

**OREGON OCCUPATIONAL
SAFETY AND HEALTH STANDARDS**

Oregon Administrative Rules, Chapter 437

**DIVISION 2 (29 CFR 1910)
GENERAL OCCUPATIONAL SAFETY & HEALTH RULES**



**SUBDIVISION E:
MEANS OF EGRESS
(OAR 437-002-0040 - 437-002-0043)**

Oregon Occupational Safety and Health Division (Oregon OSHA)
Department of Consumer and Business Services
Salem, Oregon 97301-3882

AO 12-2001

The Oregon Department of Consumer and Business Services adopted these rules pursuant to ORS 654.025(2).

The Secretary of State Designated OAR Chapter 437 as the “Oregon Occupational Safety and Health Code.” Six general subject areas within this code are designated as “Divisions.”

- **Division 1** General Administrative Rules
- **Division 2** General Occupational Safety and Health Rules
- **Division 3** Construction
- **Division 4** Agriculture
- **Division 5** Maritime Activities
- **Division 7** Forest Activities
- **Oregon Revised Statutes (ORS)** 654 The Oregon Safe Employment Act (OSEAct)

Oregon-initiated rules in this division of the Oregon Occupational Safety and Health Code are numbered in a uniform system developed by the Secretary of State. This system does not number the rules in sequence (001, 002, 003, etc.). Omitted numbers may be assigned to new rules at the time of their adoption.

Oregon-initiated rules are arranged in the following Basic Codification Structure adopted by the Secretary of State for Oregon Administrative Rules (OAR):

Chapter 437	Division 002	Rule 0322	Section (1)	Subsection (a)	Paragraphs (A)(i)(l)
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The majority of Oregon OSHA codes are adopted by reference from the Code of Federal Regulations (CFR), and are arranged in the following basic federal numbering system:

Chapter 437	Division 002	Part 1910	Subpart (Subdivision) S	Section .303	Paragraphs (a)
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The terms “subdivision” and “subpart” are synonymous within OAR 437, Oregon Occupational Safety and Health Code.

To obtain an order form or copies of these codes, address:

**Department of Consumer & Business Services
Oregon Occupational Safety & Health Division (Oregon OSHA)
350 Winter St. NE, Room 430
Salem, OR 97301-3882**

Or call the Oregon OSHA Resource Library at 503-378-3272

The rules referenced in this division are available for viewing in the Office of the Secretary of State, Administrative Rules and Office Document Section, Oregon State Archives Building, Salem, Oregon 97310, or the Central Office, Oregon Occupational Safety and Health Division of the Department of Consumer and Business Services, Room 430, 350 Winter St. NE Salem, OR 97301-3882. Please visit our web site at:

www.orosha.org

MEANS OF EGRESS E

NOTE: The following rules were adopted by **OR-OSHA Admin. Order 4-1990, filed 1/23/90, EFFECTIVE 1/23/90: Subdivision D, Walking-Working Surfaces** (29 CFR 1910.21 through 1910.32), **Subdivision E, Means of Egress** (29 CFR 1910.35 through 1910.40), and **Subdivision F, Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms** (29 CFR 1910.66 through 1910.70). These rules **superseded** OAR 437, Division 41, Buildings, Structures and Workplaces, Division 88, Ladders and Scaffolds, and specific rules in Division 56, Vehicles (OAR 437-56-005(4) through (12), and 437-56-200 through 437-56-260).

NOTE: Amendments were made to Subdivisions D, E and F by **OR-OSHA Admin. Order 4-1997, filed 4/2/97, effective 4/2/97.**

NOTE: Oregon OSHA Admin. Order 8-2000, filed and effective October 10, 2000.

In 1990, Oregon OSHA adopted by reference 29 CFR 1910.35, Definitions; 1910.36, General Requirements; 1910.37, Means of Egress; and 1910.38, Employee Emergency Plans and Fire Prevention Plans in Subdivision E, Means of Egress. In the passing years, these standards have proven to be among the most confusing and difficult to understand of all the federal OSHA standards adopted by Oregon OSHA. Therefore, Oregon OSHA is replacing all of these standards with Oregon-initiated standards.

In September of 1996 OSHA proposed to change 1910.35, 1910.36 and 1910.37, all related to Means of Egress. Their intent was to convert the old standard to plain English. The proposal included no new requirements on employers.

Because nothing further has come of the OSHA proposal, Oregon OSHA will move on its own. In adopting this new standard, Oregon OSHA relies on the OSHA proposal, not the old OSHA standard. Oregon OSHA rewrote the OSHA proposal to further clarify, simplify and convert it to plain English.

Oregon OSHA adopts these new standards to replace the federal standards: OAR 437-002-0041, Exits and Exit Routes; 437-002-0042, Emergency Action Plan; and 437-002-0043, Fire Prevention Plan.

There are several Oregon-initiated rules co-located with the federal exit rules in Subdivision 2/E. A review of these rules disclosed that several are no longer valid. Oregon OSHA rescinded OAR 437-002-0044(1) and (2). The base paragraph in OAR 437-002-0044 is reworded and remains in the new standard. The same is true for OAR 437-002-0048 on cold storage rooms.

OAR 437-002-0050, Bins, Bunkers, Hoppers, Tanks and Vats is rescinded along with OAR 437-002-0051, Fuel Bins; 437-002-0052, Tanks and Vats, and 437-002-0053, Entering Tanks, Vats and Similar Confined Spaces. Most of these standards have no application since the adoption of OSHA's 1910.146, Permit-Required Spaces. The remainder duplicate other existing OR-OSHA standards.

NOTE: OR-OSHA Admin. Order 12-2001, filed and effective October 26, 2001.

Changes were made to make our standards as effective as federal OSHA.

A vertical line in the margin indicates where a substantive correction, amendment/adoption or deletion has been made in the text since last printing.

MEANS OF EGRESS E

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MEANS OF EGRESS E

OAR 437, DIVISION 2

GENERAL OCCUPATIONAL SAFETY AND HEALTH RULES

SUBDIVISION E – MEANS OF EGRESS

437-002-0040 Adoption by Reference. *In addition to and not in lieu of any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following rules as printed in the Code of Federal Regulations, 29 CFR 1910, revised as of 7/1/99, and any subsequent amendments published in the Federal Register as listed below:*

(1) 29 CFR 1910.35 **Definitions**, REPEALED. In Oregon, OAR 437-002-0041 applies.

(2) 29 CFR 1910.36 **General Requirements**, REPEALED. In Oregon, OAR 437-002-0041 applies.

(3) 29 CFR 1910.37 **Means of Egress – General**, REPEALED. In Oregon, OAR 437-002-0041 applies.

(4) 29 CFR 1910.38 **Employee Emergency Plans and Fire Prevention Plans**, REPEALED. In Oregon, OAR 437-002-0042 and 437-002-0043 apply.

These rules are on file with Oregon Occupational Safety and Health Division, Department of Consumer and Business Services and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 to 654.295.

Hist: OR-OSHA Admin. Order 4-1990, f. 1/23/90, ef. 1/23/90.

OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.

OR-OSHA Admin. Order 8-2000, f. 10/10/00, ef. 10/10/00.

SUBDIVISION E

MEANS OF EGRESS

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Nos. 12-71 (36 FR 8754), (8-76 41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033), 6-96 (62 FR 111), or 3-2000 (65 FR 50017), as applicable.

[58 FR 35308, June 30, 1993; 61 FR 9227, March 7, 1996; FR 67961, Nov. 7, 2002]

437-002-0041 Exits and Exit Routes.

(1) Application. *This subpart does not apply to mobile workplaces, like vehicles or vessels.*

(2) Definitions.

(a) Exit. *The part of the exit route, that is a way out of the workplace (Like a door, stairwell or vestibule).*

(b) Exit Route. *A continuous, unobstructed path from anywhere in a work area to the exit.*

(3) General.

(a) *There must be permanent, unobstructed exit routes to get out of work areas safely during emergencies.*

(b) *There must be two or more exit routes depending on the size and layout of the work area and the number of people involved. A single exit route is acceptable only if all workers can get out through it safely during an emergency. Locate multiple exit routes apart from each other.*

(4) Design.

(a) *An exit must have enough openings to permit access to, or exit from, occupied areas. An interior opening into an exit must have a self-closing fire door that remains closed. Each fire door, its frame, and its hardware must be listed or approved by a nationally recognized testing laboratory.*

Note to paragraph (a): *29 CFR 1910.155(c)(3)(iv)(A) defines "listed," 29 CFR 1910.7 defines a "nationally recognized testing laboratory," and 29 CFR 1910.155 (c)(3) defines "approved."*

(b) *Walls or partitions that separate an exit from other areas must have at least a 1-hour fire resistance rating if the exit connects three stories or less. Materials that separate an exit must have at least a 2-hour fire resistance rating if the exit connects four stories or more.*

(c) *Exits must open from the inside without keys, tools or special knowledge. Devices that lock only from the outside are acceptable. There must be nothing on an exit door that could hinder its use during an emergency.*

E *EXITS & EXIT ROUTES*

Note: You may lock or block an exit door from the inside in a mental, penal, or correctional institution, if supervisory personnel are continuously on duty and a plan exists to remove occupants during an emergency.

(d) An exit must lead directly outside or to a street, walkway, refuge area, or to an open space with access to the outside.

(e) Exit stairs that continue beyond the floor of exit discharge must have doors, partitions, or other effective means at the floor of exit discharge to assure that the direction of exit travel is clear to employees.

(f) Use only a side-hinged exit door to connect any room to an exit route. The door must swing out if the room can hold more than 50 persons or has highly flammable or explosive materials in it.

(g) Each exit route must be able to handle the maximum-permitted occupant load for each floor served by it. The capacity of a path to the exit must not decrease as people move toward the exit.

(h) The exit route must be at least 6 feet 8 inches high at all points.

(i) An exit route must be at least 28 inches wide at all points between handrails and wider if needed to handle the occupant load.

(j) Objects that project into the exit route must not reduce the minimum height and width of the exit route.

(k) Repair or replace damaged or altered fire retardant coatings to keep their original retardant effectiveness.

(5) Access.

(a) There must be unobstructed access to exit routes.

(b) Exit routes must not pass through or into lockable rooms or dead ends.

(c) Exit routes must be mostly level or have stairs or ramps.

(6) Outside and refuge areas.

(a) The street, walkway, refuge area, or open space to which an exit leads must be large enough to accommodate all building occupants likely to use that exit.

(b) A refuge area must be:

(A) a space along an exit route protected from the effects of fire either by separation from other spaces within the building or by its location; or

(B) a floor with at least two spaces separated by smoke-resistant partitions, in a building where each floor is protected by an automatic sprinkler system. Automatic sprinkler systems must comply with 29 CFR 1910.159.

(7) Outside Exit Routes.

(a) Outdoor exit routes must meet the requirements for indoor exit routes and these additional requirements:

(A) The exit route must have guardrails to protect unenclosed sides elevated above a lower surface;

(B) There must be a cover if accumulation of snow or ice is likely;

(C) The exit route must be reasonably straight, smooth, solid, substantially level; and

(D) The exit route must have no dead ends longer than 20 feet.

(8) Condition of Exit Routes and Exits.

(a) Exit routes must minimize danger to employees during emergencies.

(b) Exit routes must be free of highly flammable furnishings and decorations.

(c) An exit route must not require employees to travel toward materials that burn very quickly, emit poisonous fumes, or are explosive, unless those materials are effectively shielded from the exit route.

(d) Exit routes must have adequate lighting.

(e) Each exit must be clearly visible and must have a distinctive sign reading "Exit." Install additional directional signs to exits where necessary.

(f) Exit doors must have no signs or decorations that obscure their visibility.

(g) The line-of-sight to an exit sign must be clear.

(h) If workers could mistake a "non-exit" for an exit, mark the non-exit, "Not an Exit" or mark it to indicate its real use.

(i) There must be enough reliable light on or from exit signs to allow them to be effective during emergencies.

(j) All safeguards to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting) must work properly.

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(9) Exits During Construction and Repair.

(a) Employees must not occupy an area under construction until an adequate number of exit routes that comply with these rules are available.

(b) Employees must not occupy an area during repair or alteration unless all exits and existing fire protection remain as effective as before the work. Alternate fire protection must provide an equivalent level of safety.

(c) Flammable or explosive materials used during construction or repair must not expose employees to hazards not otherwise present or impede emergency escape.

(10) Alarm System. *There must be an operable employee alarm system with a distinctive signal to warn employees of fire or other emergencies, unless employees can see or smell a fire or other hazard so that it would provide adequate warning to them. The employee alarm system must comply with the requirements of 29 CFR 1910.165.*

(11) Special Circumstances – Counterweights and Cold Storage Facilities.

(a) There must be an enclosure or guard around counterweights that are near enough to passageways or work areas to cause a hazard. The guard or enclosure need only be sufficient to protect workers from contact with the counterweight when it moves.

(b) The doors on walk-in refrigerators, coolers and freezers must have latches or closer devices that open from the inside without a key or special knowledge or effort.

Stat. Authority: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 8-2000, f. 10/10/00, ef. 10/10/00.
OR-OSHA Admin. Order 12-2001, f. 10/26/01, ef. 10/26/01.

437-002-0042 Emergency Action Plan.

(1) Development of An Emergency Action Plan.

(a) When another Oregon OSHA standard requires an employer to develop an emergency action plan, the plan must comply with this section and cover each part of the workplace.

(b) The plan must be in writing, in the work area and available to employees on request, except that an employer with 10 or fewer employees in a workplace may use a verbal plan.

(2) Minimum Elements of An Emergency Action Plan. An emergency action plan must include:

(a) procedures for emergency evacuation, including type of evacuation and exit route assignments;

(b) procedures to account for all employees after evacuation;

(c) procedures for reporting a fire or other emergency;

(d) procedures to follow for emergency operation or shut down of critical equipment before evacuation;

(e) procedures to follow for rescue and medical duties; and,

(f) names or job titles of employees to contact for more information about the duties of employees under the plan.

(3) Employee Alarm System. *There must be a properly working employee alarm system. The alarm system must use a distinctive signal for each purpose and comply with 29 CFR 1910.165.*

(4) Training. *An employer must designate employees to assist in the safe emergency evacuation of other employees. These designated employees must receive training in emergency evacuation procedures.*

(5) Employee Review. *An employer must review the emergency action plan with each employee covered by it:*

(a) when the plan is new or the employee is new to the job;

(b) when the employee's responsibilities under the plan change; and,

(c) when the plan changes.

Stat. Authority: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 8-2000, f. 10/10/00, ef. 10/10/00.

OR-OSHA Admin. Order 12-2001, f. 10/26/01, ef. 10/26/01.

437-002-0043 Fire Prevention Plan.

(1) Development of A Fire Prevention Plan.

(a) When another Oregon OSHA standard requires an employer to develop a fire prevention plan, the plan must comply with this section and cover each part of the workplace.

(b) The plan must be in writing, in the work area and available to employees on request; except that an employer with 10 or fewer employees in a workplace may use a verbal plan.

(2) Minimum Elements of A Fire Prevention Plan. A fire prevention plan must include:

(a) a list of all major fire hazards, including proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;

(b) procedures to control accumulations of flammable and combustible waste materials;

(c) procedures for regular maintenance of safeguards on heat producing equipment to prevent accidental ignition of combustible materials;

(d) names or job titles of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and,

(e) names or job titles of those responsible for control of fuel source hazards.

(3) Employee Information. The employer must:

(a) inform employees of the fire hazards in their work area; and

(b) review with each employee, when first assigned to a job, those parts of the fire prevention plan necessary for self-protection.

Stat. Authority: ORS 654.025(2) and 656.726(3).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 8-2000, f. 10/10/00, ef. 10/10/00.

OR-OSHA Admin. Order 12-2001, f. 10/26/01, ef. 10/26/01.

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