

Summary of Comments and Agency Decisions

Title: Adopt federal SIP-IV amendments and Oregon-initiated changes to administrative, general industry, construction, and maritime activity standards.

Administrative Order Number: 3-2019

Adopted Date: October 29, 2019

Effective Date: October 29, 2019

Background: Oregon OSHA adopted changes to our administrative (recordkeeping), general industry, and construction standards, and updating references in the maritime activity standards in response to federal OSHA's adoption of final rules published in the May 14, 2019 Federal Register. This is Phase IV of federal OSHA's Standards Improvement Project (SIP-IV), the fourth in a series of rulemakings to improve and streamline workplace safety and health standards. Oregon's response removes or revises rules or requirements within our corresponding rules that are outdated, duplicative, or inconsistent. This rulemaking is anticipated to reduce regulatory burden and compliance costs while maintaining or enhancing worker safety and health as well as worker privacy protections.

Oregon OSHA adopted most of the federal rule changes with the exception of rules that we had previously eliminated or updated. These changes include:

- Eliminating the requirements for the use of employee social security numbers (SSN) in employee records including medical surveillance records.
- Updating and clarifying medical surveillance requirements for both general industry and construction in certain substance-specific standards:
 - o To eliminate the requirement for periodic x-rays;
 - o To reflect current technology and medical practice for the evaluation and storage of x-rays.
 - o To reflect current technology and medical practice for pulmonary function testing.
 - o To improve the consistency of information collected on standardized forms.
- Updating methods allowed when communicating site information to 911 rescue and emergency services.
 - Clarifying existing rule requirements for when hearing loss must be recorded.
- Eliminating the requirement to post load limits in certain residential structures during construction.
- Updating the references about diesel engines in underground construction.
- Harmonizing OSHA rule requirements with more recent consensus standards:
 - o For signs and devices used to protect employees working near traffic; and
 - o For roll-over protective structures on certain equipment.

In addition, Oregon OSHA completed several edits to our rules to restore consistency with federal OSHA's rules.

Summary of Comments and Agency Decisions:

Oregon OSHA held one public hearing on this rulemaking on September 23, 2019 in Portland, and received no comments at that hearing. The division also received no written comments concerning this rulemaking through the comment period ending October 11, 2019. During the rulemaking process, the agency discovered paragraph lettering errors in its proposed text of changes. Oregon OSHA corrected these lettering errors, as well as a few typos in the text of changes to ensure that federal rule text that was adopted by reference was correctly reflected in the text of changes document. Because no comments were received, substantively Oregon OSHA adopted these rule changes as proposed.

Commenters:

None