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.
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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 Department of Consumer & Business Services/Oregon Occupational Safety & Health Division, 437

Heather Case 350 Winter Street NE, Salem OR 97301-3682 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)


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

Stats. Implemented

RULE SUMMARY

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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