

December 20, 2011

**Oregon OSHA - Adopted Changes to
General Industry and Construction
With Federal amendments and Oregon-initiated changes**

Oregon OSHA adopted changes to rules in general industry and construction. 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 This removes or revises individual requirements within rules that are confusing, outdated, duplicative, or inconsistent.

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.

For Substance-specific rules:

We adopted new Oregon-initiated rules in Divisions 2/Z, 3/D, and 3/Z, that replace the respiratory protection program paragraphs in the 1910 and 1926 substance specific rules referencing 1910.134 Respiratory Protection. The new rules expand the 1910.134 reference to include paragraphs (e) Medical Evaluation, and (o) Appendices. Also, notes are added following each of these new rules to clarify that these requirements are in addition to other medical evaluation and respiratory-protection-related requirements in each rule.

In most instances, the change in the requirement for a respirator medical evaluation (1910.134(e)) is a change in timing. Employers in many instances are already required to provide respirator medical evaluations based on contaminant exposure and required use of a respirator. Employers subject to the substance-specific rules would be required to provide a respirator medical evaluation to determine the employee's ability to wear a respirator without adverse health effects before the employee is fit tested or required to use a respirator in the workplace.

By adding section (o) of 1910.134, the new rules specify that all the Appendices to 1910.134 apply, providing approved procedures and respirator protocols to employers. These include Appendix A, Fit Testing Procedures; Appendix B-1, User Seal Check Procedures; Appendix B-2, Respirator Cleaning Procedures; Appendix C, OSHA Respirator Medical Evaluation Questionnaire; and Appendix D, Information for Employees Using Respirators When Not Required under the Standard.

This is Oregon OSHA Administrative Order 5-2011, adopted December 8, 2011, and **effective July 1, 2012**.

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.

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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

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Rules Coordinator Address Telephone

to become effective July 1, 2012 as Oregon OSHA Administrative Order 5-2011.
Date upon filing or later

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

RULE CAPTION

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

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

RULEMAKING ACTION

ADOPT: OAR 437-002-1001, 437-002-1017, 437-002-1018, 437-002-1025, 437-002-1027, 437-002-1028, 437-002-1029, 437-002-1043, 437-002-1044, 437-002-1045, 437-002-1047, 437-002-1048, 437-002-1050, 437-002-1051, 437-002-1052; 437-003-0062, 437-003-1101, 437-003-1127, 437-003-3060.

AMEND: OAR 437-002-0360, 437-003-0001.

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

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

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

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

12/6/11
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