

Summary of Comments and Agency Decisions

Title: Beryllium, OAR 437-002, Subdivision Z/Beryllium

Administrative Order Number: 3-2017 and 4-2017

Adopted Date: July 7, 2017

Effective Date: March 12, 2018

Background:

On January 9, 2017, federal OSHA adopted final rules for beryllium for general industry, construction, and maritime. Before these rules, the only specific rule for beryllium was an airborne permissible exposure limit (PEL) of 2 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air with a ceiling limit of 5 $\mu\text{g}/\text{m}^3$, plus an excursion limit of 25 $\mu\text{g}/\text{m}^3$ for 30 minutes in an 8-hour shift. Federal OSHA; lowered the PEL from 2 $\mu\text{g}/\text{m}^3$ to 0.2 $\mu\text{g}/\text{m}^3$, instituted an action level of 0.1 $\mu\text{g}/\text{m}^3$. The rule adopted by Federal OSHA also requires an exposure assessment with periodic monitoring under certain circumstances, requires engineering and work practice controls to reduce exposure levels, institutes a written exposure control plan, requires provisions for regulating employee access to certain areas, respiratory protection, medical surveillance, and adds requirements for employee training and information. The construction rule also requires that a competent person ensure that the written program and work practices are followed.

On May 17, 2017 Oregon OSHA proposed to combine the requirements of the general industry and construction rules into one set of rules applicable to both industries, as new Oregon-initiated rules OAR 437-002-2024 through 437-002-2038. These Oregon-initiated rules include the same requirements as the federal OSHA rules, outlined above.

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Oregon OSHA held two hearings in June of 2017, one in Portland and one in Eugene. No oral comments were received at either of those hearings. One written comment was received during the public comment period for the proposed changes to the Oregon Rules for Beryllium. That comment was in support of the rulemaking.

This rulemaking was filed as proposed under Administrative Order 3-2017. After filing, the agency noticed the value under the Definition for PEL (OAR 437-002-2025) was incorrect. This was corrected and this correction only was filed under Administrative Order 4-2017.