March 10, 2016

Oregon OSHA – Adopted Changes to Fall Protection Standard in Construction

In November of 2015, Oregon OSHA proposed to revise the general fall protection requirements covered under Division 3 (Construction Industry), Subdivisions 3/M (Fall Protection) and 3/E (Personal Protective and Life Saving Equipment), as requested by federal OSHA. Federal OSHA’s request was not based on data related to enforcement, but on the effectiveness of the rule itself, presuming it is followed. The proposed revisions to Subdivision 3/M and Subdivision 3/E, includes amending the 10-foot general trigger height for fall protection to 6 feet, and repealing 437-003-0134(5)(a), which has a 10-foot general fall protection trigger height requirement, due to redundancy.

Five public hearings were held during January of 2016. Oregon OSHA received oral testimony in addition to written comments. Several comments received opposed lowering the 10-foot general trigger height for fall protection to 6 feet. Reasons for the opposing comments included, but were not limited to; the belief that the hazard associated with a 6-foot fall is not an “extreme difference” than that of a 10-foot fall; employers’ difficulty of ensuring employees follow company policy to use personal fall protection systems; additional costs incurred by employers and homeowners for increase use of fall protection systems, in lieu of slide guards; lack of data that supports the need to lower the current 10-foot trigger height.

Oregon OSHA considered all comments received. However, since federal OSHA’s request was not based on data related to enforcement, but rather on the literal effectiveness of the rule itself, presuming it is followed, Oregon OSHA must comply with federal OSHA’s request.

This is Oregon OSHA Administrative Order 1-2016, adopted March 1, 2016, and effective January 1, 2017.

Oregon OSHA contacts:
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<tbody>
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<td>Sue C. Joye</td>
<td><a href="mailto:Sue.C.Joye@state.or.us">Sue.C.Joye@state.or.us</a></td>
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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 March 1, 2016 by the

Date prior to or same as filing date

Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 437
Agency and Division

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

Administrative Rules Chapter Number
to become effective January 1, 2017 as Oregon OSHA Administrative Order 1-2016.
Date upon filing or later

Rulemaking Notice was published in the December 2015 Oregon Bulletin.*
Month and Year

RULE CAPTION

Adopt changes to fall protection standard in construction.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: OAR 437-003-2501

AMEND: OAR 437-003-0001, 437-003-0134, 437-003-1501

ORS 654.025(2), 656.726(4)

ORS 654.001 through 654.295
Stat. Implemented

RULE SUMMARY

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Authorized Signer

Michael D. Wood  2/29/2016
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 6:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 6:00 pm on the preceding workday.

ARC 690-2005