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ATTENTION: Start using 2004 OSHA 300 Log – January 1, 2004

November 26, 2003

Changes Adopted - Division 1, General Administrative Rules

Oregon OSHA adopted changes to sections of OAR 437, Division 1. The primary purpose of these amendments is to reflect changes in Federal OSHA's recordkeeping requirements. Several additional nonsubstantive amendments were made.

Changes within **OAR 437-001-0700** include the following:

- Federal OSHA is changing the OSHA 300 Log to include a hearing loss column in the section where the type of injury or illness is recorded. The same changes are incorporated in our rules.
- The note under 437-001-0700(11) that explains that this section is not effective until January 1, 2003 was removed, as this date is past.
- Federal OSHA determined they would not add the column for recording musculoskeletal disorders (MSD) on the OSHA 300 Log. Since this is a federal form, and is used to collect data nationwide, a column in Oregon would skew this data. MSDs are still recorded on the 300 log under all other illnesses, so no data will be lost. Paragraph OAR 437-001-0700(13) was removed and OAR 437-001-0700(14)(h) was modified to reflect this change.
- A note within OAR 437-001-0700(21), which contains criteria for when employers don't need to notify Oregon OSHA of accidents, fatalities, or catastrophes, was modified to add "unless it is in a construction work zone."

When Federal OSHA adopted the OSHA 300 Log, the posting requirement for the summary changed from one month to three. **OAR 437-001-0203** was modified to reflect this change.

When Oregon OSHA posts a Camp Closure Notice for labor housing, a modified version of the Red Warning Notice (Red Tag) is used, and **OAR 437-001-0096** was modified to reflect that. This section also references the Chiefs of Safety and Health, this was deleted because these positions no longer exist.

Farm Labor Camp requirements moved from OAR 437-002-0142 to OAR 437-004-1120, so **OAR 437-001-0171** was modified to reflect that.

In circumstances of manifest injustice, the current rule requires that the Director of DCBS may vacate or amend a citation, notice, or order. However, safety and health functions are clearly delegated to the Administrator of Oregon OSHA, and **OAR 437-001-0270** was modified to reflect this.

When an error is identified in a citation, the Administrator of Oregon OSHA has the authority to amend, reissue, or withdraw a citation. **OAR 437-001-0265** was modified to reflect this.

When a variance is revoked, Oregon OSHA must publish a notice in a daily newspaper with general circulation throughout Oregon. However, when a variance is revoked because the employer is no longer in business, publishing this notice is meaningless. **OAR 437-001-0430** was modified to reflect this.

The following changes were made to **OAR 437-001-0015**, "Definitions."

- Historically, Oregon OSHA has used the term Lost Workday Case Incident Rate (LWDCIR). This term originally was adopted from Federal OSHA and Bureau of Labor Statistics (BLS) language. Federal OSHA has adopted the term "Days Away, Restricted, or Transferred (DART)." These terms mean the same thing. A new definition for DART is included, and the definition for LWDCIR is being modified to reference DART.

- The definition for "Place of Employment" was modified to reflect the same definition in ORS 654, the Oregon Safe Employment Act.

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.**

This is OR-OSHA Administrative Order 6-2003, ***adopted and effective November 26, 2003***

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