



**Oregon**  
Kate Brown, Governor

**Department of Consumer and Business Services**  
Oregon Occupational Safety and Health Division  
350 Winter St. NE, Room 430  
P.O. Box 14480  
Salem, OR 97309-0405  
503-378-3272  
Toll free: 800-922-2689  
Fax: 503-947-7461  
[www.orosha.org](http://www.orosha.org)

July 7, 2017

[Text of changes](#)  
[January 9, 2017 Federal Register](#)

Oregon OSHA – Adopted federal OSHA amendments:  
Occupational Exposure to Beryllium  
in General Industry,  
Construction, and Maritime.

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ). With the adoption of these rules, federal OSHA lowered the PEL from 2  $\mu\text{g}/\text{m}^3$  to 0.2  $\mu\text{g}/\text{m}^3$ , and instituted an action level of 0.1  $\mu\text{g}/\text{m}^3$ . These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information.

Oregon OSHA combined the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2026, 437-002-2028 through 437-002-2030, 437-002-2032 through 437-002-2038, 437-002-2040, and 437-002-2045.

Oregon OSHA also updated the air contaminants rules for general industry and construction, OAR 437-002-0382 and 437-003-1000, to reflect the new beryllium rules.

Two public hearings were held during June of 2017. Oregon OSHA did not receive any comments at these hearings. We received one written comment in support of this rulemaking.

**This is Oregon OSHA Administrative Order 3-2017, adopted July 7, 2017 and effective March 12, 2018.**

**Oregon OSHA contact: Dave McLaughlin, Central Office @ 503-947-7457, or email at [dave.mclaughlin@oregon.gov](mailto:dave.mclaughlin@oregon.gov)**

Please visit our website [osha.oregon.gov](http://osha.oregon.gov) Click 'Rule and laws' in the Topics, rules, guidelines column; and view/print our proposed rules, adopted, or final rules.

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

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

**FILED**  
7-7-17 10:04 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the  
Department of Consumer and Business Services, Oregon Occupational Safety and Health 437  
Agency and Division Administrative Rules Chapter Number  
Heather Case (503) 947-7449  
Rules Coordinator Telephone  
350 Winter St. NE , Salem, OR 97301  
Address

To become effective 03/12/2018 Rulemaking Notice was published in the June 2017 Oregon Bulletin.

**RULE CAPTION**

Adopt federal OSHA Amendments: Occupational Exposure to Beryllium in General Industry, Construction, and Maritime.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

437-002-2024, 437-002-2025, 437-002-2026, 437-002-<sup>2040 HC</sup>2027, 437-002-2028, 437-002-2029, 437-002-2030, 437-002-<sup>2045</sup>2031, 437-002-2032, 437-002-2033, 437-002-2034, 437-002-2035, 437-002-2036, 437-002-2037, 437-002-2038

**AMEND:**

437-002-0382, 437-003-1000, 437-005-0001

**REPEAL:**

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 654.025(2), 656.726(4)

**Other Authority:**

**Statutes Implemented:**

ORS 654.001 through 654.295, 654.412 through 654.423, 654.750 through 654.780

**RULE SUMMARY**

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ). With the adoption of these rules, federal OSHA lowered the PEL from 2  $\mu\text{g}/\text{m}^3$  to 0.2  $\mu\text{g}/\text{m}^3$ , and instituted an action level of 0.1  $\mu\text{g}/\text{m}^3$ . These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information.

Oregon OSHA combined the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2038.

Oregon OSHA also updated the air contaminants rules for general industry and construction, OAR 437-002-0382 and 437-003-1000, to reflect the new beryllium rules.

Heather Case heather.case@oregon.gov  
Rules Coordinator Name Email Address



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 July 7, 2017 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

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

to become effective March 12, 2018 as Oregon OSHA Administrative Order 3-2017.  
Date upon filing or later

Rulemaking Notice was published in the June 2017 *Oregon Bulletin*.\*\*  
Month and Year

**RULE CAPTION**

Adopt federal OSHA amendments: Occupational Exposure to Beryllium in General Industry, Construction, and Maritime.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

**ADOPT:** OAR 437-002-2024, 437-002-2025, 437-002-2026, 437-002-~~2027~~<sup>2040 HC</sup>, 437-002-2028, 437-002-2029,  
437-002-2030, 437-002-~~2031~~, 437-002-2032, 437-002-2033, 437-002-2034, 437-002-2035, 437-002-  
2036, 437-002-2037, 437-002-2038. <sup>2045 HC</sup>

**AMEND:** OAR 437-002-0382, 437-003-1000, 437-005-0001.

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

**ORS** 654.001 through 654.295, 654.412 through 654.423, 654.750 through 654.780  
Stats. Implemented


**RULE SUMMARY**

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter of air (µg/m3). With the adoption of these rules, federal OSHA lowered the PEL from 2 µg/m3 to 0.2 µg/m3, and instituted an action level of 0.1 µg/m3. These rules require an exposure assessment, with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and employee training and information.

Oregon OSHA combined the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2038.

Oregon OSHA also updated the air contaminants rules for general industry and construction, OAR 437-002-0382 and 437-003-1000, to reflect the new beryllium rules.

Please visit our web site [osha.oregon.gov](http://osha.oregon.gov) Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

  
Authorized Signer Michael D. Wood 7/7/2017  
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 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