

September 22, 2008

Oregon OSHA - Adopted Changes To Division 1, General Administrative Rules Safety Committees/Safety Meetings

Oregon OSHA amended Oregon Administrative Rules for Workplace Safety Committees. The rule change requires every public and private employer, regardless of size, subject to Oregon-OSHA jurisdiction, with the exception of sole owners with single employee corporations and members of boards and commissions who do not participate in the every day operation of the company, to establish and administer an effective safety committee or conduct safety meetings. Other employers not covered by this rule include those engaged in agricultural activities, or forest activities, as they are required to have safety committees by the rules that govern their type of business. The changes apply to Division 1, General Administrative Rules, OAR 437-001-0765 Rules for Workplace Safety Committees. The changes are required as a result of House Bill 2222 passed by the 2007 Oregon Legislative Regular Session. House Bill 2222 also amended ORS 654.176 and 654.182.

Oregon OSHA reopened the proposed amendments to the Oregon Administrative Rules for Workplace Safety Committees. A need to further amend the proposed rule was recognized once public hearings were adjourned. Comments received at the public hearings in January and February 2008 warranted further review and the Advisory Committee reconvened to discuss the issue of centralized safety committees and the current penalty structure for failure to comply with safety committee rules. As a result of those meetings, additional amendments to the rule were proposed and a public hearing held on August 28, 2008. Employers will be allowed to establish centralized safety committees when they have employees at multiple locations. They will be required to have a written safety and health policy outlining how the committee will function and represent the safety and health of all locations represented. Regular safety committees do not require this written policy.

These rules are intended to provide employers with options for formally addressing safety and health issues in their workplaces. Safety committees and safety meetings provide a forum for effectively evaluating safety and health issues and for communicating the need to resolve those issues by involving all employees.

The rules in Division 1 also reflect a change in the penalty structure for violations of this rule. There will no longer be a mandatory penalty. Penalties for violations of this rule will be determined by the same evaluation of the probability and severity factors used to determine penalty amounts for other violations.

Oregon OSHA amended OAR 437-001-0203, Determination of Penalty – Relating to Violations Which Have No Probability. The rule change removes paragraph (7) which will eliminate the minimum penalty of \$100 if an employer fails to establish a safety committee as required by OAR 437-001-0765. This allows Oregon OSHA to set penalties for failure to have an effective safety committee or hold effective safety meetings based on the hazards that the employer actually has.

Oregon OSHA also amended OAR 437-002-0182, Oregon Rules for Fire Fighters in Division 2/L. The rule change allows fire services to establish a fire service safety committee or opt for safety meetings based on employee numbers. This change was necessary to allow those companies that have 10 or fewer employees the option to simply hold effective safety meetings in accordance with the amendments to OAR 437-001-0765 in Division 1.

This is OR-OSHA Administrative Order 9-2008, **adopted September 19, 2008 and effective January 1, 2009**. Small employers with 10 or fewer employees not engaged in construction will have until **September 19, 2009** to comply. This will allow small employers who may not have had to have a safety committee previously, time to decide whether they will have a safety committee or hold safety meetings and develop their internal processes. Oregon OSHA consultants are available to work with employers or Technical specialists can assist by telephone at 503-378-3272, 1-800-922-2689 (toll free in Oregon), or email tech.web@state.or.us .

Please visit OR-OSHA's web site: www.orosha.org for proposed, adopted, and final rules, as well as current publications, training opportunities, and much more.

OR-OSHA contact: Ron Haverkost, Central Office @ 503-947-7421;
Or email at Ronald.I.haverkost@state.or.us

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

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 19, 2008 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

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to become effective January 1, 2009 as OR-OSHA Administrative Order 9-2008.
Date upon filing or later

Rulemaking Notice was published in the August 2008 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt changes to Division 1, Safety Committees with House Bill 2222.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-001-0203, 437-001-0765, 437-002-0182

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

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Oregon OSHA amended Oregon Administrative Rules for Workplace Safety Committees. The rule change requires every public and private employer subject to Oregon-OSHA jurisdiction, with the exception of sole owners with single employee corporations and members of boards and commissions who do not participate in the every day operation of the company, to establish and administer an effective safety committee or conduct safety meetings. Other employers not covered by this rule include those engaged in agricultural activities, or forest activities, as they are required to have safety committees by the rules that govern their type of business. The changes apply to Division 1, General Administrative Rules, OAR 437-001-0765 Rules for Workplace Safety Committees. The changes are required as a result of the passing of House Bill 2222 by the 2007 Oregon Legislative Regular Session. House Bill 2222 also amended ORS 654.176 and 654.182.

Oregon OSHA reopened the proposed amendments to the Oregon Administrative Rules for Workplace Safety Committees. A need to further amend the proposed rule was recognized once public hearings were adjourned. Comments received at the public hearings in January and February 2008 warranted further review and the Advisory Committee reconvened to discuss the issue of centralized safety committees and the current penalty structure for failure to comply with safety committee rules. As a result of those meetings, additional amendments to the rule were proposed and a public hearing held on August 28, 2008. Employers will be allowed to establish centralized safety committees when they have employees at multiple locations. They will be required to have a written safety and health policy outlining how the committee will function and represent the safety and health of all locations represented. Regular safety committees do not require this written policy.

These rules are intended to provide employers with options for formally addressing safety and health issues in their workplaces. Safety committees and safety meetings will provide a forum for effectively evaluating safety and health issues and for communicating the need to resolve those issues by involving all employees.

The rules in Division 1 also reflect a change in the penalty structure for violations of this rule. There will no longer be a mandatory penalty. Penalties for violations of this rule will be determined by an evaluation of the probability and severity factors used to determine penalty amounts for other violations.

Oregon OSHA amended OAR 437-001-0203, Determination of Penalty – Relating to Violations Which Have No Probability. The rule change removes paragraph (7) which will eliminate the minimum penalty of \$100 if an employer fails to establish a safety committee as required by OAR 437-001-0765. This allows Oregon OSHA to set penalties for failure to have an effective safety committee or hold effective safety meetings based on the hazards that the employer actually has.

Oregon OSHA also amended OAR 437-002-0182, Oregon Rules for Fire Fighters in Division 2/L. The rule change allows fire services to establish a fire service safety committee or opt for safety meetings based on employee numbers. The intent of this change is to clarify that every employer that does fire service work must have a separate safety committee and allows those companies that have 10 or fewer employees the option to simply hold effective safety meetings in accordance with the amendments to OAR 437-001-0765 in Division 1.

Please visit our web site www.orosha.org Click 'Rules/Compliance' in the left vertical column and view our proposed, adopted, and final rules.

<u>/s/Michael D. Wood</u>	<u>Michael D. Wood</u>	<u>9/18/08</u>
Authorized Signer	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 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