



Oregon
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[Text of changes](#)
[Nov. 18, 2016 Federal Register](#)

Oregon OSHA – Adopted Changes to
Walking-Working Surfaces and
Personal Protective Equipment (Fall Protection Systems)
in General Industry

On February 24, 2017 Oregon OSHA proposed to revise the existing walking-working surface and personal protective equipment rules for general industry. This proposal was required to harmonize Oregon OSHA's existing Division 2 regulations with the new federal OSHA's rule titled: "**Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)**" as published in the Federal Register on November 18, 2016. Federal OSHA's general industry final rule revised the previous walking-working surfaces standards within 29 CFR part 1910, subpart D and created a new standard and two new non-mandatory appendixes for fall protection systems within 29 CFR part 1910, subpart I. In addition to the significant changes made to Subparts D and I, federal OSHA also amended standards in 29 CFR part 1910, subparts F, N, and R to create uniformity across all of the affected subparts where walking-working surfaces and personal fall protection systems are addressed. Oregon OSHA's proposal made significant revisions to Subdivision 2/D (Walking-Working Surfaces) and Subdivision 2/I (Personal Protective Equipment) of Chapter 437, Division 2 including a proposal for rope access systems. Subsequently, since many existing Oregon OSHA regulations are based on those within 2/D and 2/I, the following Division 2 subdivisions also were amended in the February 24 proposal: 2/A, 2/F, 2/L, 2/N, 2/R, and 2/RR.

Four public hearings were held during March and April of 2017. Oregon OSHA received oral testimony at three of the public hearings in addition to written comments. Several comments received supported the overall rule making. Several comments opposed specific sections of the overall rulemaking. Major topics Oregon OSHA received comment on were; impacts of limiting acceptable standard guardrail heights to 42 inches +/- 3 inches, use of body belts in travel restraint systems, inspection of permanent mount lifeline systems, fall protection for fixed ladders and the associated inspections, duty to have fall protection when exposed to unprotected sides and edges, duty to have fall protection while exposed to walking-working surfaces not otherwise addressed by proposed 1910.28(b), and rope descent/access systems.

Oregon OSHA considered all comments received. Oregon OSHA, based on comments received, made adjustments to proposed 437-002-2027 Rope Descent & Rope Access Systems. Changes include separating the rules for rope descent from those for rope access with the exception of anchorages which both systems share in the final rule. Furthermore, the rope descent portion of the rule is no longer the foundation for the rope access portion. The proposed "assessment of need" for rope access work was removed, a rope access program administrator was added, a section listing minimum capacity requirements for rope access specific equipment was added, and a section establishing exceptions to 1910.140 Fall Protection was added when rope access work is conducted. Finally, Oregon OSHA added language to Division 2/I (Personal Protective Equipment) to permit general industry employers to use anchorages for travel restraint systems that meet the same capacity requirements previous afforded to construction employers in the construction regulations (Division 3/M).

This is Oregon OSHA Administrative Order 2-2017, adopted May 16, 2017 and effective November 1, 2017.

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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 May 16, 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

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to become effective November 1, 2017 as Oregon OSHA Administrative Order 2-2017.
Date upon filing or later

Rulemaking Notice was published in the March 2017 *Oregon Bulletin*.**
Month and Year

RULE CAPTION

Adopt federal OSHA and state amendments: Walking-Working Surfaces and PPE (Fall Protection Systems).
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Amend: OAR 437-002-0005, 437-002-0020, 437-002-0022, 437-002-0026, 437-002-0032, 437-002-0033, 437-002-0060, 437-002-0120, 437-002-0134, 437-002-0182, 437-002-0220, 437-002-0300, 437-002-0309, 437-002-0310, 437-002-0311, 437-002-0312, 437-002-0314, 437-002-2306, 437-002-2307.

Adopt: OAR 437-002-2021, 437-002-2022, 437-002-2027, 437-002-2031.

Repeal: OAR 437-002-0023, 437-002-0027, 437-002-0028, 437-002-0030, 437-002-0031, 437-002-0072, 437-002-0074, 437-002-0076.

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

RULE SUMMARY

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Four public hearings were held during March and April of 2017. Oregon OSHA received oral testimony at three of the public hearings in addition to written comments. Several comments received supported the overall rule making. Several comments opposed specific sections of the overall rulemaking. Major topics Oregon OSHA received comment on were; impacts of limiting acceptable standard guardrail heights to 42 inches +/- 3 inches, use of body belts in travel restraint systems, inspection of permanent mount lifeline systems, fall protection for fixed ladders and the associated inspections, duty to have fall protection when exposed to unprotected sides and edges, duty to have fall protection while exposed to walking-working surfaces not otherwise addressed by proposed 1910.28(b), and rope descent/access systems.

Oregon OSHA considered all comments received. Oregon OSHA, based on comments received, made adjustments to proposed 437-002-2027 Rope Descent & Rope Access Systems. Changes include separating the rules for rope descent from those for rope access with the exception of anchorages which both systems share in the final rule. Furthermore, the rope descent portion of the rule is no longer the foundation for the rope access portion. The proposed "assessment of need" for rope access work was removed, a rope access program administrator was added, a section listing minimum capacity requirements for rope access specific equipment was added, and a section establishing exceptions to 1910.140 Fall Protection was added when rope access work is conducted. Finally, Oregon OSHA added language to Division 2/I (Personal Protective Equipment) to permit general industry employers to use anchorages for travel restraint systems that meet the same capacity requirements previous afforded to construction employers in the construction regulations (Division 3/M).

Division 2, Subdivision D (Walking- Working Surfaces)

1910.21 Definitions. Oregon OSHA maintained this rule number; however, the title "Definitions" and all associated rule language was removed and replaced in accordance with the new federal 1910.21 language as published in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and proposed by Oregon OSHA, is now "Scope and Definitions". Oregon OSHA deviated once from the federal rule by not adopting the definition of "low-sloped roof". For years, Oregon OSHA has defined low-slope roof more conservatively than federal OSHA.

1910.22 General Requirements. Oregon OSHA maintained this rule number; however, all associated rule language was removed and replaced in accordance with the new federal 1910.22 language as published by federal OSHA in the Federal Register on November 18, 2016. The title did not change.

1910.23 Guarding Floor and Wall Openings and Holes. Oregon OSHA maintained this rule number; however, the title "Guarding Floors and Walls Openings and Holes" and all associated rule language was removed and replaced in accordance with the new federal 1910.23 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and adopted by Oregon OSHA, is now "Ladders". Oregon OSHA deviated once from the federal rule by not adopting 1910.23(c)(2) which required stepladders and combination ladders used in a stepladder mode to be equipped with a metal spreader or locking device that securely holds the front and back sections in an open position. Since federal OSHA specifically defines "stepladder" in the new 1910.21(b), Oregon OSHA felt that limiting this requirements only to those portable ladders that meet the definition of a stepladder was not sufficiently protective. Oregon OSHA addressed this concern in the existing Oregon initiated rule OAR 437-002-0026 which is discussed further below.

1910.24 Fixed Industrial Stairs. Oregon OSHA maintained this rule number; however, the title "Fixed Industrial Stairs" and all associated rule language was replaced in accordance with the new federal 1910.24 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and proposed by Oregon OSHA, is now "Step Bolts and Manhole Steps". Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.25 Portable Wood Ladders - Repealed. Oregon OSHA maintained this rule number; however, the title "Portable Wood Ladders – Repealed" and all associated rule language was removed and replaced in accordance with the new federal 1910.25 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and proposed by Oregon OSHA, is now "Stairways". Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.26 Portable Metal Ladders - Repealed. Oregon OSHA maintained this rule number; however, the title "Portable Metal Ladders – Repealed" and all associated rule language was removed and replaced in accordance with the new federal 1910.26 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and proposed by Oregon OSHA, is now "Dockboards". Oregon OSHA adopted alternative

delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.27 Fixed Ladders - Repealed. Oregon OSHA maintained this rule number; however, the title “Fixed Ladders – Repealed” and all associated rule language was removed and replaced in accordance with the new federal 1910.27 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and adopted by Oregon OSHA, is now “Scaffolds and Rope Descent Systems”. 1910.27(a) now directs employers to see the scaffolding regulations in Oregon OSHA’s Division 3, Subdivision L regulations. Oregon OSHA deviated significantly from the federal rule by not directly adopting 1910.27(b) Rope descent systems. Instead, Oregon OSHA adopted a new Oregon initiated rule identified as 437-002-2027 Rope Descent and Rope Access Systems which is further discussed below under 437-002-2027. Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.28 Safety Requirements for Scaffolding. Oregon OSHA maintained this rule number; however, the title “Safety Requirements for Scaffolding” and all associated rule language was removed and replaced in accordance with the new federal 1910.28 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and adopted by Oregon OSHA, is now “Duty to have Fall Protection and Falling Object Protection”. Oregon OSHA deviated once from the federal rule by not adopting 1910.28(b)(1)(ii). Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.29 Manually Propelled Mobile Ladder Stands and Scaffolds (Towers). Oregon OSHA maintained this rule number; however, the title “Manually Propelled Mobile Ladder Stands and Scaffolds (Towers)” and all associated rule language was removed and replaced in accordance with the new federal 1910.29 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and adopted by Oregon OSHA, is now “Fall Protection Systems and Falling Object Protection – Criteria and Practices”. Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

1910.30 Other Working Surfaces. Oregon OSHA maintained this rule number; however, the title “Other Working Surfaces” and all associated rule language was removed and replaced in accordance with the new federal 1910.30 language as published by federal OSHA in the Federal Register on November 18, 2016. The title, as amended by federal OSHA and adopted by Oregon OSHA, is now “Training Requirements”. Oregon OSHA adopted alternative delayed effective dates when compared to the new federal rule as Oregon employers need time to understand and implement these changes.

437-002-0022 Additional Oregon General Requirements. This Oregon initiated rule has been in place since 1994. Oregon OSHA has maintained the rule’s language and intent, only removing from this rule that which was essentially duplicative with the new federal 1910.22 language as published by federal OSHA in the Federal Register on November 18, 2016. Oregon OSHA added a scope and application to this rule and recrafted the rule’s language to follow the same “*The employer must ensure...*” format used in the new federal rule.

437-002-0023 Covers for Holes. This Oregon initiated rule has been in place since 2013. Oregon OSHA repealed the rule in its entirety as the language and intent is duplicative with the new federal 1910.29 Fall Protection Systems and Falling Object Protection – Criteria and Practices language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0026 Portable Ladders. This Oregon initiated rule has been in place since 1994. Oregon OSHA removed much of the existing language as it is now duplicative of the new federal 1910.23 Ladders language as published by federal OSHA in the Federal Register on November 18, 2016. That which was not duplicative has been maintained. Oregon OSHA added a scope and application to this rule and recrafted the rule’s language to follow the same “*The employer must ensure...*” format used in the new federal rule. Oregon OSHA added three new definitions for terms that are used in 437-002-0026. Furthermore, Oregon OSHA updated the ANSI A14 references in the ladder selection section of the rule from the 1990’s editions to the most current editions available, which are from 2007. Finally, the new federal rule, 1910.23(c)(2), which was not adopted by Oregon OSHA in the new federal 1910.23 Ladders, has been added to this rule and expanded to include all self-supporting ladders, not just stepladders as defined in 1910.21(b).

437-002-0027 Fixed Ladders. This Oregon initiated rule has been in place since 1999. Oregon OSHA repealed the rule in its entirety as its language and intent is mostly duplicative with the new federal 1910.23 Ladder language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0028 Guardrails and Toeboards. This Oregon initiated rule has been in place since 1990. Oregon OSHA repealed the rule in its entirety as its language and intent was duplicative with the new federal 1910.27 Scaffolds and Rope Descent Systems language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0030 Floors. This Oregon initiated rule has been in place in its current form since 1994. Oregon OSHA repealed the rule in its entirety as its language and intent was duplicative with the new federal 1910.22 General Requirements language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0031 Provisions for Window Cleaners. This Oregon initiated rule has been in place in its current form since 1990. Oregon OSHA repealed the rule in its entirety as its language and intent was duplicative with the new federal 1910.140 Personal Fall Protection Systems language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-2021 Oregon Additional Definitions. Oregon OSHA promulgated a new Oregon initiated rule where Oregon OSHA defines "low-slope roof". Oregon OSHA is not adopting the federal definition of "low-slope roof" as found in the new 1910.21(b) Definitions as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-2027 Rope Descent and Rope Access Systems. As discussed above in 1910.27, Oregon OSHA did not directly adopt the federal rule 1910.27(b) Rope Descent Systems as published in the Federal Register on November 18, 2016. Instead, Oregon OSHA views this rulemaking as a unique and timely opportunity to include rope access systems and methods, which are similar, yet significantly different from rope descent systems into this overall Walking-Working Surface rulemaking process. Rope access methods, which were not addressed by the new federal rules, are well established in today's general industry environment in Oregon. Rope descent and rope access are separate activities with separate rule sections; however, in the final rule, both share the same requirements for anchorages. The final rope descent rule is consistent with the final federal rule with the addition of auto-locking descent control devices, life-safety rated industrial synthetic ropes, and pre-work briefings. The final rope access rule establishes criteria for a written rope access program, program administration, training, evaluation, component performance criteria, and establishing specific exceptions to 1910.140 Fall Protection when engaged in rope access work.

Division 2, Subdivision F (Powered Platforms)

1910.66 Powered Platforms for Building Maintenance. This rule has been in place in its current form in Oregon since 2007. Oregon OSHA amended this rule to bring the walking-working surface portions and fall protection portions into harmony with the final changes as published by federal OSHA in the Federal Register on November 18, 2016.

1910.67 Vehicle-mounted Elevating and Rotating Work Platforms. This rule has been in place in its current form in Oregon since 1997. Oregon OSHA amended this rule to bring the fall protection portions into harmony with the final changes as published by federal OSHA in the Federal Register on November 18, 2016.

1910.68 Manlifts. This rule has been in place in its current form in Oregon since 2008. Oregon OSHA amended this rule to bring the walking-working surface portions into harmony with the final changes as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0072 Manually Propelled Elevating Aerial Platforms. Oregon OSHA repealed this Oregon initiated rule to prevent duplicative rule language and reduce confusion for employers. Oregon OSHA directs general industry employers to the construction industry counterpart of this rule in Division 3/L through a new Oregon initiated rule identified as 437-002-2022 Additional Oregon Rules for Powered Platforms. This action keeps Oregon OSHA in step with federal OSHA's language for scaffolds used in general industry as published in the Federal Register on November 18, 2016.

437-002-0074 Scissor Lifts – Self-Propelled Elevating Work Platforms. Oregon OSHA repealed this Oregon initiated rule to prevent duplicative rule language and reduce confusion for employers. Oregon OSHA directs general industry employers to the construction industry counterpart of this rule in Division 3/L through a new Oregon initiated rule identified as 437-002-2022 Additional Oregon Rules for Powered Platforms. This action keeps Oregon OSHA in step with federal OSHA's language for scaffolds used in general industry as published in the Federal Register on November 18, 2016.

437-002-0076 Boom Supported Elevating Work Platforms. Oregon OSHA repealed this Oregon initiated rule to prevent duplicative rule language and reduce confusion for employers. Oregon OSHA directs general industry employers to the construction industry counterpart of this rule in Division 3/L through a new Oregon initiated rule identified as 437-002-2022 Additional Oregon Rules for Powered Platforms. This action keeps Oregon OSHA in step with federal OSHA's language for scaffolds used in general industry as published in the Federal Register on November 18, 2016.

437-002-2022 Additional Oregon Rules for Powered Platforms. Oregon OSHA adopted a new Oregon initiated rule that directs general industry employers who use powered platforms other than those covered by 1910.66, 1910.67 and 1910.68 to the three construction industry powered platform counterparts within Division 3/L. This rule is needed because of the repealed rules 437-002-0072, 437-002-0074, and 437-002-0076 within Division 2/F. This action keeps Oregon OSHA in step with federal OSHA's language for scaffolds used in general industry as published in the Federal Register on November 18, 2016.

Division 2, Subdivision I (Personal Protective Equipment)

1910.139 Reserved. This is a new rule number which Oregon OSHA adopted in accordance with the new federal 1910.139 language as published by federal OSHA in the Federal Register on November 18, 2016. There is no rule language associated with this rule number as it is reserved for future consideration.

1910.140 Personal Fall Protection Systems. This is a new rule which Oregon OSHA adopted fully in accordance with the new federal 1910.140 language as published by federal OSHA in the Federal Register on November 18, 2016. This rule establishes minimum requirements for personal fall protection systems such as personal fall arrest, travel restraint and positioning systems for general industry work covered by Division 2. Currently, Oregon OSHA guides employers to the fall protection system criteria in the construction industry code, Division 3/M for this information through 437-002-0134(5) Fall Protection as well as other general industry regulations.

Appendix C to Subpart I of Part 1910 – Personal Fall Protection Systems Non-mandatory Guidelines. This is a new non-mandatory appendix which Oregon OSHA adopted fully in accordance with the new federal Subpart I of part 1910 language as published by federal OSHA in the Federal Register on November 18, 2016.

Appendix D to Subpart I of Part 1910 – Test Methods and Procedures for Personal Fall Protection Systems Non-mandatory Guidelines. This is a new non-mandatory appendix which Oregon OSHA adopted fully in accordance with the new federal Subpart I of part 1910 language as published by federal OSHA in the Federal Register on November 18, 2016.

437-002-0134(5) Fall Protection. In the preamble discussion to the final rule as published in the Federal Register on November 18, 2016, federal OSHA established that all general industry walking-working surfaces are covered by the new federal rule 1910.28 Duty to have Fall Protection and Falling Object Protection. The new rule established fifteen unique situations where an employer has a duty to provide fall protection. It also establishes the trigger height for that fall protection, which is generally 4 feet, with exceptions. None of the fifteen situations where employers must provide fall protection include rolling stock or motor vehicles. The preamble discussion specifically states that motor and rolling stock vehicles were not included in the overall "Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)" final rule and that rolling stock and motor vehicles may be considered in future federal rule making. For these reasons, Oregon OSHA amended the current 437-002-0134(5) Fall Protection within Division 2/I to require fall protection when employees are at a height of more than 10 feet on motor and rolling stock vehicles. This rule goes beyond federal OSHA's regulations and maintains the same Oregon initiated rule for these vehicles as has been in place since 2011. Furthermore, the rule's mandate that fall protection systems must be provided, installed, and used in accordance with the criteria in 1926.502(d), and 437-003-0502 in Division 3/M, Construction/Fall Protection has been revised to guide employers to the applicable new general industry requirements in proposed 2/I, 1910.140. Finally, Oregon OSHA added language for anchorages used for the attachment of travel restraint systems. The final rule makes travel restraint anchorages used for general industry applications consistent with the existing travel restraint (personal fall restraint) anchorage requirements in the Construction standard in Division 3/M.

Division 2, Subdivision L (Fire Protection)

437-002-0182 Oregon Rules for Fire Fighters. This rule has been in place in its current form in Oregon since 2015. Oregon OSHA amended this rule to bring the walking-working surfaces in hose drying towers and drill towers into harmony with the final changes as published by federal OSHA in the Federal Register on November 18, 2016.

Division 2, Subdivision N (Material Handling and Storage)

