



Oregon

John Kitzhaber MD, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)
350 Winter Street NE, Room 430
PO Box 14480
Salem, OR 97309-0405
Phone: 503-378-3272
Toll Free: 1-800-922-2689
Fax: 503-947-7461
www.orosha.org

September 16, 2013

[Text of changes](#)

Oregon OSHA - Adopted Changes Federal OSHA Changes in Construction Revising the Exemption to Digger Derricks

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA's standards.

In December 2012, Oregon OSHA proposed to make the Federal OSHA amendments published in the **November 9, 2012 Federal Register**, in 1926.1400 Scope, to broaden the exemption for digger derricks, and in 1926.952 Mechanical Equipment. However, on February 7, 2013, OSHA published in the Federal Register a withdrawal of the direct final rulemaking (November 9, 2012 Federal Register) and instead, it moved forward with proposed rulemaking that was published at the same time as the direct final. Therefore, Oregon OSHA did not proceed with rulemaking adoption concerning the digger derricks exemption at that time.

Federal OSHA then published in the **May 29, 2013 Federal Register**, their final rule revising the exemption for digger derricks. Comparing the November 9, 2012 to the May 29, 2013 Federal Registers, they are essentially identical in rule amendments, with a slight clarifying sentence structure change in 1926.952. The intent remains the same.

Oregon OSHA makes the amendments from the May 29, 2013 Federal Register in construction, Division 3/V and 3/CC.

This is Oregon OSHA Administrative Order 5-2013, **adopted and effective September 13, 2013**.

Oregon OSHA Contact: Tom Bozicevic, Central Office @ 503-947-7431; or e-mail at tom.bozicevic@state.or.us

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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 Sept. 13, 2013 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 Sept. 13, 2013 as Oregon OSHA Administrative Order 5-2013.
Date upon filing or later

Rulemaking Notice was published in the January 2013 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt federal changes in construction revising the exemption to digger derricks.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 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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/s/Michael D. Wood
Authorized Signer

Michael D. Wood 9/13/2013
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 rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.
ARC 930-2005