

December 20, 2011

Oregon OSHA - Adopted Changes to General Industry, Construction, Agriculture, and Maritime With Federal amendments and Oregon-initiated changes

Oregon OSHA adopted changes to rules in general industry, construction, agriculture, and maritime. Federal OSHA published a number of rule changes in these industries in the June 8, 2011 Federal Register. This is Phase III of the Standards Improvement Project (SIP III), the third in a series of rulemaking by Federal OSHA to improve and streamline the standards. This removes or revises individual requirements within rules that are confusing, outdated, duplicative, or inconsistent.

Oregon OSHA adopted the majority of the federal changes that include:

- Personal Protective Equipment – Division 2/I, remove requirements that employers prepare and maintain written training certification records.
- Respiratory Protection – revise requirements for breathing-gas containers.
- Material Handling/Slings – revise standards in general industry, construction, and maritime standards.
- Commercial Division Operations – Division 2/T, remove two obsolete recordkeeping requirements.
- General industry and construction – remove requirements in numerous standards for employers to transfer specific records to the National Institute for Occupational Safety and Health (NIOSH).
- Lead – amend trigger levels in general industry and construction.

In connection with rule changes in the SIP III rulemaking process, Oregon OSHA adopted additional changes to the subdivisions and rules opened during this rulemaking activity. We also made reference changes to Underground Installations in Division 3/P.

Oregon OSHA repealed all of Division 2/I rules with the exception of 1910.134 Respiratory Protection, 1910.137 Electrical Protective Equipment, 437-002-0138 Additional Oregon Rule for Electrical Protective Equipment, 437-002-0139 Working Underway on Water, and 437-002-1139 Working Over or In Water.

To replace them, we adopted new Oregon-initiated rule, 437-002-0134 Personal Protective Equipment, that includes sections covering scope/application, hazard assessment, equipment, training, payment, fall protection, clothing, high visibility garments, eye, head, foot, leg, hand and skin protection.

The change in format simplifies the existing text while making little change to the overall rule requirements with the following exceptions:

- Modifies the hazard assessment requirement to clarify that employers must identify hazards to the entire body, including the torso and extremities, when performing the assessment. The assessment is currently limited to head, hands, eyes and face and foot protection. **Note: The assessment for eyes, face, head, hands, and feet are currently in effect. The torso and extremities (e.g. arms and legs) element of the body assessment will not be enforced until July 1, 2012.**
- Change the fall protection component criteria to align with the systems criteria found in 1926.502 of the construction standards. The training requirement in this rule would also cover those parts not previously covered, such as fall protection.

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 Dec. 8, 2011 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

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449
Rules Coordinator Address Telephone

to become effective December 8, 2011 as Oregon OSHA Administrative Order 4-2011.
Date upon filing or later

Rulemaking Notice was published in the November 2011 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt changes in general industry, construction, agriculture, and maritime with federal amendments from SIP III and Oregon-initiated changes.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: OAR 437-002-0134.

AMEND:OAR 437-002-0005, 437-002-0120, 437-002-0140, 437-002-0220, 437-002-0340, 437-002-0360, 437-002-0364; 437-003-0001, 437-003-0015, 437-003-0096; 437-004-1110; 437-005-0001, 437-005-0002, 437-005-0003.

REPEAL: OAR 437-002-0123, 437-002-0125, 437-002-0127, 437-002-0128, 437-002-0130, 437-002-0135, 437-002-0136, 437-002-0137.

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

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Oregon OSHA adopted changes to rules in general industry, construction, agriculture, and maritime. Federal OSHA published a number of rule changes in these industries in the June 8, 2011 Federal Register. This is Phase III of the Standards Improvement Project (SIP III), the third in a series of rulemaking by Federal OSHA to improve and streamline the standards. This removes or revises individual requirements within rules that are confusing, outdated, duplicative, or inconsistent.

Oregon OSHA adopted the majority of the federal changes that include:

- Personal Protective Equipment – Division 2/I, remove requirements that employers prepare and maintain written training certification records.
- Respiratory Protection – revise requirements for breathing-gas containers.
- Material Handling/Slings – revise standards in general industry, construction, and maritime standards.
- Commercial Division Operations – Division 2/T, remove two obsolete recordkeeping requirements.
- General industry and construction – remove requirements in numerous standards for employers to transfer specific records to the National Institute for Occupational Safety and Health (NIOSH).
- Lead – amend trigger levels in general industry and construction.

In connection with rule changes in the SIP III rulemaking process, Oregon OSHA adopted additional changes to the subdivisions and rules opened during this rulemaking activity. We also made reference changes to Underground Installations in Division 3/P.

Oregon OSHA repealed all of Division 2/I rules with the exception of 1910.134 Respiratory Protection, 1910.137 Electrical Protective Equipment, 437-002-0138 Additional Oregon Rule for Electrical Protective Equipment, 437-002-0139 Working Underway on Water, and 437-002-1139 Working Over or In Water.

To replace them, we adopted new Oregon-initiated rule, 437-002-0134 Personal Protective Equipment, that includes sections covering scope/application, hazard assessment, equipment, training, payment, fall protection, clothing, high visibility garments, eye, head, foot, leg, hand and skin protection.

The change in format simplifies the existing text while making little change to the overall rule requirements with the following exceptions:

- Modifies the hazard assessment requirement to clarify that employers must identify hazards to the entire body, including the torso and extremities, when performing the assessment. The assessment is currently limited to head, hands, eyes and face and foot protection.
- Change the fall protection component criteria to align with the systems criteria found in 1926.502 of the construction standards. The training requirement in this rule would also cover those parts not previously covered, such as fall protection.

Definition of “potable water”:

Previously, Oregon OSHA did not adopt 1910.141(a)(1), so the SIP-III changes to the definition of potable water must be addressed through Oregon-initiated rules. We will maintain the current definition of potable water in Division 2/J, 437-002-0141(1)(a), Sanitation and Division 4/J, 437-004-1105(1)(b), Sanitation. However, for consistency, we changed the definition of potable water in Division 4/J, 437-004-1110, Field Sanitation for Hand Labor Work, and Division 3/D, 437-003-0015 Drinking Water to the same definition.

MOCA -- 4,4'-Methylene bis (2-chloroaniline):

As a logical extension of the Federal OSHA SIP-III changes to 29 CFR 1910.1003, 13 Carcinogens, we amended the Oregon Rules for MOCA (4,4'-Methylene bis (2-chloroaniline)) at Division 2/Z, 437-002-0364. The requirements for respiratory protection are updated and the requirements for transfer of records is simplified. Most transfer of medical records to NIOSH is eliminated with the SIP III rulemaking. The employer is required to follow the requirements of the Respiratory Protection rule and select appropriate respirators based on the selection criteria in 1910.134(d). (The type of respirator to use is no longer specified.) We will also remove and reserve 437-002-0364(6)(a) which had a reporting requirement end date of December 1974.

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>12/6/11</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