



# Oregon

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November 27, 2017

## Oregon OSHA – Adopted Corrections to the Beryllium Rules

[Text of changes](#)  
[Jan. 9, 2017 Federal Register](#)

**Note: Due to technical limitations with the Oregon Secretary of State, Oregon OSHA will be unable to finalize this adoption with their office until March 12, 2018. The adopted language will not be available on the Secretary of State's website until that date.**

Oregon OSHA intended to adopt federal OSHA's requirements for beryllium of 1910.1024 and 1926.1124 with Oregon's Administrative Order (AO) 3-2017. AO 3-2017 adopted the majority of federal OSHA's final rule requirements as published in the January 9, 2017 Federal Register for occupational exposure to beryllium. Several requirements for housekeeping and waste disposal were unintentionally omitted in Oregon OSHA's rulemaking process, as well as a few inclusions in the requirements for recordkeeping that were artifacts from earlier rulemaking. This rulemaking will also be used to correct typographical and citation errors within the beryllium rules. By amending Division 2/Z-Beryllium, Oregon OSHA will correct these issues and bring Oregon OSHA's requirements into harmony with current federal OSHA standards before Oregon's rules go into effect on March 12, 2018.

Unless Oregon OSHA amends these rules to reflect the correct language in federal OSHA's adopted rules, employers in Oregon will be directed to inaccurate rule requirements when reading Division 2/Z-Beryllium in Oregon after March 12, 2018. No public hearings were held on these corrections, and no written comments were received.

**An Administrative Order number has not yet been assigned, Rule adopted November 14, 2017 and effective March 12, 2018.**

**Oregon OSHA contact: Dave McLaughlin, Central Office @ 503-947-7457, or email at [dave.mclaughlin@oregon.gov](mailto:dave.mclaughlin@oregon.gov)**

Please visit our web site [osha.oregon.gov](http://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.

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**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on Nov. 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

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

to become effective March 12, 2018 as Oregon OSHA Administrative Order 8-2017.  
Date upon filing or later

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

### RULE CAPTION

Adopt Oregon OSHA Corrections to the Beryllium Rules.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

### RULEMAKING ACTION

**AMEND:** OAR 437-002-2024, 437-002-2028, 437-002-2029, 437-002-2030, 437-002-2045, 437-002-2032,  
437-002-2033, 437-002-2034, 437-002-2036, 437-002-2037.

**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

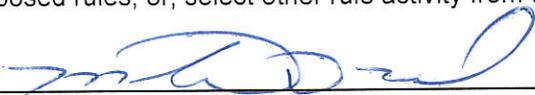
### RULE SUMMARY

This rule making is to keep Oregon OSHA in harmony with recent changes to federal OSHA's standards.

Oregon OSHA intended to adopt federal OSHA's requirements for beryllium of 1910.1024 and 1926.1124 with Oregon's Administrative Order (AO) 3-2017. AO 3-2017 adopted the majority of federal OSHA's final rule requirements as published in the January 9, 2017 Federal Register for occupational exposure to beryllium. Several requirements for housekeeping and waste disposal were unintentionally omitted in Oregon OSHA's rulemaking process, as well as a few inclusions in the requirements for recordkeeping that were artifacts from earlier rulemaking. This rulemaking will also be used to correct typographical and citation errors within the beryllium rules. By amending Division 2/Z-Beryllium, Oregon OSHA will correct these issues and bring Oregon OSHA's requirements into harmony with current federal OSHA standards before Oregon's rules go into effect on March 12, 2018.

Unless Oregon OSHA amends these rules to reflect the correct language in federal OSHA's adopted rules, employers in Oregon will be directed to inaccurate rule requirements when reading Division 2/Z-Beryllium in Oregon after March 12, 2018.

Please visit our web site [osha.oregon.gov](http://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

11/14/2017  
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

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## PERMANENT ADMINISTRATIVE ORDER

### OSHA 1-2018

CHAPTER 437  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

**FILED**  
03/12/2018 10:25 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopt Oregon OSHA Corrections to the Beryllium Rules.

EFFECTIVE DATE: 03/12/2018

AGENCY APPROVED DATE: 11/14/2017

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Filed By:  
Heather Case  
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#### RULES:

437-002-2024, 437-002-2028, 437-002-2029, 437-002-2030, 437-002-2032, 437-002-2033, 437-002-2034, 437-002-2036, 437-002-2037, 437-002-2045

AMEND: 437-002-2024

RULE TITLE: Scope and Application

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected rule citation in paragraph 1

#### RULE TEXT:

This subdivision applies to all occupational exposures to beryllium in all forms, compounds, and mixtures in general industry and construction activities, except for the following:

- (1) This subdivision does not apply to articles, as defined in the Hazard Communication standard (HCS) §1910.1200(c), that contain beryllium and that the employer does not process.
- (2) This subdivision does not apply to materials containing less than 0.1% beryllium by weight where the employer has objective data demonstrating that employee exposure to beryllium will remain below the action level as an 8-hour TWA under any foreseeable conditions.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4).

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2028

RULE TITLE: Regulated and Restricted Access Areas

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Grammatical change, added the word 'where' to paragraph (2)(a).

RULE TEXT:

This rule applies to fixed site beryllium work areas and regulated areas, and restricted access areas for construction activities.

(1) Fixed sites.

(a) Beryllium work area.

(A) Establish and maintain a beryllium work area in work area containing a process or operation that can release beryllium where employees are, or can reasonably be expected to be, exposed to airborne beryllium at any level or where there is the potential for dermal contact with beryllium.

(B) Identify each beryllium work area through signs or any other methods that adequately establish and inform each employee of the boundaries of each beryllium work area.

(b) Regulated areas.

(A) Establish a regulated area wherever an employee's exposure to airborne concentrations of beryllium is, or can reasonably be expected to be, in excess of the PEL.

(B) Demarcate regulated areas from the rest of the workplace in a manner that minimizes the number of employees exposed to beryllium within the regulated area. Post legible and easily visible signs at all entrances to regulated areas that bear the following legend.

DANGER

REGULATED AREA

BERYLLIUM

MAY CAUSE CANCER

AUTHORIZED PERSONNEL ONLY

WEAR RESPIRATORY PROTECTION AND PERSONAL PROTECTIVE

CLOTHING AND EQUIPMENT IN THIS AREA

(C) Limit access to regulated areas to:

(i) Persons authorized by the employer and required by work duties to be present in the regulated area;

(ii) Any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring procedures under 437-002-2027; and

(iii) Any person authorized by law to be in a regulated area.

(D) Provide and ensure each employee and the employee's designated representative entering a regulated area uses:

(i) Appropriate respiratory protection in accordance with 437-002-2030,

(ii) Appropriate personal protective equipment in accordance with 437-002-2031.

(2) Restricted access for construction activities. For employers engaged in construction activities;

(a) Written procedures. Develop and implement written procedures to restrict access to work areas, where airborne exposures are, or can reasonably be expected to be, above the TWA PEL or STEL, to minimize the number of employees exposed to beryllium and their level of exposure, including exposures generated by other employers or sole proprietors. Procedures must be part of the written exposure control plan required by 437-002-2029.

(b) Competent person. Designate a competent person to ensure the procedures are followed.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2029

RULE TITLE: Methods of Compliance

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected text of paragraphs (1) and (2) to reflect federal Beryllium rules accurately, also changed incorrect rule citations.

RULE TEXT:

This rule describes the engineering and work practice controls you must use.

(1) Establish and implement a written exposure control plan that contains at least the following elements:

- (a) A list of operations and job titles reasonably expected to involve airborne exposure to or dermal contact with beryllium;
- (b) A list of operations and job titles reasonably expected to involve airborne exposure at or above the action level;
- (c) A list of operations and job titles reasonably expected to involve airborne exposure above the TWA PEL or STEL;
- (d) Procedures for minimizing cross-contamination;
- (e) A list of engineering controls, work practices, and respiratory protection required by this subdivision;
- (f) A list of personal protective clothing and equipment required by 437-002-2045 of this subdivision; and
- (g) Procedures for removing, laundering, storing, cleaning, repairing, and disposing of beryllium-contaminated personal protective clothing and equipment, including respirators.

(2) On fixed sites, the exposure control plan must also include:

- (a) Procedures for keeping surfaces as free as practicable of beryllium;
- (b) Procedures for preventing the transfer of beryllium between surfaces, equipment, clothing, materials, and articles within beryllium work areas; and
- (c) Procedures for minimizing the migration of beryllium from beryllium work areas to other locations within or outside the workplace.

(3) Review and evaluate the effectiveness of each written exposure control plan at least annually and update it, as necessary, when:

- (a) Any change in production processes, materials, equipment, personnel, work practices, or control methods results, or can reasonably be expected to result, in new or additional airborne exposure to beryllium;
- (b) You are notified that an employee is eligible for medical removal in accordance with OAR 437-002-2035, referred for evaluation at a CBD diagnostic center, or shows signs or symptoms associated with airborne exposure to or dermal contact with beryllium; or
- (c) You have any reason to believe that new or additional airborne exposure is occurring or will occur.

(4) Make a copy of the written exposure control plan accessible to each employee who is, or can reasonably be expected to be, exposed to airborne beryllium in accordance with Oregon OSHA's Access to Employee Exposure and Medical Records (Records Access) rule (§1910.1020(e)).

(5) Engineering and work practice controls.

(a) For each operation in a beryllium work area that releases airborne beryllium, and where exposures are, or can reasonably be expected to be, at or above the action level, ensure that at least one of the following is in place to reduce airborne exposure:

- (A) Material and/or process substitution;
- (B) Isolation, such as ventilated partial or full enclosures;
- (C) Local exhaust ventilation, such as at the points of operation, material handling, and transfer; or
- (D) Process control, such as wet methods and automation.

(b) You are exempt from using the controls listed above to the extent that:

- (A) You can establish that such controls are not feasible; or
- (B) You can demonstrate that airborne exposure is below the action level, using no fewer than two representative personal breathing zone samples taken at least 7 days apart, for each affected operation.

(c) If airborne exposure exceeds the PEL or STEL after implementing the control(s) required by paragraph (5)(a) of this rule, implement additional or enhanced engineering and work practice controls to reduce airborne exposure to or below the exposure limit(s) exceeded.

(d) When you demonstrate that it is not feasible to reduce airborne exposure to or below the PELs by the engineering and work practice controls required by this rule, implement and maintain engineering and work practice controls to reduce airborne exposure to the lowest levels feasible and supplement these controls by using respiratory protection in accordance with OAR 437-002-2030.

(6) Prohibition of rotation. Do not rotate employees to different jobs to achieve compliance with the PELs.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2030

RULE TITLE: Respiratory Protection

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected incorrect rule citation format in paragraphs (1) and (2)

RULE TEXT:

This rule applies to all respirator use.

(1) Where respiratory protection is required by this subdivision, provide each employee an appropriate respirator that complies with the requirements of this rule and §1910.134. Respiratory protection is required:

(a) Where exposures exceed the PEL or STEL during periods necessary to install or implement feasible engineering and work practice controls;

(b) Where exposures exceed the PEL or STEL during tasks, such as certain maintenance and repair tasks, for which engineering and work practice controls are not feasible;

(c) During tasks for which an employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL or STEL;

(d) During emergencies;

(e) When an employee who is eligible for medical removal under OAR 437-002-2035 chooses to remain in a job with airborne exposure at or above the action level, as permitted by that rule.

(2) Where respirator use is required by this rule, institute a respiratory protection program in accordance with §1910.134.

(3) Provide a powered air-purifying respirator (PAPR) instead of a negative pressure respirator at no cost to the employee when:

(a) Respiratory protection is required by this rule;

(b) An employee entitled to such respiratory protection requests a PAPR; and

(c) The PAPR provides adequate protection to the employee.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2032

RULE TITLE: Hygiene Areas and Practices

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected rule citations in paragraphs (1)(a) and (2)(c), added clarifying language in paragraph (5).

RULE TEXT:

This rule covers hygiene requirements for all employers covered under the beryllium rule scope, 437-002-2024.

(1) For each employee working in a beryllium work area or required to use personal protective clothing or equipment by this subdivision, you must:

(a) Provide readily accessible washing facilities in accordance with this rule and the Sanitation standards §1910.141 and §1926.51 to remove beryllium from the hands, face, and neck; and

(b) Ensure that employees who have dermal contact with beryllium wash any exposed skin at the end of the activity, process, or work shift and prior to eating, drinking, smoking, chewing tobacco or gum, applying cosmetics, or using the toilet.

(c) Provide employees with a designated change room where employees are required to remove their personal clothing.

(2) Wherever the employer allows employees to consume food or beverages at a worksite where beryllium is present, you must ensure that:

(a) Surfaces in eating and drinking areas are as free as practicable of beryllium:

(b) Employees do not enter any eating or drinking area with personal protective clothing or equipment unless, prior to entry, surface beryllium has been removed from the clothing or equipment by methods that do not disperse beryllium into the air or onto an employee's body; and

(c) Eating and drinking facilities provided by the employer are in accordance with the Sanitation standards (§ 1910.141 or §1926.51).

(3) Ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas or work areas where there is a reasonable expectation of exposure above the TWA PEL or STEL.

(4) On fixed sites, provide showers when:

(a) Airborne exposures exceed or can reasonably be expected to exceed, the PEL or STEL.

(b) Beryllium can reasonably be expected to contaminate employees' hair or body parts other than hands, face, and neck.

(5) When showers on fixed sites are required, ensure that each employee showers at the end of the work shift or work activity if:

(a) The employee reasonably could have had airborne exposure above the TWA PEL or STEL; and

(b) Beryllium could reasonably have contaminated the employee's hair or body parts other than hands, face, and neck.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2033

RULE TITLE: Housekeeping

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected and added language throughout this entire rule to align housekeeping standards with federal Beryllium standards. When this rule was adopted initially, incorrect text was inserted. This change corrects that text.

RULE TEXT:

This rule covers housekeeping requirements for all employers covered under the beryllium rule scope, 437-002-2024.

- (1) Ensure that all spills and emergency releases of beryllium are cleaned up promptly and in accordance with the written exposure control plan required by 437-002-2029.
- (2) When cleaning beryllium-contaminated areas, or surfaces in beryllium work areas, ensure the use of HEPA-filtered vacuuming or other methods that minimize the likelihood and level of airborne exposure.
- (3) Do not allow dry sweeping or brushing for cleaning surfaces unless HEPA-filtered vacuuming or other methods that minimize the likelihood and level of airborne exposure are not safe or effective.
- (4) Do not allow the use of compressed air for cleaning beryllium- contaminated surfaces unless the compressed air is used in conjunction with a ventilation system designed to capture the particulates made airborne by the use of compressed air.
- (5) Do not allow dry sweeping or dry brushing where such activity could contribute to employee exposure to beryllium unless wet sweeping, HEPA-filtered vacuuming or other methods that minimize the likelihood of exposure are not feasible.
- (6) Where employees use dry sweeping, brushing, or compressed air to clean beryllium-contaminated surfaces, the employer must provide, and ensure that each employee uses, respiratory protection and personal protective clothing and equipment in accordance with this subdivision.
- (7) Ensure that cleaning equipment is handled and maintained in a manner that minimizes the likelihood and level of airborne exposure and the re-entrainment of airborne beryllium in the workplace.
- (8) On fixed sites, maintain all surfaces in beryllium work areas as free as practicable of beryllium and in accordance with the written exposure control plan required by 437-002-2029.
- (9) Disposal.
  - (a) When transferring beryllium-containing materials from construction activities to another party for use or disposal, ensure that party is provided with a label that meets OAR 437-002-2036.
  - (b) When transferring beryllium-containing materials from fixed sites:
    - (A) Ensure that materials designated for disposal that contain or are contaminated with beryllium are disposed of in sealed, impermeable enclosures, such as bags or containers, that are labeled in accordance with OAR 437-002-2036.
    - (B) Ensure that materials designated for recycling that contain or are contaminated with beryllium are cleaned to be as free as practicable of surface beryllium contamination and labeled in accordance with OAR 437-002-2036.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2034

RULE TITLE: Medical Surveillance

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected rule citation in paragraph (2), clarified sentence in paragraph (5)(c) with grammatical corrections.

RULE TEXT:

This rule describes the medical monitoring requirements of this subdivision.

(1) Make medical surveillance available to each employee:

(a) Who is or can be reasonably expected to be exposed to beryllium at or above the action level for 30 or more days per year;

(b) Who shows signs or symptoms of CBD or other beryllium-related health effects;

(c) Who is exposed to beryllium during an emergency.

(2) You must also make medical surveillance available to each employee whose most recent written medical opinion required by this rule recommends periodic medical surveillance.

NOTE: The medical evaluation requirements of the respiratory protection rule, §1910.134, still apply for employees wearing respiratory protection.

(3) Medical surveillance must be provided at no cost to the employee and at a reasonable time and place.

(4) Ensure that all medical examinations and procedures required by this rule are performed by a PLHCP as defined in 437-002-2025.

(5) Provide a medical examination:

(a) Initially within 30 days for every employee covered by paragraph (1) of this rule, except for any employee who has received a medical examination, provided in accordance with this rule, within the last two years;

(b) Every two years for each employee covered by paragraphs (1)(a), (1)(b), and (2) of this rule; and

(c) At the termination of employment for each employee who meets any of the criteria of paragraph (1) of (2) of this rule at the time of termination. This requirement does not apply if an examination has been provided in accordance with this rule within six months of the date of termination.

(6) Ensure that the PLHCP conducting the examination advises the employee of the risks and benefits of participating in the medical surveillance program and the employee's right to opt out of any or all parts of the medical examination.

(7) The examination must include:

(a) A medical and work history, with emphasis on past and present airborne exposure to or dermal contact with beryllium, smoking history, and any history of respiratory system dysfunction;

(b) A physical examination with emphasis on the respiratory system;

(c) A physical examination for skin rashes;

(d) Pulmonary function tests, performed in accordance with the guidelines established by the American Thoracic Society including forced vital capacity (FVC) and forced expiratory volume in one second (FEV1);

(e) A standardized BeLPT or equivalent test, upon the first examination and at least every two years thereafter, unless the employee is confirmed positive. If the results of the BeLPT are other than normal, a follow-up BeLPT must be offered within 30 days, unless the employee has been confirmed positive. Samples must be analyzed in a laboratory certified under the College of American Pathologists/Clinical Laboratory Improvement Amendments (CLIA) guidelines to perform the BeLPT.

(f) A low dose computed tomography (LDCT) scan, when recommended by the PLHCP after considering the employee's history of exposure to beryllium along with other risk factors, such as smoking history, family medical history, sex, age, and presence of existing lung disease; and

(g) Any other test deemed appropriate by the PLHCP.

(8) Ensure that the examining PLHCP (and the agreed-upon CBD diagnostic center, if an evaluation is required under paragraph (15) of this rule) has a copy of this subdivision and provide the following information, if known:

- (a) A description of the employee's former and current duties that relate to the employee's airborne exposure to and dermal contact with beryllium;
  - (b) The employee's former and current levels of airborne exposure;
  - (c) A description of any personal protective clothing and equipment, including respirators, used by the employee, including when and for how long the employee has used that personal protective clothing and equipment; and
  - (d) Information from records of employment-related medical examinations previously provided to the employee, currently within the control of the employer, after obtaining written consent from the employee.
- (9) Ensure that the employee receives a written medical report from the licensed physician within 45 days of the examination (including any follow-up BeLPT required under paragraph (7)(e) of this rule) and that the PLHCP explains the results of the examination to the employee. Ensure the written report contains:
- (a) A statement indicating the results of the medical examination, including the licensed physician's opinion as to whether the employee has:
    - (A) Any detected medical condition, such as CBD or beryllium sensitization (i.e., the employee is confirmed positive, as defined in OAR 437-002-2025), that may place the employee at increased risk from further airborne exposure, and
    - (B) Any medical conditions related to airborne exposures that require further evaluation or treatment.
  - (b) Any recommendations on:
    - (A) The employee's use of respirators, protective clothing, or equipment; or
    - (B) Limitations on the employee's airborne exposure to beryllium.
  - (c) If the employee is confirmed positive or diagnosed with CBD or if the licensed physician otherwise deems it appropriate, the written report must also contain a referral for an evaluation at a CBD diagnostic center.
  - (d) If the employee is confirmed positive or diagnosed with CBD the written report must also contain a recommendation for continued periodic medical surveillance.
  - (e) If the employee is confirmed positive or diagnosed with CBD the written report must also contain a recommendation for medical removal from airborne exposure to beryllium, as described in OAR 437-002-2035.
- (10) Obtain a written medical opinion from the licensed physician within 45 days of the medical examination (including any follow-up BeLPT required by this rule). The written opinion must contain only the following:
- (a) The date of the examination;
  - (b) A statement that the examination has met the requirements of this rule; and
  - (c) Any recommended limitations on the employee's use of respirators, protective clothing, or equipment; and
  - (d) A statement that the PLHCP has explained the results of the medical examination to the employee, including any tests conducted, any medical conditions related to airborne exposure that require further evaluation or treatment, and any special provisions for use of personal protective clothing or equipment.
- (11) If the employee provides written authorization, the written opinion must also contain any recommended limitations on the employee's airborne exposure to beryllium.
- (12) If the employee is confirmed positive or diagnosed with CBD or if the licensed physician otherwise deems it appropriate, and the employee provides written authorization, the written opinion must also contain a referral for an evaluation at a CBD diagnostic center.
- (13) If the employee is confirmed positive or diagnosed with CBD and the employee provides written authorization, the written opinion must also contain a recommendation for continued periodic medical surveillance.
- (14) If the employee is confirmed positive or diagnosed with CBD and the employee provides written authorization, the written opinion must also contain a recommendation for medical removal from airborne exposure to beryllium, as described in 437-002-2035.
- (15) When a physician's written medical report indicates that the employee has been confirmed positive or diagnosed with CBD, or recommends referral to a CBD diagnostic center, provide an evaluation to the employee at a CBD diagnostic center that is mutually agreed upon by the employer and the employee. This evaluation must be provided within 30 days of receiving the written opinion, and at no cost to the employee.
- (a) Ensure the employee receives a written medical report within 30 days of the medical examination from the CBD

diagnostic center that includes:

(A) A statement indicating the results of the medical examination, including the licensed physician's opinion as to whether the employee has:

- (i) Any detected medical condition, such as CBD or beryllium sensitization (i.e., the employee is confirmed positive, as defined in OAR 437-002-2025), that may place the employee at increased risk from further airborne exposure, and
- (ii) Any medical conditions related to airborne exposure that require further evaluation or treatment.

(B) Any recommendations on:

- (i) The employee's use of respirators, protective clothing, or equipment; or
- (ii) Limitations on the employee's airborne exposure to beryllium.

(b) If the employee is confirmed positive or diagnosed with CBD the written report must also contain a recommendation for continued periodic medical surveillance.

(c) If the employee is confirmed positive or diagnosed with CBD the written report must also contain a recommendation for medical removal from airborne exposure to beryllium, as described in OAR 437-002-2035.

(16) Obtain a written medical opinion from CBD diagnostic center within 30 days of the medical examination. The written opinion must contain only the following:

(a) The date of the examination;

(b) A statement that the examination has met the requirements of this rule; and

(c) Any recommended limitations on the employee's use of respirators, protective clothing, or equipment; and

(d) A statement that the PLHCP has explained the results of the medical examination to the employee, including any tests conducted, any medical conditions related to airborne exposure that require further evaluation or treatment, and any special provisions for use of personal protective clothing or equipment.

(e) If the employee provides written authorization, the written opinion must also contain:

(A) Any recommended limitations on the employee's airborne exposure to beryllium

(B) A recommendation for continued periodic medical surveillance if the employee is confirmed positive or diagnosed with CBD;

(C) A recommendation for medical removal from airborne exposure to beryllium, as described in 437-002-2035, if the employee is confirmed positive or diagnosed with CBD.

(17) After an employee has received the initial clinical evaluation at a CBD diagnostic center, the employee may choose to have any subsequent medical examinations for which the employee is eligible performed at a CBD diagnostic center mutually agreed upon by the employer and the employee. Provide such examinations at no cost to the employee.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2036

RULE TITLE: Communication of Beryllium Hazards to Employees

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected rule citations in paragraphs (1), (2), and (5)(i).

RULE TEXT:

(1) Chemical manufacturers, importers, distributors, and employers must ensure that compliance with the requirements of the hazard communication rule (§1910.1200) for beryllium. In classifying the hazards of beryllium, the following hazards must be addressed:

- (a) Cancer;
- (b) Lung effects (CBD and acute beryllium disease);
- (c) Beryllium sensitization;
- (d) Skin sensitization; and
- (e) Skin, eye, and respiratory tract irritation.

(2) Include beryllium in the hazard communication program established to comply with the hazard communication rule. Ensure that each employee has access to labels on containers of beryllium and to safety data sheets, and is trained in accordance with the requirements of the hazard communication standard (§1910.1200) and paragraph (4) of this rule.

(3) Label each bag and container of clothing, equipment, and materials contaminated with beryllium, and, at a minimum, include the following on the label:

DANGER

CONTAINS BERYLLIUM

MAY CAUSE CANCER

CAUSES DAMAGE TO LUNGS

AVOID CREATING DUST

DO NOT GET ON SKIN

(4) For each employee who has, or can reasonably be expected to have, airborne exposure to or dermal contact with beryllium:

- (a) Provide initial training to each employee by the time of initial assignment; and
- (b) Repeat the training required under this rule annually for each employee.

(5) Ensure that each employee who is, or can reasonably be expected to be, exposed to airborne beryllium can demonstrate knowledge and understanding of the following:

- (a) The health hazards associated with airborne exposure to and contact with beryllium, including the signs and symptoms of CBD;
  - (b) The written exposure control plan, with emphasis on the location(s) of beryllium work areas, including any regulated areas, and the specific nature of operations that could result in airborne exposure, especially airborne exposure above the TWA PEL or STEL;
  - (c) The purpose, proper selection, fitting, proper use, and limitations of personal protective clothing and equipment, including respirators;
  - (d) Applicable emergency procedures;
  - (e) Measures employees can take to protect themselves from airborne exposure to and contact with beryllium, including personal hygiene practices;
  - (f) The purpose and a description of the medical surveillance program required by OAR 437-002-2034 including risks and benefits of each test to be offered;
  - (g) The purpose and a description of the medical removal protection provided under OAR 437-002-2035;
  - (h) The contents of the standard; and
  - (i) The employee's right of access to records under the Records Access standard (§1910.1020).
- (6) When a workplace change (such as modification of equipment, tasks, or procedures) results in new or increased

airborne exposure that exceeds, or can reasonably be expected to exceed, either the TWA PEL or the STEL, provide additional training to those employees affected by the change in airborne exposure

(7) Make a copy of this subdivision and its appendices readily available at no cost to each employee and designated employee representative(s).

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2037

RULE TITLE: Recordkeeping

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Changed incorrect rule citations throughout rule. Additionally, changed items in lists under paragraph (1)(b) and (2)(b) to correct errors and align text with federal standard.

RULE TEXT:

(1) Air monitoring data.

(a) Make and maintain an accurate record of all exposure measurements taken to assess employee exposure to beryllium, as prescribed in 437-002-2040.

(b) This record must include at least the following information:

(A) The date of measurement for each sample taken;

(B) The task monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of personal protective clothing and equipment, including respirators, worn by the employees monitored; and

(F) Name, social security number, and job classification of all employees represented by the monitoring, indicating which employees were actually monitored.

(c) Ensure that exposure records are maintained and made available in accordance with §1910.1020.

(2) Objective data.

(a) Make and maintain an accurate record of all objective data relied upon to comply with the requirements of this subdivision.

(b) This record must include at least the following information:

(A) The data relied upon;

(B) The beryllium-containing material in question;

(C) The source of the objective data;

(D) A description of the process, task, or activity on which the objective data were based; and

(E) Other data relevant to the process, task, activity, material, or exposures on which the objective data were based.

(c) Ensure that objective data are maintained and made available in accordance with §1910.1020.

(3) Medical surveillance.

(a) Make and maintain an accurate record for each employee covered by medical surveillance under 437-002-2034.

(b) The record must include the following information about the employee:

(A) Name and social security number;

(B) A copy of the PLHCPs' and specialists' written medical opinions;

(C) A copy of the information provided to the PLHCPs and specialists.

(c) Ensure that medical records are maintained and made available in accordance with §1910.1020.

(4) Training.

(a) At the completion of any training required by this standard, the employer must prepare a record that indicates the name, social security number, and job classification of each employee trained, the date the training was completed, and the topic of the training.

(b) This record must be maintained for three years after the completion of training.

(5) Upon request, you must make all records maintained as a requirement of this subdivision available for examination and copying to the Director of the Oregon Department of Consumer and Business Services, or designee, and the Director of the National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, or designee, each employee, and each employee's designated representative(s) in accordance the Records Access standard §1910.1020.

(6) Comply with the requirements involving transfer of records set forth in the Records Access standard (§1910.1020).

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295

AMEND: 437-002-2045

RULE TITLE: Personal Protective Clothing and Equipment

NOTICE FILED DATE: 09/15/2017

RULE SUMMARY: Corrected incorrect rule citations in paragraphs (1) and (3)(e).

RULE TEXT:

This rule applies to all personal protective equipment and clothing.

(1) Provide appropriate personal protective clothing and equipment at no cost to employees in accordance with the written exposure control plan required under OAR 437-002-2029, 437-002-0134, and 437-003-0134:

(a) Where airborne exposure exceeds, or can reasonably be expected to exceed, the TWA PEL or STEL; or

(b) Where there is a reasonable expectation of dermal contact with beryllium.

(2) Ensure employees use provided protective clothing and equipment.

(3) Removal and storage.

(a) Ensure that each employee removes all beryllium-contaminated personal protective clothing and equipment at the end of the work shift, at the completion of tasks involving beryllium, or when personal protective clothing or equipment becomes visibly contaminated with beryllium, whichever comes first.

(b) Ensure that each employee removes beryllium-contaminated personal protective clothing and equipment as specified in the written exposure control plan required by 437-002-2029.

(c) Ensure that each employee stores and keeps beryllium-contaminated personal protective clothing and equipment separate from street clothing and that storage facilities prevent cross-contamination as specified in the written exposure control plan required by 437-002-2029

(d) Ensure that no employee removes beryllium-contaminated personal protective clothing or equipment from the workplace, except for employees authorized to do so for the purposes of laundering, cleaning, maintaining or disposing of beryllium-contaminated personal protective clothing and equipment at an appropriate location or facility away from the workplace.

(e) When personal protective clothing or equipment required by this rule is removed from the workplace for laundering, cleaning, maintenance or disposal, ensure that personal protective clothing and equipment are stored and transported in sealed bags or other closed containers that are impermeable and are labeled in accordance with 437-002-2036 and the hazard communication standard (HCS) §1910.1200.

(4) Cleaning and replacement.

(a) Ensure that all reusable personal protective clothing and equipment required by this rule is cleaned, laundered, repaired, and replaced as needed to maintain its effectiveness.

(b) Ensure that beryllium is not removed from personal protective clothing and equipment by blowing, shaking or any other means that disperses beryllium into the air.

(c) Inform in writing the persons or the business entities who launder, clean or repair the personal protective clothing or equipment required by this rule of the potentially harmful effects of airborne exposure to and dermal contact with beryllium and that the personal protective clothing and equipment must be handled in accordance with this rule.

STATUTORY/OTHER AUTHORITY: ORS 654.025(2), 656.726(4)

STATUTES/OTHER IMPLEMENTED: ORS 654.001 – 654.295