Oregon OSHA - Adopted Changes
To the Worker Protection Standard in
Agriculture, General Industry, and Forest Activities

In Oregon, Oregon OSHA administers and enforces the pesticide Worker Protection Standard (WPS: 40 CFR 170) as adopted in Division 4, Agriculture, Subdivision W, OAR 437-004-6000.

This rulemaking amends OAR 437-004-6000 to reflect non-substantive corrections and technical amendments that were published in the Federal Register from 2006 through 2009.

Oregon OSHA is also amending the pesticide Worker Protection Standard (WPS) in Division 7, Forest Activities, Subdivision A, General Requirements, OAR 437-007-0010, to clarify the references in Division 7 to the WPS in Division 4.

In addition, Oregon OSHA is amending Division 2, General Industry, Subdivision Z, Toxic and Hazardous Substances, by adopting a new rule (OAR 437-002-0170) to clarify that under certain circumstances all parts of the Worker Protection Standard (WPS) apply to general industry workplaces, and are a part of Division 2 in addition to, and not instead of, any other part of Division 2.

Members of the public submitting written comments expressed support for the changes but noted that the proposed amendments (being non-substantive) do not go far enough to improve the protection of Oregon’s affected workers from exposure to pesticides. The changes suggested by these commenters were outside the parameters of this rulemaking.

This is Oregon OSHA Administrative Order 9-2009, adopted and effective September 21, 2009.

Please visit Oregon 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 Kathleen Kincade, Central Office @ 503-947-7452; or email at kathleen.kincade@state.or.us

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PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 21, 2009 by the Department of Consumer & Business Services/Oregon Occupational Safety & Health Division

Agency and Division
Sue Joye 350 Winter Street NE, Salem OR 97301-3882
Rules Coordinator Address
503-947-7449 Telephone
to become effective September 21, 2009 as OR-OSHA Administrative Order 9-2009.

Rulemaking Notice was published in the July 2009 Oregon Bulletin.**

RULE CAPTION

Adopt changes to the Worker Protection Standard in agriculture, general industry, and forest activities.
Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.

RULEMAKING ACTION

ADOPT: OAR 437-002-0170
AMEND: OAR 437-004-6000, 437-007-0010
ORS 654.025(2), 656.726(4)
ORS 654.001 through 654.295

RULE SUMMARY

In Oregon, Oregon OSHA administers and enforces the pesticide Worker Protection Standard (WPS: 40 CFR 170) as adopted in Division 4, Agriculture, Subdivision W, OAR 437-004-6000.

This rulemaking amends OAR 437-004-6000 to reflect non-substantive corrections and technical amendments that were published in the Federal Register from 2006 through 2009.

Oregon OSHA is also amending the pesticide Worker Protection Standard (WPS) in Division 7, Forest Activities, Subdivision A, General Requirements, OAR 437-007-0010, to clarify the references in Division 7 to the WPS in Division 4.

In addition, Oregon OSHA is amending Division 2, General Industry, Subdivision Z, Toxic and Hazardous Substances, by adopting a new rule (OAR 437-002-0170) to clarify that under certain circumstances all parts of the Worker Protection Standard (WPS) apply to general industry workplaces, and are a part of Division 2 in addition to, and not instead of, any other part of Division 2.

Members of the public submitting written comments expressed support for the changes but noted that the proposed amendments (being non-substantive) do not go far enough to improve the protection of Oregon’s affected workers from exposure to pesticides. The changes suggested by these commenters were outside the parameters of this rulemaking.
Please visit OR-OSHA’s web site at www.orosha.org

/s/Michael D. Wood

Michael D. Wood 9/17/2009

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