

**OREGON OCCUPATIONAL
SAFETY AND HEALTH STANDARDS**

Oregon Administrative Rules, Chapter 437

**DIVISION 2 (29 CFR 1910)
GENERAL OCCUPATIONAL SAFETY & HEALTH RULES**



Oregon Occupational Safety and Health Division (OR-OSHA)
Department of Consumer and Business Services
Salem, Oregon 97301-3882

AO 1-2012

The Oregon Department of Consumer and Business Services adopted these rules pursuant to ORS 654.025(2).

The Secretary of State Designated OAR Chapter 437 as the "Oregon Occupational Safety and Health Code." Six general subject areas within this code are designated as "Divisions."

- **Division 1** General Administrative Rules
- **Division 2** General Occupational Safety and Health Rules
- **Division 3** Construction
- **Division 4** Agriculture
- **Division 5** Maritime Activities
- **Division 7** Forest Activities
- **Oregon Revised Statutes (ORS) 654** The Oregon Safe Employment Act (OSEAct)

Oregon-initiated rules in this division of the Oregon Occupational Safety and Health Code are numbered in a uniform system developed by the Secretary of State. This system does not number the rules in sequence (001, 002, 003, etc.). Omitted numbers may be assigned to new rules at the time of their adoption.

Oregon-initiated rules are arranged in the following Basic Codification Structure adopted by the Secretary of State for Oregon Administrative Rules (OAR):

Chapter 437	Division 002	Rule 0322	Section (1)	Subsection (a)	Paragraphs (A)(i)(I)
----------------	-----------------	--------------	----------------	-------------------	-------------------------

The majority of Oregon OSHA codes are adopted by reference from the Code of Federal Regulations (CFR), and are arranged in the following basic federal numbering system:

Chapter 437	Division 002	Part 1910	Subpart (Subdivision) S	Section .303	Paragraphs (a)
----------------	-----------------	--------------	-------------------------------	-----------------	-------------------

The terms "subdivision" and "subpart" are synonymous within OAR 437, Oregon Occupational Safety and Health Code.

To obtain an order form or copies of these codes, address:

**Department of Consumer & Business Services
Oregon Occupational Safety & Health Division (Oregon OSHA)
350 Winter St. NE, Room 430
Salem, OR 97301-3882**

Or call the Oregon OSHA Resource Library at 503-378-3272

The rules referenced in this division are available for viewing in the Office of the Secretary of State, Administrative Rules and Office Document Section, Oregon State Archives Building, Salem, Oregon 97310, or the Central Office, Oregon Occupational Safety and Health Division of the Department of Consumer and Business Services, Room 430, 350 Winter St. NE Salem, OR 97301-3882. Please visit our web site at:

www.orooha.org

NOTE: 29 CFR 1910.151 through .153 were **NOT** adopted by OR-OSHA. In Oregon, OAR 437, Division 127, Medical Services and First Aid, was redesignated as Division 2/K, and renumbered as **OAR 437-002-0161, Medical Services and First Aid**, by OR-OSHA Admin. Order 2-1993, filed 2/3/93, **EFFECTIVE 2/3/93**.

HISTORICAL NOTE: Rules on medical services and first aid were first adopted as Chapter 22-065, Medical Services and First Aid, in Part 22 of the Oregon Occupational Safety and Health Code by WCB Admin. Order No. 13-1975, filed 7/7/75, effective 7/7/75 (temporary). Prior to this time, occupational health rules were administered by the Occupational Health Section of the Health Division, Department of Human Resources. As a direct result of the passage of the Oregon Safe Employment Act (OSEAct) in 1973, these occupational health rules were adopted by the Workmen's Compensation Board (later the Workers' Compensation Department).

Permanent rules were adopted by WCB Admin. Order, Safety 4-1975, filed 10/6/75, effective 11/1/75.

Amended by WCB Admin. Order, Safety 4-1976, filed 4/5/76, effective 4/15/76.

Chapter 22-065, Medical Services and First Aid, was redesignated as Division 127, Medical Services and First Aid, and renumbered by WCD Admin. Order, Safety 5-1984, filed 6/18/84. Its effective date remains 11/1/75.

Rules in Division 127, Medical Services and First Aid, were **amended, renumbered, and redesignated as Rule 437-002-0161 in Division 2/K, Medical and First Aid**, by OR-OSHA Admin. Order 2-1993, filed 2/3/93, **EFFECTIVE 2/3/93**. Rules on Emergency Eyewash and Shower Facilities, formerly in Division 112, Water and Sanitation, were relocated to Division 2/K as 437-002-0161(5).

NOTE: Clarification of criteria for eyewash and showers. These seven points were formerly found in OR-OSHA interpretation and support documents. They represent the minimum performance characteristics and location requirements for these systems.

A note is added allowing alternate treatments when approved by a specified physician.

We eliminated the requirement for plumbed systems in recognition of new technologies that provide protection equal to the performance criteria mentioned above.

Two new paragraphs reflect long standing OR-OSHA enforcement policy about following information on Material Safety Data Sheets (MSDS) or the manufacturer's directions.

These amendments were made as OR-OSHA Admin. Order 1-2000, filed January 28, 2000, effective January 28, 2000.

NOTE: Federal OSHA published in the January 5, 2005 Federal Register amendments to remove and revise provisions of its standards that are outdated, duplicative, unnecessary, or inconsistent, or can be clarified or simplified by being written in plain language. Most of these changes are in the health standards in general industry, construction, and shipyard employment. The December 6, 2004 Federal Register, makes a correction to a cross-reference in Methylenedianiline in construction. We also repealed an Oregon-initiated rule that has effective dates that have passed a number of years ago and is no longer necessary. A nonmandatory appendix to OAR 437-002-0161, Medical and First Aid, was added.

This is OR-OSHA Administrative Order 1-2005, **adopted and effective April 12, 2005.**

NOTE: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA published in the December 27, 2011 Federal Register corrections of typographical errors and non-substantive technical amendments to a number of standards in general industry, construction, and shipyard employment. The technical amendments include updating or revising cross-references. These revisions do not affect the substantive requirements or coverage of those standards, do not modify or revoke existing rights or obligations, and do not establish new rights or obligations.

Oregon OSHA adopts these corrections and amendments to the standards Oregon has adopted previously to reflect federal OSHA's changes. We are also making rule reference changes in a number of standards to reflect the newly adopted OAR 437-002-0134 Personal Protective Equipment.

This is Oregon OSHA Administrative Order 1-2012, adopted and effective April 10, 2012.

TABLE OF CONTENTS

437-002-0161 *Medical Services and First Aid* K-1

(1) *Definitions* K-1

(2) *First Aid Supplies* K-1

(3) *Personnel*..... K-1

(4) *Emergency Medical Plan* K-2

(5) *Emergency Eyewash and Shower Facilities* K-3

Appendix A to 437-002-0161 *First aid kits (Nonmandatory)*..... K-5

SUBDIVISION K

MEDICAL AND FIRST AID

437-002-0161 Medical Services and First Aid.

(1) Definitions.

(a) “Emergency medical service” is the provision of care by a medically trained person, whether this service is provided by a hospital, clinic, ambulance, disaster car, or rescue vehicle.

(b) “In proximity” is defined as that which is available nearby to ensure prompt treatment in the event of need.

(c) “Qualified first aid person” means a person with evidence to show valid (current) first aid training by the American Red Cross or equivalent.

(2) First Aid Supplies.

(a) The employer shall provide first aid supplies based upon the intended use and types of injuries that could occur at the place of employment. The first aid supplies shall be available in close proximity to all employees. Either bulk pack or unit pack supplies are acceptable.

(b) First aid supplies must be stored in containers adequate to protect the contents from damage, deterioration, or contamination. The container shall be clearly marked, available when needed and must not be locked, but may be sealed.

(c) The employer shall ensure that the first aid supplies are available for each shift.

Note: Supplies such as gloves and a mouth barrier device are considered personal protective equipment, and are regulated by OAR 437-002-0134 in Division 2/I, Personal Protective Equipment.

Note: The Safety Code for Motor Vehicle Transportation of Workers (Rule 735-120-000) adopted by the Motor Vehicles Division of the Department of Transportation contains requirements for the first aid kit which is required when school buses are used to transport workers. In addition, the Public Utilities Commission has adopted Federal Motor Carrier Safety Regulations which apply to for-hire buses.

(3) Personnel.

(a) The employer shall ensure the ready availability of emergency medical services for the treatment of all injured employees.

(b) Where emergency medical services are not in proximity to the place of employment, a qualified first aid person shall be available.

NOTE: More specific requirements for first aid training are found in:

*1910.94, Ventilation, in Division 2/G;
OAR 437-002-0118, Reinforced Plastics, in Division 2/H;
1910.120, Hazardous Waste Operations and Emergency Response, in Division 2/H;
1910.252 in Division 2/Q, Welding, Cutting and Brazing;
OAR 437-002-0304, Ornamental Tree & Shrub Services, in Division 2/R;
1910.268, Telecommunications, in Division 2/R;
Division 2/T, Commercial Diving Operations.*

(4) Emergency Medical Plan.

(a) An emergency medical plan to ensure the rapid provision of medical services to employees with major illnesses and injuries shall be developed. In such cases, the employer shall determine that the service will be available in an emergency.

(b) If a physician or an ambulance with Emergency Medical Technicians is readily accessible to the place of employment, then the minimum emergency medical plan must contain the emergency telephone number of the ambulance service. The emergency telephone number shall be posted conspicuously at the place of employment.

(c) Employers in areas with a designated 911 telephone number may utilize the 911 service in lieu of posting the specific ambulance telephone number.

(d) If the place of employment is not in proximity to emergency medical services, then the employer shall have, in addition to the information required in 437-002-0161(4)(a), a definite plan of action to be followed in the event of serious injury to an employee. The plan of action shall consist of the arrangements for:

(A) Communication. Two-way radio, telephone, or provision for emergency communication to contact the emergency medical services.

(B) Transportation. Availability of transportation to a point where an ambulance can be met or to the nearest suitable medical facility. Vehicles provided for this purpose shall be available at all times, shall have right-of-way over all vehicles or equipment under the control of the employer, and shall be equipped so that due consideration can be given to the proper care and comfort of the injured employee.

(C) Qualified medical personnel at destination.

(D) All employees shall be knowledgeable concerning the qualified first aid person(s), the first aid requirements, and emergency medical plan.

(5) Emergency Eyewash and Shower Facilities.

(a) *Where employees handle substances that could injure them by getting into their eyes or onto their bodies, provide them with an eyewash, or shower, or both based on the hazard.*

(A) *Emergency eyewash and showers must meet the following:*

(i) *Locate it so that exposed employees can reach it and begin treatment in 10 seconds or less. The path must be unobstructed and cannot require the opening of doors or passage through obstacles unless other employees are always present to help the exposed employee.*

(ii) *Water must flow for at least 15 minutes.*

(iii) *Install the equipment according to the manufacturer's instructions.*

(iv) *The eyewash must have valves that stay open without the use of the hands. The shower must not be subject to unauthorized shut-off.*

(v) *Follow the system manufacturer's criteria for water pressure, flow rate and testing to assure proper operation of the system.*

(vi) *Emergency shower and eyewash facilities must be clean, sanitary and operating correctly.*

(vii) *In self-contained systems, do not use solutions or products past their expiration date.*

NOTE: *If the employer can demonstrate, with the support of a physician board certified in ophthalmology, toxicology or occupational medicine, that an alternative eyewash solution is adequate for their specific hazard, OR-OSHA will accept that solution. An example would be a buffered isotonic solution preserved with a suitable antibacterial agent, that may be less irritating when used in a 15-minute flush.*

(b) *If the product label, MSDS or other information about the expected contaminant gives treatment instructions different from those required in this section, follow the most protective of those instructions.*

(c) *If the contaminant manufacturer requires specific decontaminants or procedures, you must provide them in addition to the eyewash or shower. The employer must assure this treatment is available.*

(d) *If eyewash facilities or showers can freeze, take protective measures to prevent freezing.*

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: WCB Admin. Order, Safety 3-1975, f. 10/6/75, ef. 11/1/75.

WCD Admin. Order, Safety 4-1979, f. 5/21/79, ef. 7/15/79.

OR-OSHA Admin. Order 2-1993, f. 2/3/93, ef. 2/3/93.

OR-OSHA Admin. Order 1-2000, f. 1/28/00, ef. 1/28/00.

OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.

Appendix A to 437-002-0161 - First aid kits (Non-Mandatory)

First aid supplies are required to be readily available under paragraph 437-002-0161(2)(c). By not listing specific first aid kit contents, the rule allows for compliance flexibility by emphasizing performance-based requirements. Employers need to evaluate both the potential injuries as well as injuries that have occurred in the workplace and stock first aid items to treat those injuries.

As an example, but in no way a specific requirement, the minimal contents of a generic first aid kit is described in American National Standard (ANSI) Z308.1-1998 "Minimum Requirements for Workplace First-aid Kits." The contents of the kit listed in the ANSI standard should be adequate for small worksites. When larger operations or multiple operations are being conducted at the same location, employers should determine the need for additional first aid kits at the worksite, additional types of first aid equipment and supplies and additional quantities and types of supplies and equipment in the first aid kits.

In a similar fashion, employers who have unique or changing first-aid needs in their workplace may need to enhance their first-aid kits. The employer can use the OSHA 300 log, worker compensation 801 forms or other reports to identify unique problems. Some of the basic contents may include disinfect and wound cover or include special items for treating burns. Consultation from the local fire/rescue department, appropriate medical professional, or local emergency room may be helpful to employers in these circumstances. By assessing the specific needs of their workplace, employers can ensure that reasonably anticipated supplies are available. Employers should assess the specific needs of their worksite periodically and augment the first aid kit appropriately.

Employers are required to provide appropriate personal protective equipment (PPE) in compliance with the provisions of the Occupational Exposure to Bloodborne Pathogens standard, 1910.1030(d)(3) for employees who are expected to render first aid and have exposure to blood or other potentially infectious materials while using first aid supplies. This standard lists appropriate PPE for this type of exposure, such as gloves, gowns, face shields, masks, and eye protection. PPE requirements outside of the bloodborne pathogens rule are regulated by OAR 437-002-0134, Division 2, Subdivision I, Personal Protective Equipment.

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

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 1-2005, f. 4/12/05, ef. 4/12/05.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.

– END OF DOCUMENT –

