

September 22, 2009

## **Oregon OSHA - Adopted Changes To the Worker Protection Standard in Agriculture, General Industry, and Forest Activities**

In Oregon, Oregon OSHA administers and enforces the pesticide Worker Protection Standard (WPS: 40 CFR 170) as adopted in Division 4, Agriculture, Subdivision W, OAR 437-004-6000.

This rulemaking amends OAR 437-004-6000 to reflect non-substantive corrections and technical amendments that were published in the Federal Register from 2006 through 2009.

Oregon OSHA is also amending the pesticide Worker Protection Standard (WPS) in Division 7, Forest Activities, Subdivision A, General Requirements, OAR 437-007-0010, to clarify the references in Division 7 to the WPS in Division 4.

In addition, Oregon OSHA is amending Division 2, General Industry, Subdivision Z, Toxic and Hazardous Substances, by adopting a new rule (OAR 437-002-0170) to clarify that under certain circumstances all parts of the Worker Protection Standard (WPS) apply to general industry workplaces, and are a part of Division 2 in addition to, and not instead of, any other part of Division 2.

Members of the public submitting written comments expressed support for the changes but noted that the proposed amendments (being non-substantive) do not go far enough to improve the protection of Oregon's affected workers from exposure to pesticides. The changes suggested by these commenters were outside the parameters of this rulemaking.

This is Oregon OSHA Administrative Order 9-2009, **adopted and effective September 21, 2009.**

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.

**OR-OSHA contact**

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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 21, 2009  
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 September 21, 2009 as OR-OSHA Administrative Order 9-2009.  
Date upon filing or later

Rulemaking Notice was published in the July 2009 *Oregon Bulletin*.\*\*  
Month and Year

**RULE CAPTION**

Adopt changes to the Worker Protection Standard in agriculture, general industry, and forest activities.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:** OADR 437-002-0170

**AMEND:** OADR 437-004-6000, 437-007-0010

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

**ORS** 654.001 through 654.295  
Stats. Implemented

**RULE SUMMARY**

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This rulemaking amends OADR 437-004-6000 to reflect non-substantive corrections and technical amendments that were published in the Federal Register from 2006 through 2009.

Oregon OSHA is also amending the pesticide Worker Protection Standard (WPS) in Division 7, Forest Activities, Subdivision A, General Requirements, OADR 437-007-0010, to clarify the references in Division 7 to the WPS in Division 4.

In addition, Oregon OSHA is amending Division 2, General Industry, Subdivision Z, Toxic and Hazardous Substances, by adopting a new rule (OADR 437-002-0170) to clarify that under certain circumstances all parts of the Worker Protection Standard (WPS) apply to general industry workplaces, and are a part of Division 2 in addition to, and not instead of, any other part of Division 2.

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

/s/Michael D. Wood  
Authorized Signer

Michael D. Wood  
Printed name

9/17/2009  
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