



Oregon

Kate Brown, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (Oregon
OSHA)

350 Winter Street NE

PO Box 14480

Salem, OR 97309-0405

Phone: 503-378-3272

Toll Free: 1-800-922-2689

Fax: 503-947-7461

osha.oregon.gov

August 1, 2017

[Text of changes](#)

Oregon OSHA – Adopted Changes to Remove Certain Schools and Education Support From the Recordkeeping Exempt List in Division 1

The Oregon School Employees Association (OSEA) has led a campaign to reduce the amount of preventable injuries sustained by its members that were a result of violent behavior from students. In January of this year OSEA petitioned Oregon OSHA to initiate rulemaking to remove NAICS 6111 (Elementary and Secondary Schools), 6116 (Other Schools of Instruction), and 6117 (Educational Support Services) from the exempt status of Table 1 in OAR 437-001-0700 Recording Workplace Injuries and Illnesses. Typically industries on the list that are exempted from recordkeeping are considered low hazard industries. In considering the petition to Oregon OSHA made by OSEA, it was discovered that industries covered by this rule have injury and illness rates that are significantly higher than would be expected in a low hazard industry. To illustrate: The DART rate (days away, restricted or transferred) for elementary and secondary schools from 2011 through 2015 are slightly higher than that of nonresidential construction. Recording injuries under the rule will enable the employer to identify causes and trends of injuries and create corrective actions to eliminate recurrence.

Two public hearings were held during May of 2017. Oregon OSHA received oral testimony at both of those hearings in addition to written comments. Oregon OSHA considered all comments received. Oregon OSHA has published a Summary of Comments and Agency Decisions, titled 'Explanation of Rulemaking, Final Action' regarding this rule on its website.

Please visit our web site osha.oregon.gov Click 'Rules and laws' in the Topics, rules, guidelines column and view our adopted rules, or select other rule activity from this page.

This is Oregon OSHA Administrative Order 5-2017, adopted August 1, 2017 and effective January 1, 2018.

Oregon OSHA contacts: Jeff Wilson, Central Office @ 503-947-7421
or email at jeffrey.r.wilson@oregon.gov
Dave McLaughlin, Central Office @ 503-947-7457
or email at dave.mclaughlin@oregon.gov

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
8-1-17 8:07 AM
ARCHIVES DIVISION
SECRETARY OF STATE

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

Heather Case

(503) 947-7449

Rules Coordinator

Telephone

350 Winter St. NE , Salem, OR 97301

Address

To become effective 01/01/2018 Rulemaking Notice was published in the May 2017 Oregon Bulletin.

RULE CAPTION

Adopt amendments to remove certain schools and education support from the recordkeeping exempt list.

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) and 656.726(4)

Other Authority:

Statutes Implemented:

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

RULE SUMMARY

The Oregon School Employees Association (OSEA) has led a campaign to reduce the amount of preventable injuries sustained by its members that were a result of violent behavior from students. In January of this year OSEA petitioned Oregon OSHA to initiate rulemaking to remove NAICS 6111 (Elementary and Secondary Schools), 6116 (Other Schools of Instruction), and 6117 (Educational Support Services) from the exempt status of Table 1 in OAR 437-001-0700 Recording Workplace Injuries and Illnesses. Typically industries on the list that are exempted from recordkeeping are considered low hazard industries. In considering the petition to Oregon OSHA made by OSEA, it was discovered that industries covered by this rule have injury and illness rates that are significantly higher than would be expected in a low hazard industry. To illustrate: The DART rate (days away, restricted or transferred) for elementary and secondary schools from 2011 through 2015 are slightly higher than that of nonresidential construction. Recording injuries under the rule will enable the employer to identify causes and trends of injuries and create corrective actions to eliminate recurrence.

Two public hearings were held during May of 2017. Oregon OSHA received oral testimony at both of those hearings in addition to written comments. Comments addressed both support and opposition to this rulemaking, and Oregon OSHA considered all comments received. Oregon OSHA has published an Explanation of Rulemaking, Final Action regarding this rule on its website.

Please visit our website: osha.oregon.gov and click "Rules and Laws" in the Topics, Rules, Guidelines column and view our adopted rules, or select other rule activity from the left vertical column.

Heather Case

heather.case@oregon.gov

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 August 1, 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

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

to become effective January 1, 2018 as Oregon OSHA Administrative Order 5-2017.
Date upon filing or later

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



RULE CAPTION

Adopt amendments to remove certain schools and education support from the recordkeeping exempt list.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT:

AMEND: OAR 437-001-0700.

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

The Oregon School Employees Association (OSEA) has led a campaign to reduce the amount of preventable injuries sustained by its members that were a result of violent behavior from students. In January of this year OSEA petitioned Oregon OSHA to initiate rulemaking to remove NAICS 6111 (Elementary and Secondary Schools), 6116 (Other Schools of Instruction), and 6117 (Educational Support Services) from the exempt status of Table 1 in OAR 437-001-0700 Recording Workplace Injuries and Illnesses. Typically industries on the list that are exempted from recordkeeping are considered low hazard industries. In considering the petition to Oregon OSHA made by OSEA, it was discovered that industries covered by this rule have injury and illness rates that are significantly higher than would be expected in a low hazard industry. To illustrate: The DART rate (days away, restricted or transferred) for elementary and secondary schools from 2011 through 2015 are slightly higher than that of nonresidential construction. Recording injuries under the rule will enable the employer to identify causes and trends of injuries and create corrective actions to eliminate recurrence.

Two public hearings were held during May of 2017. Oregon OSHA received oral testimony at both of those hearings in addition to written comments. Comments addressed both support and opposition to this rulemaking, and Oregon OSHA considered all comments received. Oregon OSHA has published an Explanation of Rulemaking, Final Action regarding this rule on its website.

Please visit our web site osha.oregon.gov Click 'Rules and Laws' in the Topics, rules, guidelines column and view our adopted rules; or, select other rule activity from the left vertical column.


Authorized Signer

Michael D. Wood 7/31/2017
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