



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division

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February 17, 2017

[Text of changes](#)

[Nov. 2, 2015 Federal Register, Environmental Protection Agency](#)

Oregon OSHA – Adopted Changes to the Worker Protection Standard in Agriculture with Federal and State Changes

Oregon Occupational Safety and Health Division (Oregon OSHA) administers and enforces the employee safety and health part of the U.S. Environmental Protection Agency (EPA)'s pesticide Worker Protection Standard (WPS) as adopted in Division 4/ Agriculture as adopted at OAR 437-004-6000. The standard aims to protect workers – those who work in pesticide-treated crop areas – and handlers – those who mix, load, and apply pesticides. EPA modified the WPS at the federal level (40 CFR 170) in the November 2, 2015 Federal Register. In response, Oregon OSHA initiated the rule-making process working with an advisory committee – including representatives of labor, employers, grower organizations, and government and nonprofit agencies, and other stakeholders – and reviewed extensive public comments received both orally at three public hearings held around the state, and in written format following formal proposal in late 2016.

Oregon OSHA is adopting most of the modified rules initiated by the EPA as well as several Oregon-initiated rules introduced to reflect the unique circumstances for employers in Oregon. The agency will continue to enforce the existing WPS through the end of 2017.

The rule changes are expected to lead to an overall reduction in incidents of unsafe pesticide exposure and to improve the occupational health of agricultural workers and pesticide handlers.

The adopted OARs:

- **437-004-6001** gives expiration and implementation dates for the existing and revised rules. The rules codified in Division 4/W as 170.1 through 170.260 will remain in effect through 2017, and expire on 12/31/2017. The new rules, codified as 170.301 through 170.607, and the other five new OARs will be implemented beginning on January 1, 2018.
- **437-004-6401** and **437-004-6501** provide specific effective dates for the revised subject matter to be included in training programs for both workers and handlers. In addition, the requirements for crop advisor training programs necessary to exempt workers and handlers from WPS training is cross-referenced to the minimum subject matter in these OARs.
- **437-004-6508 Respiratory Protection** and **437-004-6509 Emergency eye-washes and eye flushing supplies** maintain Oregon OSHA's more protective requirements related to respiratory protection and emergency eye-washes while fulfilling the EPA's pesticide label requirements.
- **437-004-6502** augments training requirements in Oregon for trainers of WPS handlers who use the Train-the-Trainer qualification described in 170.501(c)(4)(ii) of the WPS. The adopted rule does not apply to trainers of WPS handlers who meet the qualification as certified applicators described in 170.501(c)(4)(iii).

The agency will reconsider some details of the 2016 WPS proposal through a separate public rulemaking process centered on the Application Exclusion Zone (AEZ.) To give more time to fine-tune those provisions and to ease the transition to the modified rule requirements, Oregon OSHA is delaying implementation of the modified standard until Jan. 1, 2018. The expected result will be a revised proposal initiated in 2017, in time for it to take effect with the other modified sections of the WPS on Jan. 1, 2018.

This is Oregon OSHA Administrative Order 1-2017, **adopted February 14, 2017 and effective January 1, 2018.**

Oregon OSHA contact:

Kathleen Kincade, Central Office @ 503-947-7452, or email at kathleen.kincade@oregon.gov

Please visit our website osha.oregon.gov Click 'Rule and laws' in the Topics, rules, guidelines column; and view/print our proposed, 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.

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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

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Rules Coordinator

Telephone

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Address

To become effective 01/01/2018 Rulemaking Notice was published in the November 2016 Oregon Bulletin.

RULE CAPTION

Adopt changes to the Worker Protection Standard in Agriculture with federal and state changes.

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:

437-004-6001, 437-004-6401, 437-004-6501, 437-004-6502, 437-004-6508, 437-004-6509

AMEND:

437-002-0170, 437-004-6000

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

654.025(2), 656.726(4)

Other Authority:

Statutes Implemented:

654.001 through 654.295; 654.412 through 654.423; 654.750 through 654.780

RULE SUMMARY

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- 437-004-6508 Respiratory Protection and 437-004-6509 Emergency eye-washes and eye flushing supplies maintain Oregon OSHA's more protective requirements related to respiratory protection and emergency eye-washes while fulfilling the EPA's pesticide label requirements.
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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 Feb. 14, 2017 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 Jan. 1, 2018 as Oregon OSHA Administrative Order 1-2017.
Date upon filing or later

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



RULE CAPTION

Adopt changes to the Worker Protection Standard in Agriculture with federal and state changes.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: OAR 437-004-6001, 437-004-6401, 437-004-6501, 437-004-6502, 437-004-6508, 437-004-6509.

AMEND: OAR 437-002-0170, 437-004-6000.

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

ORS 654.001 through 654.295; 654.412 through 654.423; 654.750 through 654.780
Stats. Implemented

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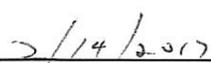
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Please visit our web site osha.oregon.gov Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.



 Authorized Signer

Michael D. Wood
 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