



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division

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[Text of changes](#)

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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Please visit our web site [osha.oregon.gov](http://osha.oregon.gov) and click 'Rules' in the left vertical column to view/print our proposed, adopted, and final rules.

Note: Incompliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

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**PERMANENT ADMINISTRATIVE RULES**

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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the  
Department of Consumer and Business Services, Oregon Occupational Safety and Health 437

Agency and Division

Administrative Rules Chapter Number

Sue C. Joye

(503) 947-7449

Rules Coordinator

Telephone

350 Winter St. NE , Salem, OR 97301-3882

Address

To become effective 01/01/2017 Rulemaking Notice was published in the December 2015 Oregon Bulletin.

**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**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

437-003-2501

**AMEND:**

437-003-0001, 437-003-0134, 437-003-1501

**REPEAL:**

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 654.025(2), 656.726(4)

**Other Authority:**

**Statutes Implemented:**

ORS 654.001 through 654.295

**RULE SUMMARY**

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.

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Sue C. Joye

Sue.C.Joye@state.or.us

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Rules Coordinator Name

Email Address

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 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 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, 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

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Stat. Auth.

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Authorized Signer

Michael D. Wood  
Printed name

2/29/2016  
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.

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