



Oregon

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August 21, 2014

[Text of changes](#)

Oregon OSHA – Proposed Changes With Federal OSHA Remand of Portions of the Vertical Tandem Lifts Standard in Marine Terminals

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

Oregon OSHA proposes to adopt by reference the amendments to vertical tandem lifts as published in the **April 21, 2014 Federal Register**. Federal OSHA is implementing a court-ordered remand of certain portions of the standard for vertical tandem lifts (VTLs). This rulemaking implements the remand by: limiting the application of the corner-casting and interbox-connector inspection requirements to shore-to-ship VTLs; and removing the tandem lifts of platform containers from the scope of the VTL standard.

This amendment is to CFR 1917 Marine Terminals, 1917.71.

When does this happen: Adoption tentatively will be October 2014

To get a copy: Our web site – www.orosha.org Rules, then Proposed Rules
OR call the Oregon OSHA Resource Center at 503-947-7453

To comment: Department of Consumer and Business Services/Oregon OSHA
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Comment period closes: October 3, 2014

Oregon OSHA contact: Kathleen Kincade, Central Office @ 503-947-7452;
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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
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of: Amending OAR 437-005-0002.

Rule Caption:

Adopt federal OSHA remand of portions of vertical tandem lifts standard in Marine Terminals.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

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Documents Relied Upon, and where they are available:

Federal Register, April 21, 2014 https://www.osha.gov/FedReg_oshapdf/FED20140421.pdf

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Fiscal and Economic Impact:

Federal OSHA has concluded that the revisions will not impose any additional costs on employers as it merely implements the order of the 2011 DC. Cir. Court (*National Maritime Safety Association v. OSHA*, 649 F.3d 743,753–54) that remanded two provisions of the VTL standard at § 1917.71(i). As a result, employers have not been required to comply with the rule's inspection requirements in § 1917.71(i)(9), with respect to ship-to-shore VTLs, or with the ban on VTLs of platform containers in § 1917.71(i)(10).

The final rule codifies the Court's action, removing workplace requirements and reducing rather than increasing compliance costs. The final rule does not impose additional costs on any private-sector or public-sector entity and is not expected to have a significant economic impact on small business entities.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
No impact is anticipated on state agencies, local governments, or the public. Oregon OSHA's own costs in administering the rules are limited to the rulemaking itself. All state agencies as well as units of local government are affected in the sense that they are employers under the Oregon Safe Employment Act.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The revision is not expected to have any economic impact on small business entities.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There are no projected reporting, recordkeeping or other administrative activities, including costs of professional services required for compliance.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor or administration are required for compliance.

How were small businesses involved in the development of this rule? This was not necessary due to the nature of the rulemaking – a state-level adoption of federal OSHA’s rules for Marine Terminal activities.

Administrative Rule Advisory Committee consulted? No.

If not, why? An advisory committee at the state level was not necessary for this action.

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

8/14/2014

Date