

Oregon OSHA Administrative Order 6-2003  
Filed and Effective November 26, 2003  
Division 1, General Administrative Rules

OAR 437

437-001-0015 Definitions.

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**Days Away, Restricted, or Transferred (DART) – The number of lost workday injury and illness cases experienced by 100 full-time workers (DART rate = Number of lost workday cases times 200,000 divided by the number of employee hours worked).**

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Lost Workday Cases Incidence Rate (LWDCIR) **(Also see DART)** – The number of lost workday injury and illness cases experienced by 100 full-time workers (LWDCIR = Number of lost workday cases times 200,000 divided by the number of employee hours worked).

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Place of employment – Includes every place, whether fixed or movable, whether indoors or out or underground, and the premises and structures appurtenant thereto, where either temporarily or permanently an employee works or is intended to work and every place where there is carried on any process, operation or activity related, either directly or indirectly, to an employer's industry, trade, business or occupation, including a labor camp provided by an employer for his/her employees or by another person engaged in providing living quarters or shelters for employees, but place of employment does not include any place where the only employment involves nonsubject workers employed in or about a private home. **Any corporate farm where the only employment involves the farm's family members, including parents, spouses, sisters, brothers, daughters, sons, daughters-in-law, sons-in-law, nieces, nephews or grandchildren.**

437-001-0096 Red Warning Notice.

(1) The Red Warning Notice shall be authorized by either the Director, Administrator, Manager of Enforcement, [~~Chiefs of Safety and Health,~~] or Field Office Supervisors. **For purposes of this rule, a Camp Closure Notice is a Red Warning Notice.**

437-001-0171 Determination of Penalty – Failure to Register a Farm Labor Camp/ Facility. If an operator, employer or contractor fails to register a Farm Labor Camp or facility with Oregon OSHA as required in Division [~~2/J, 437-002-0142(6)~~] **4/J, 437-004-1120(5)(b)**, a penalty of not less than \$250 nor more than \$7,000, shall be assessed.

437-001-0203 Determination of Penalty – Relating to Violations Which Have No Probability and Severity.

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(2) Annual Summary – If an employer fails to post the summary portion of the OSHA 300 Form [~~during the month of February~~] **no later than February 1 of the year following the year covered by the records and keep it posted until April 30 in accordance with 437-001-0700(17)(d)(A)**, a minimum penalty of \$200 may be assessed.

437-001-0265 Amendment, **Reissue** or Withdrawal of Citation.

(1) **When the Division identifies an error or errors in the citation,** [~~±~~]the Administrator may, for good cause, amend, **reissue** or withdraw a citation provided:

437-001-0270 Discretion If There is No Timely Appeal.

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(2) To prevent a manifest injustice, the [~~Director~~] **Administrator**, at the [~~Director's~~] **Administrator's** own discretion or upon request from the Division or an adversely affected person, may vacate or amend a Division citation, notice or order.

(3) If the [Director] **Administrator** proposes to vacate or amend a Division citation, notice or order, an opportunity to be heard will be given to persons, including affected employees, whose rights may be affected.

437-001-0430 Modification or Revocation of a Variance.

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(2) The Division shall publish the proposed modification or revocation for one day in at least one daily newspaper with general circulation throughout Oregon. **Exception: A revocation based on a company being out of business or no longer needed does not need to be published.** The notice shall include:

437-001-0700 Recordkeeping and Reporting.

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(11) Occupational Hearing Loss Recording Criteria.

(a) Hearing loss must be recorded on the OSHA 300 Log **by checking the hearing loss column** when:

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(B) The hearing level in the same ear is 25 dB above audiometric zero.

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[NOTE: This paragraph (11) is not effective until January 1, 2003.]

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(13) **Removed.** [Musculoskeletal Disorder Recording Criteria. If any of your employees has a recordable work-related musculoskeletal disorder (MSD), you must record it on the OSHA 300 Log by checking the "musculoskeletal disorder" column.]

[NOTE: This paragraph (13) is not effective until January 1, 2004. Continue to record these injuries as directed below but check either the "injury" or "all other illness" column on the OSHA 300.]

[(a) Musculoskeletal disorders (MSDs) are disorders of the muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs. MSDs do not include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents. Examples of MSDs include: Carpal tunnel syndrome, Rotator cuff

~~syndrome, De Quervain's disease, Trigger finger, Tarsal tunnel syndrome, Sciatica, Epicondylitis, Tendinitis, Raynaud's phenomenon, Carpet layers knee, Herniated spinal disc, and Low back pain.]~~

~~[(b) There are no special criteria for determining which musculoskeletal disorders to record. An MSD case is recorded using the same process you would use for any other injury or illness. If a musculoskeletal disorder is work-related, and is a new case, and meets one or more of the general recording criteria, you must record the musculoskeletal disorder. The following table will guide you to the appropriate section of the rule for guidance on recording MSD cases.]~~

Table 7	
(i) Determining if the MSD is work-related.	See OAR 437-001-0700(6)
(ii) Determining if the MSD is a new case.	See OAR 437-001-0700(7)
(iii) Determining if the MSD meets one or more of the general recording criteria:	
(A) Days away from work,	See OAR 437-001-0700(8)(b)
(B) Restricted work or transfer to another job, or	See OAR 437-001-0700(8)(c)
(C) Medical treatment beyond first aid.	See OAR 437-001-0700(8)(d)

~~[(c) Treat the symptoms of an MSD the same as symptoms for any other injury or illness. If an employee has pain, tingling, burning, numbness or any other subjective symptom of an MSD, and the symptoms are work-related, and the case is a new case that meets the recording criteria, you must record the case on the OSHA 300 Log as a musculoskeletal disorder.]~~

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(14) Forms.

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(h) The following injuries or illnesses are privacy concern cases:

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(F) Other illnesses, if the employee [~~independently and~~] voluntarily requests that his or her name not be entered on the log. [~~Musculoskeletal disorders (MSDs) are not privacy concern cases.~~]

[NOTE: ~~The second sentence in paragraph (F) is not effective until January 1, 2004.~~]

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(21) Reporting Fatalities and Hospitalizations to Oregon OSHA.

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(c) Overnight Hospitalization 24 hours after occurrence or employer knowledge

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NOTE: Do not report injuries resulting from motor vehicle accidents that happen on public streets, roads or highways **unless it is in a construction work zone**

437-001-0765 Rules for Workplace Safety Committees.

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(2) General.

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(f) Employers in the logging industry may meet the intent of these rules by complying with OAR 437, Division [6]7, Forest Activities.

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