DIVISION 3, CONSTRUCTION

437-003-0001
Adoption by Reference. In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:
(1) Subdivision A – GENERAL
(2) Subdivision B – GENERAL INTERPRETATIONS
(3) Subdivision C – GENERAL SAFETY AND HEALTH PROVISIONS
(a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)
(i) 29 CFR 1926.28 Personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.
(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.
(l) 29 CFR 1926.31 (Reserved).
(m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.

(4) Subdivision D – OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS
(a) 29 CFR 1926.50 Medical services and first aid, published 6/18/98, FR vol. 63, no. 117, p. 33469.
(b) 29 CFR 1926.51 Sanitation, published 6/30/93, FR vol. 58, no. 124, p. 35084.
(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).
(k) 29 CFR 1926.60 Methyleneedianiline (MDA), published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
(m) 29 CFR 1926.62 Lead, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
NOTE: Cadmium has been redesignated as §1926.1127.
(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response
(5) Subdivision E – PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT
(a) 29 CFR 1926.95 Criteria for personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.
(b) 29 CFR 1926.97 Electrical protective equipment, published 4/11/14, FR vol. 79, no. 70, p. 20316.
(c) 29 CFR 1926.100 Head protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.

(e) 29 CFR 1926.102 Eye and face protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.


(g) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.


(i) 29 CFR 1926.107 Definitions applicable to this subpart, published 8/9/94, FR vol. 59, no. 152, p. 40729.

(6) Subdivision F – FIRE PROTECTION AND PREVENTION


(c) 29 CFR 1926.152 Flammable and combustible liquids, published 6/30/93, FR vol. 58, no. 124, p. 35162.

(d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 6/30/93, FR vol. 58, no. 124, p. 35170.


(7) Subdivision G – SIGNS, SIGNALS, AND BARRICADES


(b) 29 CFR 1926.201 Signaling, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(c) 29 CFR 1926.202 Barricades, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(d) 29 CFR 1926.203 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.

(8) Subdivision H – MATERIALS HANDLING, STORAGE, USE AND DISPOSAL

(a) 29 CFR 1926.250 General requirements for storage, published 6/30/93, FR vol. 58, no. 124, p. 35173.

(b) 29 CFR 1926.251 Rigging equipment for material handling, published 6/30/93, FR vol. 58, no. 124, p. 35173.


(9) Subdivision I – TOOLS – HAND AND POWER

(a) 29 CFR 1926.300 General requirements, published 3/7/96, FR vol. 61, no. 46, p. 9250.


(c) 29 CFR 1926.302 Power operated hand tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.

(d) 29 CFR 1926.303 Abrasive wheels and tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.

(e) 29 CFR 1926.304 Woodworking tools, published 3/7/96, FR vol. 61, no. 46, p. 9251.


(10) Subdivision J – WELDING AND CUTTING


(d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 6/30/93, FR vol. 58, no. 124, p. 35179.

(11) Subdivision K – ELECTRICAL
(b) 29 CFR 1926.401 (Reserved)
(e) 29 CFR 1926.404 Wiring design and protection, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, eff. 10/1/03.
(j) 29 CFR 1926.409 (Reserved)
(k) 29 CFR 1926.415 (Reserved)
(m) 29 CFR 1926.417 Lockout and tagging of circuits, published 8/12/96, FR vol. 61, no. 156, p. 41739.
(n) 29 CFR 1926.418 (Reserved)
(o) 29 CFR 1926.430 (Reserved)
(r) 29 CFR 1926.433 - 29 CFR 1926.440 (Reserved)
(s) 29 CFR 1926.441 Battery locations and battery charging, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
(t) 29 CFR 1926.442 - 29 CFR 1926.448 (Reserved)
(u) 29 CFR 1926.449 Definitions applicable to this subpart, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.

(12) Subdivision L – SCAFFOLDING
(a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
(b) 29 CFR 1926.451 General requirements, published 11/25/96, FR vol. 61, no. 228, p. 59831.
(c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.
(e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.
(f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.
(g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.
(h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.
(i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.
(j) Appendix E to Subpart L Drawing and illustrations, published 11/25/96, FR vol. 61, no. 228, p. 59832.

(13) Subdivision M – FALL PROTECTION
(a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 4/11/14, FR vol. 79, no. 70, p. 20316.
(b) 29 CFR 1926.501 Duty to have fall protection, published 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended with [AO 6-2002, f. and ef. 7/19/02]AO X-2016, f. XX/16, ef. XX/XX.
(c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.
(d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02,
(g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.

(14) Subdivision N – HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS
(a) 29 CFR 1926.550 (Reserved).
(d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(15) Subdivision O – MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS
(c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.
(e) 29 CFR 1926.604 Site clearing, published 7/22/77, FR vol. 42, p. 37674.
(g) 29 CFR 1926.606 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.

(16) Subdivision P – EXCAVATIONS
(a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.
(c) 29 CFR 1926.652 Requirements for protective systems, published 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.

(17) Subdivision Q – CONCRETE AND MASONRY CONSTRUCTION
(a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 10/18/90, FR vol. 55, no. 202, p. 42326.
(g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
(i) Subdivision R – STEEL ERECTION
(a) 29 CFR 1926.750 Scope, published 7/17/01, FR vol. 66, no. 137, p. 37137.
(b) 29 CFR 1926.751 Definitions, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
(c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 7/17/01, FR vol. 66, no. 137, p. 37137.
(d) 29 CFR 1926.753 Hoisting and rigging, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
(g) 29 CFR 1926.756 Beams and columns, published 7/17/01, FR vol. 66, no. 137, p. 37137.
(k) 29 CFR 1926.760 Fall protection, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
(l) 29 CFR 1926.761 Training, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
(m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 7/17/01, FR vol. 66, no. 137, p. 37137.
(n) Appendix B to Subpart R Reserved.
(o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 7/17/01, FR vol. 66, no. 137, p. 37137.
(p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
(r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 7/17/01, FR vol. 66, no. 137, p. 37137.
(s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with §1926.760(d), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
(t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with §1926.756(c)(1), published 7/17/01, FR vol. 66, no. 137, p. 37137.
(19) Subdivision S – UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR
(20) Subdivision T – DEMOLITION
(21) Subdivision U – BLASTING AND USE OF EXPLOSIVES
(c) 29 CFR 1926.902 Surface transportation of explosives, published 6/30/93, FR vol. 58, no. 124, p. 35311.
(e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35311.
(f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35184.
(g) 29 CFR 1926.906 Initiation of explosive charges – electric blasting, published 6/18/98, FR vol. 63, no. 117, p. 33469.
(o) 29 CFR 1926.914 Definitions applicable to this subpart, published 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.
(22) Subdivision V – POWER TRANSMISSION AND DISTRIBUTION
(23) Subdivision W – ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION
(a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
(c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127.
(24) Subdivision X – STAIRWAYS AND LADDERS
(a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
(b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.
(e) 29 CFR 1926.1054 (Reserved)
(f) 29 CFR 1926.1055 (Reserved)
(g) 29 CFR 1926.1056 (Reserved)
(h) 29 CFR 1926.1057 (Reserved)
(i) 29 CFR 1926.1058 (Reserved)
(j) 29 CFR 1926.1059 (Reserved)
(25) Subdivision Z – TOXIC AND HAZARDOUS SUBSTANCES
(b) 29 CFR 1926.1126 Chromium (VI), published 3/17/10, FR vol. 75, no. 51, pp. 12681-12686.
(c) 29 CFR 1926.1127 Cadmium, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
(26) Subdivision AA – (Reserved)
(27) Subdivision BB – (Reserved)
(28) Subdivision CC – Cranes and Derricks in Construction
(d) 29 CFR 1926.1403 Assembly/Disassembly – selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
(e) 29 CFR 1926.1404 Assembly/Disassembly – general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
(f) 29 CFR 1926.1405 Disassembly – additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(h) 29 CFR 1926.1407 Power line safety (up to 350 kV) – assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(i) 29 CFR 1926.1408 Power line safety (up to 350 kV) – equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(k) 29 CFR 1926.1410 Power line safety (all voltages) – equipment operations closer than the Table A zone, published 4/11/14, FR vol. 79, no. 70, p. 20316.


(m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(u) 29 CFR 1926.1420 Signals – radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(mm) 29 CFR 1926.1438 Overhead & gantry cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


(pp) 29 CFR 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.


These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
APD Admin. Order 16-1989 (temp), f. 9/13/89, ef. 9/13/89.
OR-OSHA Admin. Order 3-1990, f. 1/19/90, ef. 1/19/90 (temp).
OR-OSHA Admin. Order 7-1990, f. 3/2/90, ef. 3/2/90 (perm).
OR-OSHA Admin. Order 8-1990, f. 3/30/90, ef. 3/30/90.
OR-OSHA Admin. Order 6-1992, f. 5/18/92, ef. 5/18/92.
OR-OSHA Admin. Order 16-1993, f. 11/1/93, ef. 11/1/93 (Lead).
OR-OSHA Admin. Order 1-1995, f. 1/19/95, ef. 1/19/95 (DOT markings, placards & labels).
OR-OSHA Admin. Order 3-1995, f. 2/22/95, ef. 2/22/95 (Hazard Waste).
OR-OSHA Admin. Order 5-1995, f. 4/6/95, ef. 4/6/95 (HazCom).
OR-OSHA Admin. Order 6-1995, f. 4/18/95, ef. 6/1/95 (Fall Protection).
OR-OSHA Admin. Order 4-1997, f. 3/12/97, ef. 3/12/97.
OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.
OR-OSHA Admin. Order 6-1997, f. 5/2/97, ef. 5/2/97.
OR-OSHA Admin. Order 7-1997, f. 9/15/97, ef. 9/15/97 (Fall Protection).
OR-OSHA Admin. Order 8-1997, f. 11/14/97, ef. 11/14/97 (Methylene Chloride).
OR-OSHA Admin. Order 3-1998, f. 7/7/98, ef. 7/7/98 (Respiratory Protection).
OR-OSHA Admin. Order 3-2000, f. 2/8/00, ef. 2/8/00.
OR-OSHA Admin. Order 3-2001, f. 2/5/01, ef. 2/5/01 (Fall Protection/Oregon Exceptions).
OR-OSHA Admin. Order 3-2002, f. 4/15/01, ef. 4/18/02 (Steel Erection).
OR-OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02 (Fall Protection/Steel Erection).
OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03 (3/Q Masonry Wall Bracing).
OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03 (3/G).
OR-OSHA Admin. Order 4-2006, f. 7/24/06, ef. 7/24/06.
OR-OSHA Admin. Order 5-2006, f. 8/7/06, ef. 1/1/07.
OR-OSHA Admin. Order 6-2006, f. 8/30/06, ef. 8/30/06.
OR-OSHA Admin. Order 10-2006, f. 11/30/06, ef. 11/30/06.
OR-OSHA Admin. Order 5-2008, f. 5/1/08, ef. 5/15/08 (PPE).
OR-OSHA Admin. Order 3-2010, f. 6/10/10, ef. 6/15/10.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.
OR-OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.
OR-OSHA Admin. Order 1-2013, f. 2/14/13, ef. 2/14/13.
OR-OSHA Admin. Order 2-2013, f. 2/15/13, ef. 4/1/13.
OR-OSHA Admin. Order 4-2013, f. 7/19/13, ef. 7/19/13.
OR-OSHA Admin. Order 7-2013, f. 12/12/13, ef. 12/12/13.
OR-OSHA Admin. Order 6-2014, f. 10/28/14, ef. 5/1/15.
OR-OSHA Admin. Order X-2016, f. X/X/16, ef. X/X/XX.
Subdivision E – Personal Protective and Life Saving Equipment

437-003-0134 Personal Protective Equipment.

Application. This rule applies to personal protective equipment and other protective equipment for the eyes, face, head, extremities and torso to include protective clothing, respiratory devices, and protective shields and barriers, wherever employees encounter hazardous processes or environments, chemical hazards, radiological hazards, or mechanical irritants that are capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(1) Hazard assessment and equipment selection.

   (a) The employer must assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE) or other protective equipment. If such hazards are present, or likely to be present, the employer must:

      (A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

           (i) All protective equipment must be of safe design and construction for the work to be performed.

           (ii) Protective equipment must be worn and used in a manner which will make full use of its protective properties.

      (B) Communicate selection decisions to each affected employee; and,

      (C) Select PPE that properly fits each affected employee.

NOTE: Non-mandatory Appendix B to Subdivision 2/I, contains an example of procedures that would comply with the requirement for a hazard assessment.

(2) Equipment.

   (a) Where employees provide their own protective equipment, the employer is responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

   (b) All personal protective equipment must be provided, used, and maintained in a sanitary and reliable condition.

   (c) Defective or damaged personal protective equipment must not be used.

   (d) Each employer must maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers.
(3) Training.

(a) The employer must provide training to each employee who is required by this section to use PPE and each employee that is provided training must know at least the following:

(A) When PPE is necessary;

(B) What PPE is necessary;

(C) How to properly don, doff, adjust, and wear PPE;

(D) The limitations of the PPE; and,

(E) The proper care, maintenance, useful life and disposal of the PPE.

(b) Each affected employee must demonstrate an understanding of the training specified in paragraph (3)(a) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

(c) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (3)(b) of this section, the employer must retrain each such employee. Circumstances where retraining is required include, but are not limited to situations where:

(A) Changes in the workplace render previous training obsolete; or

(B) Changes in the types of PPE to be used render previous training obsolete; or

(C) Inadequacies in an affected employee’s knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.

(4) Payment for protective equipment.

(a) Except as provided by paragraphs (4)(b) through (4)(f) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, must be provided by the employer at no cost to employees.

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(d) The employer is not required to pay for:

(A) The logging boots required by OAR 437-007-0330 in Division 7.

(B) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or
(C) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(5) Fall Protection. **When fall protection systems are required by another standard, the employer must ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502, 437-003-0502, 437-003-1502, and 437-003-2502 in Division 3/M, Fall Protection.**

[(a) All employees must be protected from fall hazards when working on unguarded surfaces more than 10 feet above a lower level or at any height above dangerous equipment.]

[(b) The employer must ensure that fall protection systems are provided, installed, and used according to the criteria in 1926.502(d), and 437-003-0502 in Division 3/M, Construction/Fall Protection.]

(6) Work Clothing.

(a) Clothing must be worn which is appropriate to the work performed and conditions encountered.

(b) Appropriate high temperature protective clothing must be worn by workers who are exposed to possible contact with molten metals or other substances that can cause burns.

(c) Loose sleeves, ties, lapels, cuffs, or other loose clothing must not be worn near moving machinery.

(d) Clothing saturated or impregnated with flammable liquids, corrosive or toxic substances, irritants, or oxidizing agents must be removed immediately and not worn again until properly cleaned.

(e) Rings, wristwatches, earrings, bracelets, and other jewelry which might contact power driven machinery or electric circuitry, must not be worn.

(7) High Visibility Garments. Employees exposed to hazards caused by on highway type moving vehicles in construction zones and street/highway traffic must wear highly visible upper body garments. The colors must contrast with other colors in the area sufficiently to make the worker standout. Colors equivalent to strong red, strong orange, strong yellow, strong yellow-green or fluorescent versions of these colors are acceptable. During hours of darkness, the garments must also have reflective material visible from all sides for 1000 feet.

(8) Eye And Face Protection.
The employer must ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

The employer must ensure that each affected employee uses eye protection that provides side protection when there is a hazard from flying objects. Detachable side protectors (e.g., clip-on or slide-on side shields) meeting the pertinent requirements of this section are acceptable.

The employer must ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or shall wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

Eye and face PPE must be distinctly marked to facilitate identification of the manufacturer.

The employer must ensure that each affected employee uses equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation.

The following is a listing of appropriate shade numbers for various operations.

<p>| Filter Lenses for Protection Against Radiant Energy |
|-----------------------------------------------|-----------------|-----------------|-----------------|
| Operations                                   | Electrode Size (1/32 in.) | Arc Current (amps) | Minimum* Protective Shade |
| Shielded metal arc welding                   | Less than 3       | Less than 60     | 7               |
|                                              | 3-5               | 60-160           | 8               |
|                                              | 5-8               | 160-250          | 10              |
|                                              | More than 8       | 250-550          | 11              |
| Gas metal arc welding and flux cored arc welding | Less than 60      | Less than 60     | 7               |
|                                              | 60-160            | 60-160           | 10              |
|                                              | 160-250           | 160-250          | 10              |
|                                              | 250-500           | 250-500          | 10              |
| Gas Tungsten arc welding                     | Less than 50      | Less than 50     | 8               |
|                                              | 50-150            | 50-150           | 8               |
|                                              | 150-500           | 150-500          | 10              |
| Air carbon Arc cutting                        | (Light)           | Less than 500    | 10              |
|                                              | (Heavy)           | 500-1000         | 11              |
| Plasma arc welding                            | Less than 20      | Less than 20     | 6               |
|                                              | 20-100            | 20-100           | 8               |
|                                              | 100-400           | 100-400          | 10              |
|                                              | 400-800           | 400-800          | 11              |
| Plasma arc cutting                            | (Light) **        | Less than 300    | 8               |
|                                              | (Medium) **       | 300-400          | 9               |
|                                              | (Heavy) **        | 400-800          | 10              |</p>
<table>
<thead>
<tr>
<th>Operations</th>
<th>Plate thickness – inches</th>
<th>Plate thickness – mm</th>
<th>Minimum* Protective Shade</th>
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<tr>
<td>Gas Welding:</td>
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<tr>
<td>Light</td>
<td>Under 1/8</td>
<td>Under 3.2</td>
<td>4</td>
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<tr>
<td>Medium</td>
<td>1/8 to 1/2</td>
<td>3.2 to 12.7</td>
<td>5</td>
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<tr>
<td>Heavy</td>
<td>Over 1/2</td>
<td>Over 12.7</td>
<td>6</td>
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<td>Oxygen Cutting:</td>
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<tr>
<td>Light</td>
<td>Under 1</td>
<td>Under 25</td>
<td>3</td>
</tr>
<tr>
<td>Medium</td>
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</tr>
<tr>
<td>Heavy</td>
<td>Over 6</td>
<td>Over 150</td>
<td>5</td>
</tr>
</tbody>
</table>

* As a rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the visible light of the (spectrum) operation.

** These values apply where the actual arc is clearly seen. Experience has shown that lighter filters may be used when the arc is hidden by the workpiece.

(f) Protective eye and face protection devices must comply with any of the following consensus Standards.

(A) ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection, which is incorporated by reference in 1910.6;

(B) ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection, which is incorporated by reference in 1910.6; or


(g) Protective eye and face protection devices that the employer demonstrates are at least as effective as protective eye and face protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

(h) Employees whose occupation or assignment requires exposure to laser beams shall be furnished laser safety goggles as required by Occupational Health Regulations which
will protect for the specific wavelength of the laser and be of optical density adequate for the energy involved.

(9) Head Protection.

(a) The employer must ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling or flying objects.

(b) The employer must ensure that a protective helmet designed to reduce electrical shock hazard is worn by each such affected employee when near exposed electrical conductors which could contact the head.

(c) Head protection must comply with any of the following consensus standards:

   (A) ANSI Z89.1-2009, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6;

   (B) ANSI Z89.1-2003, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6;

   (C) ANSI Z89.1-1997, American National Standard for Industrial Head Protection, which is incorporated by reference in 1910.6; or

(d) Head protection devices that the employer demonstrates are at least as effective as head protection devices that are constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

(e) Employees who are exposed to power-driven machinery or to sources of ignition shall wear caps or other head covering which completely covers the hair.

(10) Foot Protection.

(a) The employer must ensure that each affected employee use protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee’s feet are exposed to electrical hazards.

(b) Protective footwear must comply with any of the following consensus standards:


   (B) ANSI Z41-1999, American National Standard for Personal Protection – Protective Footwear, which is incorporated by reference in 1910.6; or

(c) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

(d) Special types or designs of shoes or foot guards are required where conditions exist that make their use necessary for the safety of workers.

(11) Leg protection.

(a) Leggings or high boots of leather, rubber, or other suitable material must be worn by persons exposed to hot substances or dangerous chemical spills.

(b) Employees using chain saws must wear chaps or leg protectors that cover the leg from the upper thigh to mid-calf. The protector must be material designed to resist cuts from the chain saw. Employers must provide this protection at no cost to the employee.

(12) Hand Protection.

(a) Employers must select and require employees to use appropriate hand protection when employees’ hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

(b) Employers must base the selection of the appropriate hand protection on an evaluation of the performance characteristics of the hand protection relative to the task(s) to be performed, conditions present, duration of use, and the hazards and potential hazards identified.

(c) Gloves must not be worn by persons whose hands are exposed to moving parts in which they could be caught.

(13) Skin protection. Where the need for their use is necessary, protective covering, ointments, gloves, or other effective protection must be provided for and used by persons exposed to materials which are hazardous to the skin.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
OR-OSHA Admin. Order X-2016, f. X/X/16, ef. X/X/XX.
Subdivision M – Fall Protection

437-003-1500 Additional Definitions.

(1) Body belt means a Type 1 safety belt used in conjunction with lanyard or lifeline for fall restraint only.

(2) Fall protection system means personal fall arrest system, personal fall restraint system, positioning device system, guardrail system, safety net system, warning line system, or slide guard safety monitoring system.

(3) Personal fall restraint system means a fall protection system that prevents the user from falling any distance. The system is comprised of either a body belt or body harness, along with an anchorage, connectors and other necessary equipment. The other components typically include a lanyard, and may also include a lifeline and other devices.

(4) Rake edge means the inclined roof edges, such as those on the gable end of a building.

(5) Roofing work means the hoisting, storage, application, and removal of roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck and leading edge work.

(6) Slide guard system means a fall protection system designed to prevent employees from sliding off a sloped roof to a lower level. The system consists of manufactured brackets (roof brackets) used in conjunction with dimensional lumber, or a site built system of similar design and dimension.

(7) Walking/working surface means any surface, whether horizontal or vertical on which an employee walks or works, including, but not limited to, floors, roofs, ramps, bridges, runways, formwork, beams, columns, trusses and concrete reinforcing steel but not ladders, vehicles, or trailers, on which employees must be located in order to perform their job duties.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02.
   OR-OSHA Admin. Order X-2016, f. X/X/16, ef. X/X/XX.

1926.501 Duty to Have Fall Protection.

(a) General.

(1) This section sets forth requirements for employers to provide fall protection systems. All fall protection required by this section shall conform to the criteria set forth in §1926.502 of this subpart.

(2) The employer shall determine if the walking/working surfaces on which its employees are to work have the strength and structural integrity to support employees safely.
Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity.

NOTE: All of 1926.501(b) was repealed. In Oregon, 437-003-1501 applies.

[(e) Protection from falling objects. When an employee is exposed to falling objects, the employer shall have each employee wear a hard hat and shall implement one of the following measures:

(1) Erect toeboards, screens, or guardrail systems to prevent objects from falling from higher levels; or,

(2) Erect a canopy structure and keep potential fall objects far enough from the edge of the higher level so that those objects would not go over the edge if they were accidentally displaced; or,

(3) Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of a higher level so that those objects would not go over the edge if they were accidentally displaced.]

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats Implemented: ORS 654.001 through 654.295.
OR-OSHA Admin. Order 3-2000, f. 2/8/00, ef. 2/8/00.
OR-OSHA Admin. Order 3-2001, f. 2/5/01, ef. 2/5/01.
OR-OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02.
OR-OSHA Admin. Order X-2016, f. X/X/16, ef. X/X/XX.

437-003-1501 [General]Fall Protection. [Except as otherwise provided in paragraphs (1) through (4) of this section, when employees are exposed to a hazard of falling 10 feet or more to a lower level, the employer shall ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502.

(1) Holes:

(a) Each employee on walking/working surfaces shall be protected from falling through holes (including skylights) more than 6 feet (1.8 m) above lower levels, by personal fall arrest systems, personal fall restraint systems, safety net systems, guardrail systems, or covers erected around such holes.

(b) Each employee on a walking/working surface shall be protected from tripping in or stepping into or through holes (including skylights) by covers.

(c) Each employee on a walking/working surface shall be protected from objects falling through holes (including skylights) by covers.
(d) Smoke domes or skylight fixtures are not considered covers for the purpose of this section unless they meet the strength requirements of 29 CFR 1926.502(i).

(2) Wall openings. Each employee working on, at, above, or near wall openings (including those with chutes attached) where the outside bottom edge of the wall opening is 6 feet (1.8 m) or more above lower levels and the inside bottom edge of the wall opening is less than 39 inches (1.0 m) above the walking/working surface, shall be protected from falling by the use of personal fall arrest systems, personal fall restraint systems, safety net systems, or guardrail systems.

(3) Established floors, mezzanines, balconies and walkways. Each employee on established floors, mezzanines, balconies and walkways, with an unprotected side or edge 6 feet (1.8 m) or more above a lower level, shall be protected from falling by the use of personal fall arrest systems, personal fall restraint systems, safety net systems, or guardrail systems.

(4) Excavations.
   (a) Each employee at the edge of an excavation 6 feet (1.8 m) or more in depth shall be protected from falling by guardrail systems, fences, or barricades when the excavations are not readily seen because of plant growth or other visual barrier;
   (b) Each employee at the edge of a well, pit, shaft, and similar excavation 6 feet (1.8 m) or more in depth shall be protected from falling by guardrail systems, fences, barricades, or covers.

(5) Dangerous Equipment. Each employee shall be protected from falls into or onto dangerous equipment by personal fall arrest systems, personal fall restraint systems, safety net systems, guardrail systems or equipment guards.

(1) General. Except where permitted by another standard, when employees are exposed to a hazard of falling 6 feet or more to a lower level, the employer must ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502, 437-003-0502, 437-003-1502, and 437-003-2502.

(2) Holes. Regardless of height, each employee on a walking/working surface must be protected from tripping in or stepping into or through holes (including skylights) by covers, or equivalent.
   Note: Smoke domes or skylight fixtures are not considered covers for the purpose of this section unless they meet the strength requirements of 1926.502(i).

(3) Wall openings. Each employee working on, at, above, or near wall openings (including those with chutes attached) where the inside bottom edge of the wall opening is less than 39 inches above the walking/working surface and the outside bottom edge of the wall opening is 6 feet or more above lower levels, must be protected from falling by the use of guardrail systems, safety net systems, personal fall restraint systems, or personal fall arrest systems, meeting the criteria in 1926.502.

(4) Excavations.
(a) Employers must use guardrail systems, fences, or barricades to protect any employee who might approach the edge of an excavation, when the excavation is 6 feet or more in depth and is not readily seen because of plant growth or other visual barrier.

(b) Employers must use guardrail systems, fences, barricades, or covers to protect any employee who might approach the edge of a well, pit, shaft, or other similar excavation, when the excavation is 6 feet or more in depth.

(5) Dangerous Equipment. In addition to the fall protection requirements under 437-003-1501(1), each employee working less than 6 feet above dangerous equipment must be protected from falls into or onto dangerous equipment by guardrail systems or equipment guards.

437-003-2501 Protection From Falling Objects.

(1) General. Except as otherwise provided in paragraph (2) of this section, when employees are exposed to falling objects, the employer must have each employee wear a hard hat and must implement one of the following measures in accordance with the criteria in 1926.502(j):

(a) Erect toeboards, screens, or guardrail systems to prevent objects from falling from higher levels; or,

(b) Erect a canopy structure and keep potential fall objects far enough from the edge of the higher level so that those objects would not go over the edge if they were accidentally displaced; or,

(c) Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of a higher level so that those objects would not go over the edge if they were accidentally displaced.

(2) Holes. Employees working below walking/working surface holes (including skylights) must be protected from objects falling through by covers meeting the criteria in 1926.502(i), or equivalent.
(1) Slide Guard Systems. Slide guard systems, and their use, shall comply with the following provisions:

(a) Slide guard systems shall be installed under the supervision of a competent person.

(b) Slide guards shall not be used on roofs with a ground-to-eave height greater than 25 feet.

(c) Slide guards shall not be used as a fall protection system on roofs with a slope less than 3:12 nor greater than 8:12.

(A) On roofs with slopes greater than or equal to 3:12 up to and including 6:12, at least one slide guard shall be placed below the work area, no closer than 6 inches from the eave.

(B) On roofs with slopes greater than 6:12 and not more than 8:12, multiple slide guards shall be used, spaced no more than eight feet apart, vertically. The lower slide guard shall be no closer than 6 inches from the eave.

(d) Installation of the lowest slide guard shall be perpendicular (90 degrees) to the roof surface. When multiple slide guards are used, the angle of installation for the upper slide guards shall not be less than 60 degrees to the roof surface.

(e) Slide guards shall be continuous below all walking or working areas.

(f) Personnel shall not be allowed to ascend or descend the roof slope within six feet of the rake edge except where that limitation would prevent the performance of work.

(g) Supplies and materials shall not be stored within 6 feet of the rake edge, or three feet where tile roof systems are being installed.

(2) Manufactured roof brackets. Manufactured roof brackets shall meet, or exceed the following minimum safety standards:

(a) Roof brackets shall be installed according to the manufacturer’s specifications.

(b) Minimum 6 inch brackets shall be used.

(c) All brackets shall bear on a solid surface.

(d) Brackets shall not be spaced greater than 8 feet apart horizontally, or according to the manufacturer’s specifications, whichever is less.

(e) Nominal 2 inch by 6 inch material shall be used for slide guards, and shall be secured to the brackets or otherwise protected against cantilevering and failure due to material flex.

(f) The manufacturer’s specifications shall be available for review.
(3) Job-made slide guards shall meet or exceed the following minimum safety standards:

(a) Nominal 2 inch by 6 inch material for both vertical and horizontal members shall be used. Vertical members shall be backed to the horizontal (flat) members.

(b) Horizontal (flat) members shall be anchored with two “16 penny” (16d) common nails or the equivalent, every 4 feet, to solid bearing surfaces. Vertical members shall be anchored to the horizontal members with one “16 penny” (16d) common nail or the equivalent, every 2 feet.

(c) The vertical member shall be provided with full support bracing every eight feet, horizontally.

(d) Engineering specifications shall be available for review whenever design and/or installation does not meet the above minimum guidelines.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02.

437-003-0503 Training requirements.

(1) Training Program.

(a) The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

(b) The employer shall assure that each employee has been trained, as necessary, by a competent person qualified in the following areas:

(A) The nature of fall hazards in the work area;

(B) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;

(C) The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, personal fall restraint systems, [slide guard systems], positioning devices, and other appropriate protection to be used;

(D) The role of each employee in the safety monitoring system when this system is used;

(E) The limitations on the use of mechanical equipment during the performance of roofing work;
(F) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection; and

(G) The role of employees in the fall protection work plan;

(H) The standards contained in this subpart.

(2) Certification of training.

(a) The employer shall verify compliance with paragraph (a) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted by another employer or completed prior to the effective date of this section, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training.

(b) The latest training certification shall be maintained.

(3) Retraining. When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (a) of this section, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

(a) Changes in the workplace render previous training obsolete; or

(b) Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or

(c) Inadequacies in an affected employee’s knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: OR-OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02.
OR-OSHA Admin. Order X-2016, f. X/X/16, ef. X/X/XX.