



Oregon

John Kitzhaber MD, Governor

Department of Consumer and Business Services
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October 23, 2014

[Text of changes](#)
[New text only](#)

Oregon OSHA – Adopted Changes to Confined Spaces Standard for General Industry and Construction

Oregon OSHA in consultation with stakeholders, developed a rule proposal to amend our current general industry/construction standard OAR 437-002-0146 Confined Spaces, to clarify certain areas of concern in the state-initiated rule adopted in 2012. These amendments were proposed in July with one hearing held in August 2014.

Changes from the proposed rule to the adopted rule include:

The proposed rule contained requirements that employers identify all confined spaces. The final rule requires only that employers identify their permit-required confined spaces.

There was a typo in the proposed rule regarding the exemption for excavation work. The final rule reflects that excavation work is exempt from the confined space rules except when workers must bodily enter a sewer space.

An exemption was added for power generation work regulated by the newly adopted federal OSHA rules on power generation in the construction industry. While Oregon OSHA has yet to adopt these rules, it is highly unlikely that the referenced rule will change dramatically.

Language was added to clarify that, when energy isolation is used to isolate the hazards of a permit space, employers must follow all of the provisions of 1910.147 The Control of Hazardous Energy (Lockout/Tagout). A note was added in the section regarding alternate entry that tagout alone does not eliminate a hazard.

A written agreement with third party entry rescue service providers is no longer required. A note was added to remind employers who plan on using an off-site rescue service that they need to contact that service and coordinate the evaluations required by the rule, and that simply posting a phone number or relying on emergency services is not adequate.

Language was added to clarify that retraining is necessary when previously unidentified hazards are discovered.

These rule amendments are adopted and will become effective for general industry on January 1, 2015, and for construction on March 1, 2015.

This is Oregon OSHA Administrative Order 5-2014, **adopted October 20, 2014, and effective January 1, 2015 (construction industry: effective March 1, 2015).**

Oregon OSHA Contact: Dave McLaughlin, Central Office @ 503-947-7457; or e-mail at dave.j.mclaughlin@state.or.us

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

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 October 20, 2014 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 January 1, 2015 as Oregon OSHA Administrative Order 5-2014.
Date upon filing or later

Rulemaking Notice was published in the August 2014 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt amendments to the Confined Spaces standard in general industry and construction.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

AMEND: OAR 437-002-0146.

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

Printed name

10/15/2014

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