



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division

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November 18, 2016

[Text of changes](#)  
[May 12, 2016 Federal Register](#)

## Oregon OSHA – Adopted Changes with Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses

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

On May 12, 2016, federal OSHA adopted rules to improve tracking of work-place injuries and illnesses for employers. Due to the unique nature of the national recordkeeping program, state-plan states must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

This rulemaking will increase prevention of workplace injuries and illnesses as a result of expanded access to timely establishment-specific injury/illness information by federal OSHA, employers, employees, potential customers, and researchers. The benefits of the final rule also include the promotion of complete and accurate reporting of work-related injuries and illnesses.

The final rule requires employers in certain industries to electronically submit to federal OSHA injury and illness data that employers are already required to keep under existing federal OSHA regulations. The frequency and content of these establishment-specific submissions is set out in the final rule and is dependent on the size and industry of the employer. Federal OSHA intends to post the data from these submissions on a publicly accessible website. Federal OSHA does not intend to post any information on the website that could be used to identify individual employees.

The final rule also amends federal OSHA's recordkeeping regulation to update requirements on how employers inform employees to report work-related injuries and illnesses to their employer. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. The final rule also amends OSHA's existing recordkeeping regulation to clarify the rights of employees and their representatives to access the injury and illness records.

Oregon OSHA amends OAR 437-001-0700 Recording Workplace Injuries and Illness, in Division 1, General Administrative Rules, to reflect federal OSHA's final rule changes.

This is Oregon OSHA Administrative Order 6-2016, **adopted November 10, 2016, and effective May 1, 2017.**

Oregon OSHA contact:

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Please visit our website [osha.oregon.gov](http://osha.oregon.gov) Click 'Rule and laws' in the Topics, rules, guidelines column; and view/print our proposed rules, adopted, or 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**

**FILED**  
11-10-16 2:32 PM  
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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

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Rules Coordinator

Telephone

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Address

To become effective 05/01/2017 Rulemaking Notice was published in the October 2016 Oregon Bulletin.

**RULE CAPTION**

Adopt federal OSHA amendments: Improve Tracking of Workplace Injuries and Illnesses.

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:**

**AMEND:**

437-001-0700

**REPEAL:**

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 654.025(2), 656.726(4)

**Other Authority:**

**Statutes Implemented:**

ORS 654.001 - 654.295, 654.412 - 654.423, 654.750 - 654.780

**RULE SUMMARY**

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Sue.C.Joye@state.or.us

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 Nov. 10, 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 May 1, 2017 as Oregon OSHA Administrative Order 6-2016.  
Date upon filing or later

Rulemaking Notice was published in the October 2016 *Oregon Bulletin*.\*\*  
Month and Year



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

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\_\_\_\_\_  
Authorized Signer

Michael D. Wood  
Printed name

11/10/2016  
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.

ARC 930-2005