

## Administration of Loss Prevention Activities by Insurers/Self-Insured Employers - General

### 437-001-1005 Authority and Applicability of Rules

- (1) OAR 437-001-1005 through 437-001-1065 are promulgated under the Director's authority contained in ORS 654.097.
- (2) The Director of the Department of Consumer and Business Services delegates to the Administrator of Oregon OSHA the authority to enforce these rules.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).  
Statutes/Other Implemented: ORS 654.001 through 654.295.  
History: APD Admin. Order 21-1988, f. 12/27/88, effective 12/27/88.  
OSHA 7-1992, filed 7/31/92, effective 10/1/92.  
OSHA 5-2018, filed 11/29/18, effective 12/17/18.

### 437-001-1010 Purpose and Scope

- (1) Nothing in these rules is intended to impose a duty upon the insurer or to transfer from the employer to the insurer responsibility set forth in ORS 654.001 to 654.991, or to impose liability other than these rules upon the insurer for failure to identify any unsafe conditions or occupational health and safety hazard.
- (2) The purpose of these rules is to promote workplace health and safety by:
  - (a) Establishing insurer and self-insured employer loss prevention services designed to advise employers on regulations, laws, means and methods for improving health and safety at their places of employment; and
  - (b) Providing for the evaluation of insurers' and self-insured employers' loss prevention activities by Oregon OSHA to ensure compliance with the law and these rules.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).  
Statutes/Other Implemented: ORS 654.001 through 654.295.  
History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.  
OSHA 7-1999, filed 7/15/99, effective 7/15/99.  
OSHA 5-2018, filed 11/29/18, effective 12/17/18.

**437-001-1015 Definitions**

- (1) **Establishment:** A single physical location where business is conducted or where services or industrial operations are performed. Where distinctly separate activities are performed at a single physical location, each activity shall be treated as a separate establishment.
- (2) **Insured employer:** An employer insured with a workers' compensation carrier.
- (3) **Insurer:** The State Accident Insurance Fund (SAIF) Corporation or any insurance company authorized or regulated under ORS Chapter 731 to issue workers' compensation insurance policies in Oregon.
- (4) **Loss prevention effort:** An ongoing effort by the self-insured employer to integrate health and safety into the workplace in such a manner that occupational injuries and illnesses are reduced.
- (5) **Loss prevention plan:** A plan developed by the employer with the assistance of the insurer with the primary emphasis on reduction of workplace injuries and illnesses.
- (6) **Loss prevention services:** Services designed to advise and assist employers in the identification, evaluation, and control of existing and potential causes of accidents and occupational health and safety problems.
- (7) **Loss prevention services program:** A program intended to promote occupational health and safety, and to help eliminate and control work hazards to employees.
- (8) **Self-insured employer:** An employer certified under ORS 656.430 as meeting the qualifications of a self-insured employer set out by ORS 656.407.
- (9) **Substantial failure to comply:** The failure by an insurer or self-insured employer to respond or make available timely on-site services; failure to respond or make available in a timely manner specialized consultative services or:
  - (a) If an insurer fails to identify and advise of in a timely manner reasonably discoverable serious or life-threatening hazards within the scope of the services requested or provided or:
  - (b) If a self-insured employer fails to identify and control in a timely manner reasonably discoverable serious or life-threatening hazards within the scope of the services requested or provided.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.

OSHA 7-1999, filed 7/15/99, effective 7/15/99.

OSHA 2-2009, filed 1/27/09, effective 2/3/09.

OSHA 5-2018, filed 11/29/18, effective 12/17/18.

**437-001-1020 General Requirements**

- (1) The insurer or self-insured employer shall, within 60 days after the effective date of these rules, submit to the Administrator the following information:
  - (a) The name of the insurer or self-insured employer;
  - (b) The insurer's or self-insured employer's Oregon business address where records are kept; and
  - (c) The name or title, business address, and telephone number of the representative who will act as liaison with the Division in all matters pertaining to loss prevention services.
- (2) After the first 60 days these rules are in effect, each new insurer must comply with OAR 437-001-1020(1) at the time of application for the authority to issue insurance policies in Oregon.
- (3) After the first 60 days these rules are in effect, each self-insured employer shall submit the information required in OAR 437-001-1020(1) at the time the employer submits its application to the Compliance Section of the Workers' Compensation Division for self-insurance.
- (4) Each insurer or self-insured employer shall notify the Division, in writing, of any change in the information in OAR 437-001-1020(1)(a) through (c) within 30 days of that change.
- (5) When requested by the Division, each insurer and self-insured employer shall make available with reasonable promptness copies of loss prevention, loss control and related records.
- (6) The duty of compliance with OAR 437-001-1005 through 437-001-1065 is that of the insurer or self-insured employer regardless whether the insurer or self-insured employer contracts for assistance for the required services.

Statutory/Other Authority: ORS 654.025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 through 654.295.

History: APD Admin. Order 21-1988, filed 12/27/88, effective 12/27/88.

OSHA 8-1991, filed 4/25/91, effective 5/1/91.

OSHA 7-1999, filed 7/15/99, effective 7/15/99.

OSHA 2-2009, filed 1/27/09, effective 2/3/09.