(b) Employee representatives attending safety committee meetings required by OAR 437-001-0765(2) or participating in safety committee instruction or training required by OAR 437-001-0765(7) shall be compensated by the employer at the regular hourly wage.]~~

~~[(c) Employee representatives shall serve a continuous term of at least 1 year. Length of membership shall be alternated or staggered so that at least one experienced member is always serving on the committee.]~~

~~[(d) Reasonable efforts shall be made to ensure that committee members are representative of the major work activities of the firm.]~~

~~[(6) Safety Committee Duties and Functions.]~~

~~[(a) Management commitment to workplace health and safety.]~~

~~[(A) The committee shall develop a written agenda for conducting safety committee meetings. The agenda shall prescribe the order in which committee business will be addressed during the meeting.]~~

~~[(B) The safety committee shall hold regular meetings at least once a month except months when quarterly workplace safety inspections are made. This does not exclude other months from safety committee meetings if more frequent safety inspections are conducted.]~~

~~[(C) Quarterly safety committee meetings may be substituted for monthly meetings where the committee's sole area of responsibility involves low hazard work environments such as offices.]~~

~~[(D) Small farms of five or fewer full time employees may substitute quarterly meetings for monthly meetings during the farms' off season. The off season shall mean that period of time when only routine farm upkeep is being done.]~~

~~[(b) Written records.]~~

~~[(A) Minutes shall be made of each meeting which the employer shall review and maintain for 3 years for inspection by the Division. Copies of minutes shall be posted or made available for all employees and shall be sent to each committee member.]~~

~~[(B) All reports, evaluations, and recommendations of the safety committee shall be made a part of the minutes of the safety committee meeting.]~~

~~[(C) A reasonable time limit shall be established for the employer to respond in writing to all safety committee recommendations.]~~

~~[(c) Employee involvement.]~~

~~[(A) The committee shall establish a system to allow the members to obtain safety-related suggestions, reports of hazards, or other information directly from all persons involved in the operations of the workplace. The information obtained shall be reviewed at the next safety committee meeting, and shall be recorded in the minutes for review and necessary action by the employer.]~~

~~[(d) Hazard assessment and control.]~~

~~[(A) The safety committee shall assist the employer in evaluating the employer's accident and illness prevention program, and shall make written recommendations to improve the program where applicable. Additionally, the safety committee shall:]~~

~~[(i) Establish procedures for workplace inspections by the safety committee inspection team to locate and identify safety and health hazards;]~~

~~[(ii) Conduct workplace inspections at least quarterly; and]~~

~~[(iii) Recommend to the employer how to eliminate hazards and unsafe work practices in the workplace;]~~

~~[(B) The inspection team shall include employer and employee representatives and shall document in writing the location and identity of the hazards and make recommendations to the employer regarding correction of the hazards.]~~

~~[(C) Quarterly inspections of satellite locations shall be conducted by the committee team or by a person designated at the location.]~~

~~[(D) Mobile work sites or locations and activities which do not lend themselves to a quarterly schedule shall be inspected by a designated person as often as Oregon occupational safety and health rules require and/or the committee determines is necessary.]~~

~~[(E) The person designated to carry out inspection activities at the locations identified in sections (C) and (D) of this rule shall be selected by the employer and shall receive training in hazard identification in the workplace.]~~

~~[(e) Safety and health planning. The safety committee shall establish procedures for the review of all safety and health inspection reports made by the committee. Based on the results of the review, the committee shall make recommendations for improvement of the employer's accident and illness prevention program.]~~

~~[(f) Accountability. The safety committee shall evaluate the employer's accountability system and make recommendations to implement supervisor and employee accountability for safety and health.]~~

~~[(g) Accident investigation. The safety committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses and deaths. This rule shall not be construed to require the committee to conduct the investigations.]~~

~~[(7) Safety and Health Training and Instruction.]~~

~~[(a) The following items shall be discussed with all safety committee members:]~~

~~[(A) Safety committee purpose and operation;]~~

~~[(B) OAR 437-001-0760 through 437-001-0765 and their application; and]~~

~~[(C) Methods of conducting safety committee meetings.]~~

~~[(b) Committee members shall have ready access to applicable Oregon Occupational Safety and Health Codes which apply to the particular establishment and verbal instructions regarding their use.]~~

~~[(c) All safety committee members shall receive training based upon the type of business activity. At a minimum, members shall receive training regarding:]~~

~~[(A) Hazard identification in the workplace; and]~~

~~[(B) Principles regarding effective accident and incident investigations.]~~

~~[(8) Effective Date. The effective date for OAR 437-001-0765 is March 1, 1991.]~~

This rule requires employers to establish and administer a safety committee, or hold safety meetings, to communicate and evaluate safety and health issues.

Purpose: The purpose of safety committees and safety meetings is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health. Safety committees and safety meetings will assist you in making continuous improvement to your safety and health programs.

Scope: This rule applies to public or private employers in Oregon subject to Oregon OSHA jurisdiction, except as listed below.

You do not have to comply with this rule if you are:

- **The sole owner and only employee of a corporation;**
- **A member of a board or commission and do not participate in the day-to-day activities of the company. You are not considered an employee for purposes of this rule.**
- **Engaged in agricultural activities covered by Division 4, Subdivision C.**
- **Engaged in forest activities covered by Division 7, Subdivisions B and C.**

Division 2, Subdivision L OAR 437-002-0182(7) requires employers engaged in fire service activities to establish a separate fire service safety committee or opt for safety meetings if they meet the criteria in the following table.

You can choose a committee or meetings.

(1) You must establish and administer an effective safety committee or hold effective safety meetings as defined by these rules:

<u>IF</u>	<u>You can have a safety committee</u>	<u>You can have safety meetings</u>
<u>You have 10 or fewer employees more than half of the year (including seasonal & temporary)</u>	<u>Yes</u>	<u>Yes</u>
<u>More than half of your employees report to construction sites</u>	<u>Yes</u>	<u>Yes</u>
<u>More than half of your employees are mobile or move frequently between sites</u>	<u>Yes</u>	<u>Yes</u>
<u>Most employees do not regularly work outside an office environment</u>	<u>Yes</u>	<u>Yes</u>
<u>You have more than 10 employees at a location, and none of the above applies</u>	<u>Yes</u>	<u>No</u>
<u>You have satellite or auxiliary offices with 10 or fewer employees at each location</u>	<u>Yes</u>	<u>Yes</u>

Safety Committees

(2) If you have 20 or fewer employees you must have at least 2 members. If you have more than 20 employees you must have at least 4 members.

(3) You must have an equal number of employer-selected members and employee-elected or volunteer members. If both parties agree, the committee may have more employee-elected or volunteer members.

NOTE: Management can select a supervisor to represent them. Employees can elect a supervisor to represent them.

(4) Your safety committee members must:

- Have a majority agree on a chairperson.
- Serve a minimum of one year, when possible.
- Be compensated at their regular rate of pay.
- Have training in the principles of accident and incident investigations for use in evaluating those events.
- Have training in hazard identification.
- Be provided with meeting minutes.
- Represent major activities of your business.

(5) Your safety committee must meet on company time as follows:

- Quarterly in situations where employees do mostly office work.
- Monthly for all other situations (except the months when quarterly worksite inspections are performed).

(6) You must keep written records of each safety committee meeting for three years that include:

- Names of attendees.
- Meeting date.
- All safety and health issues discussed, including tools, equipment, work environment, and work practice hazards.
- Recommendations for corrective action and a reasonable date by which management agrees to respond.
- Person responsible for follow up on any recommended corrective actions.
- All reports, evaluations and recommendations made by the committee.

(7) Your safety committee must establish procedures for conducting workplace safety and health inspections. Persons trained in hazard identification must conduct inspections as follows:

<u>Where</u>	<u>Who</u>	<u>When</u>
<u>Primary fixed locations</u>	<u>Employer and employee representatives</u>	<u>Quarterly</u>
<u>Office environments</u>	<u>Employer and employee representatives</u>	<u>Quarterly</u>
<u>Auxiliary and satellite locations</u>	<u>Employer and employee representatives or a designated person</u>	<u>Quarterly</u>
<u>Mobile work locations, infrequently visited sites, and sites that do not lend themselves to quarterly inspections</u>	<u>Employer and employee representatives or a designated person</u>	<u>As often as the safety committee determines is necessary</u>

(8) In addition to the above requirements, your safety committee must:

- Work with management to establish, amend or adopt accident investigation procedures that will identify and correct hazards.
- Have a system that allows employees an opportunity to report hazards and safety and health related suggestions.
- Establish procedures for reviewing inspection reports and for making recommendations to management.
- Evaluate all accident and incident investigations and make recommendations for ways to prevent similar events from occurring.
- Make safety committee meeting minutes available for all employees to review.
- Evaluate management's accountability system for safety and health, and recommend improvements. Examples include use of incentives, discipline, and evaluating success in controlling safety and health hazards.

(9) If you have multiple locations, you may choose to have a centralized safety committee. A centralized safety committee must represent the safety and health concerns of all locations and meet the requirements for safety committees. If you rely on a centralized committee, you must also have a written safety and health policy that:

- Represents management commitment to the committee.
- Requires and describes effective employee involvement.
- Describes how the company will hold employees and managers accountable for safety and health.
- Explains specific methods for identifying and correcting safety and health hazards at each location.

- Includes an annual written comprehensive review of the committees' activities to determine effectiveness.

NOTE: Two or more employers at a single location may combine resources to meet the intent of these rules.

Safety Meetings

(10) Safety meetings must:

- Include all available employees.
- Include at least one employer representative authorized to ensure correction of safety and health issues.
- Be held on company time and attendees paid at their regular rate of pay.

(11) Hold safety meetings with the following frequency if:

<u>Nature of the Business</u>	<u>Frequency of meetings</u>
<u>You employ construction workers</u>	<u>At least monthly and before the start of each job that lasts more than one week.</u>
<u>Your employees do mostly office work</u>	<u>At least quarterly</u>
<u>All other employers</u>	<u>At least monthly</u>

(12) Safety meetings must include discussions of:

- Safety and health issues
- Accident investigations, causes, and the suggested corrective measures.

(13) Employers in construction, utility work and manufacturing must document, make available to all employees, and keep for three years a written record of each meeting that includes the following:

- Hazards related to tools, equipment, work environment and unsafe work practices identified and discussed during the meeting.
- The date of the meeting.
- The names of those attending the meeting.

All other employers do not need to keep these records if all employees attend the safety meeting.

(14) If you are a subcontractor on a multi-employer worksite, to meet the intent of (11) through (13), your employees may attend the prime contractor's safety meetings. You may keep the minutes from these meetings as a part of your records to meet the intent of (13). If you choose this option, you must still meet to discuss accidents involving your employees.

(15) Innovation. After you apply, OR-OSHA may grant approval for safety committees or safety meetings that differ from the rule requirements yet meet the intent of these rules.

(16) Effective Dates. The effective date for compliance with this rule is January 1, 2009. For employers with 10 or fewer employees, other than those in construction, the effective date is September 19, 2009.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.176.

Hist: WCD Admin. Order, Safety 10-1982, f. 7/30/82, ef. 11/1/82.

OR-OSHA Admin. Order 12-1990, f. 6/18/90, ef. 6/18/90 (temp).

OR-OSHA Admin. Order 28-1990, f. 12/18/90, ef. 3/1/91 (perm).

OR-OSHA Admin. Order 6-1994, f. 9/30/94, ef. 9/30/94.

OR-OSHA Admin. Order 9-1995, f. 11/29/95, ef. 11/29/95.

OR-OSHA Admin. Order 8-2001, f. 7/13/01, ef. 7/13/01.

OR-OSHA Admin. Order 6-2003, f. 11/26/03, ef. 11/26/03.

OR-OSHA Admin. Order 7-2006, f. 9/6/06, ef. 9/6/06.

OR-OSHA Admin. Order 9-2008, f. 9/19/08, ef. 1/1/09.

Division 2/L, Fire Protection

437-002-0182 Oregon Rules for Fire Fighters.

(1) Scope and Application.

(a) These rules shall apply to any and all activities, operations and equipment of employers and employees involved in providing fire protection services, and other emergency first response and related activities, which are subject to the provisions of the Oregon Safe Employment Act. These rules shall not apply to the following exempted fire fighting activities:

(A) Aircraft fire fighting and rescue;

(B) Forest and uncultivated, wildland fire fighting;

(C) Private industry fire brigades.

(D) Marine Fire Fighting and rescue.

EXCEPTION: When a public fire department elects to participate in one or more of the exempted fire fighting activities, that fire department shall comply with all of the provisions of OAR 437-002-0182.

(b) The provisions of OAR 437-002-0182 shall be supplemented by the provisions of other applicable safety and health rules of OR-OSHA.

(2) Definitions.

Aerial device: An aerial ladder, elevating platform, aerial ladder platform, or water tower that is designed to position personnel, handle materials, provide egress and discharge water.

Afterflame: The time a test specimen continues to flame after the flame source has been removed.

ANSI: American National Standards Institute.

Apparatus: A mobile piece of fire fighting equipment such as pumper, water tender, etc.

Drill tower: A structure which may or may not be attached to the station and which is principally used for nonclassroom training of the fire fighters in fire service techniques, and which is over two stories in height.

Emergency incident: Any situation to which the fire department responds to deliver emergency services, including rescue, fire suppression, medical treatment, and other forms of hazard control and mitigation.

Emergency scene: The site where the suppression of a fire or the emergency exists.

Fire chief: An employer representative responsible for managing the fire department's operation.

Fire fighter:

(1) A person involved in performing fire department duties and responsibilities, which include fire suppression.

(2) A fire fighter may be a career or volunteer member of a fire department and may occupy any position or rank within the fire department.

Fire retardant: A material to reduce, stop or prevent flame spread.

Fire training: Training received by fire fighters to maintain proficiency in the performance of their assigned duties.

Flame-resistance: The property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

Hazardous material incident: The accidental release of hazardous materials from their containers.

Helmet: A head protective device consisting of a rigid shell, energy absorption system, and chin strap intended to be worn to provide protection for the head or portions thereof, against impact, flying or falling objects, electric shock, penetration, heat and flame.

Hose tower: A vertical structure where hose is hung to dry.

IFSTA: International Fire Service Training Association.

Lifeline: Length of rope to which employees are secured when in extremely hazardous areas.

Live fire training: Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate the training of fire fighters under actual fire conditions.

MSHA: Mine Safety and Health Administration.

NFPA: National Fire Protection Association.

Nondestructive testing: A test to determine the characteristics or properties of a material or substance that does not involve its destruction or deterioration.

Private Industry Fire Brigades: A group of employees within an industry who are required to fight interior structural fires at their place of employment.

Protective clothing: The clothing or equipment worn to protect the head, body and extremities from chemical, physical and health hazards.

Quick disconnect valve: A device which starts the flow of air by insertion of the hose which leads from the facepiece into the regulator of self-contained breathing apparatus, and stops the flow of air by disconnection of the hose from the regulator.

Rescue saw (Cutoff saw): A powered saw with a large circular cutting blade covered in part by a movable guard used to cut metal, wood, or concrete enclosures.

Respirators:

(1) Atmosphere-supplying respirators: May be self-contained in which a cylinder of air or oxygen or an oxygen generating chemical provides the necessary oxygen for breathing, or a hose-type respirator in which the air is supplied from an external source.

(2) Air-purifying respirators: Contain chemical cartridges and/or filters to remove the contaminant prior to breathing.

(3) Positive Pressure demand respirators (Positive pressure respirators): Types of respirators which constantly and automatically maintain a positive pressure in the mask by the introduction of air when a spring-loaded valve senses that the positive pressure has been lowered because of inhalation or the leakage of air from the mask.

Responding: The act of answering an emergency call or other alarm.

Scabbard: A guard which will prevent accidental injury and which covers the blade and pick of an axe or other sharp instrument when worn by the fire fighter.

SCBA: A self-contained breathing apparatus designed to provide the wearer with a supply of respirable air carried in and/or generated by the breathing apparatus. This

apparatus requires no intake of air or oxygen from the outside atmosphere, and can be designed to be a demand or pressure demand type respirator.

Station (Fire station): Structure in which fire service apparatus and/or personnel are housed.

Tailboard: Standing space at rear of an engine or pumper apparatus where fire fighters ride.

Training: The process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used and in the performance of assigned duties.

Warning light: A flashing or rotating light.

GENERAL REQUIREMENTS

(3) Organizational statement. The employer shall prepare and maintain a statement or written policy which includes basic organizational structure and functions of the organization, in addition to the type, amount, and frequency of training to be provided to fire fighters. This statement shall be made available for inspection by the Administrator and by employees or their designated representatives.

(4) Personnel.

(a) The employer shall review and evaluate the physical capability of each employee annually to determine their ability to perform duties which may be assigned. The review and evaluation shall be accomplished through physical examination, stress testing or satisfactory performance demonstrated during the performance of their assigned duties.

(b) The employer shall not permit an employee with known medical condition which would significantly impair their ability to engage in fire suppression activities at the emergency scene unless a physician's certificate of the employees' fitness to participate in such activities is provided. This shall not limit the employer's ability to assign personnel to support activities (versus fire suppression activities).

(5) Employer's Responsibility.

(a) Each employer shall comply with the provisions of this division to protect the life, safety, and health of employees.

(b) It shall be the responsibility of the employer to establish and supervise:

(A) A safe and healthful working environment, as it applies to nonemergency conditions or to emergency conditions at the scene after the incident has been terminated, as determined by the officer in charge; and

(B) Programs for training employees in the fundamentals of accident prevention.

(C) A safe and healthful working environment, as it applies to live fire training exercises.

(c) The employer shall maintain all equipment in a safe condition.

(d) The employer shall see that employees who participate in exempted fire fighting activities listed in OAR 437-002-0182(1) are properly trained, protected, clothed and equipped for the known hazards of that particular emergency operation.

The following note refers to the Respiratory Protection Standard, 1910.134(g)(3) and (4), Procedures for Interior Structural Fire Fighting (“two-in/two-out rule”) adopted in Oregon July 7, 1998.

NOTE: If, upon arriving at the scene, members find an imminent life threatening situation where immediate action may prevent the loss of life or serious injury, the requirements for personnel in the outside standby mode may be suspended, when notification is given by radio to incoming companies that they must provide necessary support and backup upon their arrival.

(6) Employee's Responsibility.

(a) Each fire fighter shall comply with the provisions of OAR 437-002-0182 which are applicable to his/her own actions and conduct in the course of his/her employment.

(b) Fire fighters shall notify the appropriate employer and/or safety committee representative of unsafe practices and of unsafe conditions of equipment apparatus or workplaces.

(c) All fire fighters, at regularly scheduled times, shall attend required training and/or orientation programs designed to increase their competency in occupational safety and health.

(d) Fire fighters and other employees shall apply the principles of accident prevention in their work. They shall use all required safety devices and protective equipment.

(e) Each fire fighter shall take proper care of his/her protective equipment.

(f) Fire fighters who are expected to perform fire fighting operations shall notify their employer when health conditions arise or are discovered that will limit their capability of performing those duties.

(7) Safety Committee.

(a) ~~[A-f]~~ **Fire departments must have a separate safety committee or hold safety meetings** ~~[shall be established and administered by public or private employers]~~ in accordance with the requirements of OAR 437-001-0765 in Division 1, General Administrative Rules.

(b) When applicable, the representation on the safety committee ~~[shall]~~ **must** include both career and volunteer fire fighters.

(8) Incident Management. An incident management system that meets the requirements of NFPA standard 1561, on Fire Department Incident Management, shall

be established with written standard operating procedures, applying to all members involved in emergency operations. All members involved in emergency operations shall be familiar with the system.

(9) Accountability.

(a) The fire department shall establish written standard operating procedures for a personnel accountability system in accordance with Section 2-6, 1995 of NFPA 1561, standard on Fire Department Incident Management System, by January 1, 1999, that provides for the tracking and inventory of all members operating at an emergency incident.

(b) It shall be the responsibility of all members operating at an emergency incident to actively participate in the personnel accountability system.

(10) Fire Fighting Training and Education.

(a) The employer or employer representative shall establish and implement a policy for the delivery of education and training designed to develop and maintain an appropriate level of knowledge, skill, and ability throughout the fire fighting classifications (ranks). Such education and training shall be provided to fire fighters before they perform assigned duties on a continuing basis.

(b) Before fire fighters participate in structural fire fighting activities, or in live fire training in a structure, they shall meet the training levels prescribed by the Department of Public Safety Standards and Training's (DPSST) 'Entry-level Firefighter' or have equivalent training.

(c) When live fire training occurs, it must be conducted under the direction of the fire department training officer, or employer authorized representative. All live fire training must be conducted following the requirements of Appendix C of this standard.

(d) During live fire training, fire fighters shall wear the protective equipment normally required for that type of fire fighting.

(e) When rope rescue training occurs, it shall be conducted under the direction of the fire department training officer or department-designated authority in accordance with the equipment manufacturers' recommendations. The training officer shall keep records of the manufacturers' training requirements, and shall comply with all such requirements.

(f) All fire hoses used by fire departments for training and fire combat shall meet the service testing requirements noted in Chapter 5 of NFPA 1962, 1993 edition.

(g) The employer shall provide training for the purpose, proper selection, fitting, use, and limitations of personal protective equipment.

(h) The employer shall assure that each employee is informed of the procedure of reporting unsafe work conditions or equipment.

(11) General Requirements for Protective Clothing.

(a) The employer shall provide to employees all required protective clothing, except that an employee at the employee's option may supply protective clothing. The employer shall provide the protective clothing at no cost to employees. The

protective clothing must meet the requirements in OAR 437-002-0182(11) through (16), whether supplied by the employer or employee.

(b) The employer shall assure that new protective clothing intended for structural fire fighting which is ordered, used or purchased after the effective date of this division, meets the requirements contained in OAR 437-002-0182(11) through (16). The employer shall assure that fire fighters wear this clothing when performing structural fire fighting.

(c) In situations other than structural fire fighting, the employer shall ensure that protective clothing appropriate for the known hazards of that particular emergency operation is worn.

(d) Protective clothing currently in use which does not meet the requirements of OAR 437-002-0182(11) through (16) may continue to be used until October 1, 1998, if it was designed for fire fighting purposes and meets the manufacturer's original specifications and maintains the protective capabilities for which it was designed.

(e) The employer shall assure that appropriate protective clothing protects the head, body, and extremities and consists of at least the following components: foot and leg protection, hand protection, body protection, and eye, face and head protection.

(12) Body Protection.

(a) Body protection shall be as follows to ensure full body protection for the wearer.

(b) Coats and trousers used by structural fire fighters shall be at least equivalent to the National Fire Protection Association (NFPA) standard, No. 1971, 1991 edition, entitled "Protective Clothing for Structural Fire Fighting." (See also Appendix A.)

(13) Head Protection.

(a) Head protection shall consist of a protective head device, ear protection, flaps and chin strap which meet the requirements of NFPA Standard 1971-2000, Protective Ensemble for Structural Fire Fighting.

(b) Use, care, alterations and maintenance instructions for protective headgear shall be supplied for each helmet.

(c) Care, maintenance, and alteration of helmets shall conform to the manufacturer's recommendations.

(d) During structural fire fighting helmet accessories designed to provide or maintain protection from health and safety hazards shall be worn in the manufacturer's recommended position. (See also Appendix A.)

(e) A flame-resistant protective hood which will not adversely affect the seal of a respirator facepiece and meeting the requirements of NFPA Standard 1971, 1996 edition, after January 1, 1999 shall be worn during interior structural fire fighting operations to protect the sides of the face and hair.

(14) Hand Protection.

(a) Hand protection for fire fighting activities shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall meet the requirements of NFPA Standard 1973, 1988 edition, titled "Gloves for Structural Fire Fighting."

(15) Foot and Leg Protection.

(a) Foot and leg protection shall meet the requirements of OAR 437-002-0182(15)(a)(A) and (B) and may be achieved by either of the following methods:

- (A) Fully extended boots which provide protection for the legs; or
- (B) Protective shoes or boots worn in combination with protective trousers that meet the requirements of OAR 437-002-0182(12).

(b) Protective footwear shall meet the requirements of NAPA Standard 1974, 1992 edition, titled "Protective Footwear for Structural Fire Fighting."

(c) Fire fighters' boots may be resoled but must meet the requirements of this rule.

(16) Eye and Face Protection. Eye and face protection worn by fire fighters at the fire ground shall comply with the following regulations:

(a) General requirements. Face protection shall be required where there is a reasonable probability of injury that can be prevented by such protection, when such face protection does not protect the eyes from foreign objects additional eye protection shall be provided.

(b) When self-contained respiratory equipment is being utilized by fire fighters, additional eye and face protection will not be required.

Employers shall make conveniently available a type of protection suitable for the work to be performed, and employees shall use such protectors. Protectors shall meet the following minimum requirements.

- (A) They shall provide adequate protection against the particular hazards for which they are designed.
- (B) They shall be reasonably comfortable when worn under the designated conditions.
- (C) They shall be durable.
- (D) They shall be capable of being disinfected.
- (E) They shall be easily cleanable.
- (F) Protectors that can be worn over corrective lenses shall be available for those who need them, and should be kept clean and in good repair.

(c) Face shields.

(A) Face shields shall accommodate any of the following styles;

- (i) Clear transparent.
- (ii) Colored transparent.

(B) Disinfection. When a person is assigned protective equipment, it is recommended that this equipment be cleaned and disinfected regularly.

(C) Face shields must be an integral part of the fire helmet and may be installed in a fixed position or hinged allowing adjustment of the shields.

(D) In the event breathing apparatus is being used which incorporates a face mask, the face mask will be considered an acceptable face shield.

(d) Goggles, flexible, or cushioned fitting. Goggles shall consist of a wholly flexible frame, forming a lens holder or a rigid frame with integral lens or lenses, having a separate, cushioned fitting surface on the full periphery of the facial contact area.

(A) Materials used shall be chemical-resistant, nontoxic, nonirritating and slow-burning.

(B) There shall be a positive means of support on the face, such as an adjustable headband of suitable material or other appropriate means of support to retain the frame comfortably and snugly in front of the eyes.

(e) Design, construction, testing, and use of devices for eye and face protection shall be in accordance with ANSI Z87.1, Occupational Eye and Face Protection (1979).

NOTE: Fire fighters shall be protected from the effects of noise exposures which exceed the noise levels deemed to be safe as provided in OAR 437, Division 2/G, 1910.95, Occupational Noise Exposure.

(17) Requirements for Respiratory Protection. See OAR 437, Division 2/I, 1910.134, Respiratory Protection.

(18) Criteria for Approved Self-Contained Breathing Apparatus.

(a) Approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet DOT and NIOSH criteria.

(b) Self-contained breathing apparatus shall be provided with an indicator which automatically sounds an audible alarm when the remaining air supply of the apparatus is reduced to within a range of 20 to 25 percent of its rated service time.

(19) (Reserved)

(20) Personal Alert Safety System (PASS). Each member involved in rescue, fire suppression, or other hazardous duties after January 1, 2000, shall be provided with and shall use a PASS device in the hazardous area when self-contained breathing apparatus is in use. PASS devices shall meet the requirements of NFPA 1982, Standard on Personal Alert Safety Systems for Fire Fighters.

Each PASS device shall be tested at least monthly and shall be maintained in accordance with the manufacturer's instructions.

(21) (Reserved)

(22) (Reserved)

(23) (Reserved)

(24) Breathing Air Compressors and Cylinders. In addition to the requirements contained in 1910.134(i), air samples shall be taken every 6 months from the compressor and analyzed by the employer or an independent laboratory for Grade D breathing air. Air samples shall also be tested when the system is installed or repaired. Analysis shall be conducted according to ANSI/CGA Standard G7.1-1989 edition, Commodity Specification for Air.

(25) Identification of Hazardous Material Locations.

(a) A means shall be provided for identifying nonresidential premises where hazardous materials are stored, as defined in the Uniform Fire Code, 1991 edition, as amended by the State of Oregon, effective July 15, 1992, under Articles 4 and 80, and in quantities as set forth in the hazardous material permit required by Article 4 of the Uniform Fire Code.

(b) Hazardous chemicals required to be identified by this section are those defined in Article 9, Section 9.110, and Article 80, Section 80.101 of the Uniform Fire Code.

(26) Hazardous Material Response Plan.

(a) Fire department that expects to or plans to respond to hazardous material incidents shall develop a written response plan.

(b) The written response plan must contain the policies and procedures on:

- (A) Pre-emergency planning and coordination with outside parties,
- (B) Personnel roles, lines of authority, training, and communication,
- (C) Emergency recognition and prevention,
- (D) Safe distances,
- (E) Scene security and control,
- (F) Evacuation procedures,
- (G) Decontamination,
- (H) Emergency medical treatment and first aid,
- (I) Personnel withdrawal procedures,
- (J) Critique of response and follow-up,
- (K) Personal protective equipment and emergency equipment and response procedures.

(c) The incident commander shall be responsible for:

- (A) Identification of the hazardous substance and condition,
- (B) Implementing emergency operations,
- (C) Ensuring personal protective equipment is worn,
- (D) Limit access to hot zone to those with a specific mission assignment,
- (E) Implementing decontamination procedures,
- (F) Designating a safety officer,
- (G) Using appropriately trained personnel,
- (H) On scene medical surveillance for emergency responders.

FIRE FIGHTING APPARATUS

(27) Fire Apparatus Area.

- (a) Walkways around apparatus shall be kept free of obstructions.
- (b) The station's apparatus floors shall be so far as practical kept free of grease, oil, and tripping hazards.
- (c) No Class I or II flammable liquids shall be used for cleaning purposes to remove grease or dirt from apparatus.
- (d) Exhaust gases from diesel or gasoline apparatus within buildings shall be maintained within the limits of OAR 437, Division 2/Z, OAR 437-002-0382, Oregon Air Contaminant Rules.

(28) Design and Construction of Fire Apparatus.

- (a) All fire apparatus with the exception of specialized apparatus shall conform to OAR 437, Division 2/N, Oregon Rules for Commercial and Industrial Vehicles, OAR 437-002-0223.
- (b) Employers who have purchased used fire apparatus or used military equipment prior to the effective date of this division shall not be required to bring them under a more stringent code than the one in force at the time the apparatus was manufactured. The exception to this rule would be seat belts and communication systems between the tailboard and driver compartment as required by OAR 437-002-0182(29) (Automotive Fire Apparatus Equipment) and roll bars on all open top off-road vehicles as required by OAR 437-002-0182(28)(f).
- (c) Fire fighters' vehicle tailboards shall not project outboard of the vehicle sides or fenders and shall be designed to provide safe footing.
- (d) Exhaust systems shall be installed and maintained in proper condition and shall be so designed as to minimize the exposure of the fire fighter to the exhaust gases.
- (e) The loaded gross weight and empty height of the vehicle shall be posted in the vehicle such that it can be clearly read by the driver.
- (f) Roll bars shall be in place on all open top off-road vehicles for rollover protection.

(29) Automotive Fire Apparatus Equipment.

- (a) All equipment on a vehicle shall be adequately secured when the vehicle is in motion.
- (b) Workers being transported by fire department vehicles shall ride only in designated secure positions. Safety restraints shall be provided for fire fighters riding the tailboard. (See also OAR 437, Division 2/N, Oregon Rules for Commercial and Industrial Vehicles, OAR 437-002-0223.)
- (c) Vehicles with obstructed view to the rear of the vehicle when backing, shall be equipped with:
 - (A) An automatic back-up alarm which shall be sounded immediately on backing; or
 - (B) A fire fighter, who is visible in the driver's left-side mirror, shall stand to the rear of the truck to guide the driver while backing.

- (d) Fire fighting vehicles shall be brought to a full stop before workers disembark.
- (e) If workers are required to ride the tailboard, an electrical signal system or voice communication system shall be installed between the tailboard and the driver's compartment. A code of signals shall be used for controlling the movement of the vehicle.
- (f) When traffic flow is inhibited or encroachment of the traffic lane occurs, vehicles equipped with emergency warning lights shall be used to control traffic at emergency scenes. The use of traffic cones, fire department personnel, police, or other traffic control measures shall be used as soon as practical.

(30) Automotive Apparatus Maintenance and Repair. Each employer shall establish written records and procedures whereby apparatus has:

- (a) A scheduled monthly maintenance check; or
- (b) A maintenance check each time the apparatus is returned to the station following an emergency response, a drill, or any type of test drive.

(31) Tires. Tires which are excessively worn, cracked, deteriorated or damaged in any way shall not be used. All tires shall have a minimum tread depth of 2/32-inch.

(32) Aerial Devices.

- (a) Aerial devices used for fire fighting shall be inspected and tested by a person competent in performing such tests and inspections in accordance with the recommendations of NFPA Standard 1914, 1991 edition, at least annually.
- (b) Where defects are found in critical components of an aerial device, the repairs shall be tested and certified in accordance with NFPA Standard 1914, 1991 edition, by a registered professional engineer or manufacturer of the apparatus or an American Welding Society (AWS) Certified Welding Inspector. A permanent record of such tests and repairs shall be maintained for each unit.

HOSE DRYING AND DRILL TOWERS

(33) Hose Drying Towers.

- (a) Floor openings on hose tower platforms shall be equipped with a guardrail meeting the requirements of OAR 437, Division 2/D, 1910.23, Guarding Floor and Wall Openings and Holes.
- (b) The toeboard requirements for elevated work platforms in hose drying towers shall not apply unless hand tools or objects other than hoses are carried onto the platforms.
- (c) The requirements for ladders shall meet the requirements of OAR 437, Division 2/D, 437-002-0027, Fixed Ladders.
- (d) Ropes used to hoist hose in the hose towers shall have a breaking strength to safe load strength (rated working load) ratio of 3 to 1.

(34) Drill Towers. Permanent fixed ladders on the outside of drill towers and drill buildings are exempt from the requirements of offset platform landings and ladder cage guards.

FIRE SERVICE EQUIPMENT

(35) Testing, Maintenance and Inspection of Fire Service Equipment. The employer shall maintain and inspect fire service equipment at least annually and perform any tests recommended by the manufacturers at the date of manufacture, or the recommendations of NFPA or IFSTA.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 14-1993, f. 8/27/93, ef. 11/1/93.
OR-OSHA Admin. Order 2-1998, f. 3/11/98, ef. 3/11/98.
OR-OSHA Admin. Order 2-2000, f. 1/28/00, ef. 1/28/00.
OR-OSHA Admin. Order 12-2001, f. 10/26/01, ef. 10/26/01.
OR-OSHA Admin. Order 3-2005, f. 6/10/05, ef. 6/10/05.
OR-OSHA Admin. Order 9-2008, f. 9/19/08, ef. 1/1/09.