



Oregon Administrative Rules
Chapter 437

Division 3
Construction

General Safety and Health Provisions

Subdivision

C

Administrative
Order 2-2013



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	Division	Rule	Section	Subsection	Paragraphs
<i>437</i>	<i>002</i>	<i>0322</i>	<i>(1)</i>	<i>(a)</i>	<i>(A)(i)(I)</i>

The majority of Oregon OSHA rules are adopted by reference from the Code of Federal Regulations (CFR), and are arranged in the following basic federal numbering system:

Chapter	Division	Part	Subpart (Subdivision)	Section	Paragraphs
437	002	1910	G	.303	(a)(1)(i)(A)(1)

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
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, Oregon State Archives Building, Salem, Oregon, or the Central Office, Oregon Occupational Safety and Health Division of the Department of Consumer and Business Services, 350 Winter St. NE, Salem, Oregon, and on our website at osha.oregon.gov.

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437-003-0001 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 federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:

(3) Subdivision C – General Safety and Health Provisions

- (a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940; amended with Oregon OSHA AO 6-2012, repealed (b)(6), f. 9/28/12, ef. 4/1/13.
- (c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)
- (d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.28 Personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.
- (j) 29 CFR 1926.29 Acceptable certifications, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.
- (l) 29 CFR 1926.31 (Reserved).
- (m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.
- (n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: APD Admin. Order 5-1989, f. 3/31/89, ef. 5/1/89 (temp).
 APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
 APD Admin. Order 14-1989, f. 7/20/89, ef. 8/1/89 (temp).
 APD Admin. Order 15-1989, f. 9/13/89, ef. 9/13/89 (perm).
 APD Admin. Order 16-1989 (temp), f. 9/13/89, ef. 9/13/89.
 OR-OSHA Admin. Order 2-1989, f. 10/17/89, ef. 10/17/89.
 OR-OSHA Admin. Order 3-1990, f. 1/19/90, ef. 1/19/90 (temp).
 OR-OSHA Admin. Order 7-1990, f. 3/2/90, ef. 3/2/90 (perm).
 OR-OSHA Admin. Order 8-1990, f. 3/30/90, ef. 3/30/90.
 OR-OSHA Admin. Order 13-1990, f. 6/28/90, ef. 8/1/90 (temp).
 OR-OSHA Admin. Order 19-1990, f. 8/31/90, ef. 8/31/90 (perm).
 OR-OSHA Admin. Order 27-1990, f. 12/12/90, ef. 2/1/91.
 OR-OSHA Admin. Order 6-1991, f. 3/18/91, ef. 4/15/91.
 OR-OSHA Admin. Order 7-1991, f. 4/25/91, ef. 4/25/91.
 OR-OSHA Admin. Order 15-1991, f. 12/13/91, ef. 12/13/91.
 OR-OSHA Admin. Order 16-1991, f. 12/16/91, ef. 1/1/92.
 OR-OSHA Admin. Order 6-1992, f. 5/18/92, ef. 5/18/92.
 OR-OSHA Admin. Order 11-1992, f. 10/9/92, ef. 10/9/92.
 OR-OSHA Admin. Order 1-1993, f. 1/22/93, ef. 1/22/93.
 OR-OSHA Admin. Order 16-1993, f. 11/1/93, ef. 11/1/93 (Lead).
 OR-OSHA Admin. Order 1-1994, f. 4/27/94, ef. 4/27/94.
 OR-OSHA Admin. Order 4-1994, f. 8/4/94, ef. 8/4/94 (HazCom).
 OR-OSHA Admin. Order 6-1994, f. 9/30/94, ef. 9/30/94.
 OR-OSHA Admin. Order 1-1995, f. 1/19/95, ef. 1/19/95 (DOT markings, placards & labels).
 OR-OSHA Admin. Order 3-1995, f. 2/22/95, ef. 2/22/95 (Haz Waste).
 OR-OSHA Admin. Order 4-1995, f. 3/29/95, ef. 3/29/95 (Asbestos).
 OR-OSHA Admin. Order 5-1995, f. 4/6/95, ef. 4/6/95 (HazCom).
 OR-OSHA Admin. Order 6-1995, f. 4/18/95, ef. 6/1/95 (Fall Protection).
 OR-OSHA Admin. Order 8-1995, f. 8/25/95, ef. 8/25/95 (Asbestos).
 OR-OSHA Admin. Order 5-1996, f. 11/29/96, ef. 11/29/96.
 OR-OSHA Admin. Order 6-1996, f. 11/29/96, ef. 11/29/96.
 OR-OSHA Admin. Order 2-1997, f. 3/12/97, ef. 3/12/97.
 OR-OSHA Admin. Order 4-1997, f. 4/2/97, ef. 4/2/97.
 OR-OSHA Admin. Order 6-1997, f. 5/2/97, ef. 5/2/97.
 OR-OSHA Admin. Order 7-1997, f. 9/15/97, ef. 9/15/97 (Fall Protection).
 OR-OSHA Admin. Order 8-1997, f. 11/14/97, e. 11/14/97 (Methylene Chloride).
 OR-OSHA Admin. Order 1-1998, f. 2/13/98, e. 2/13/98 (Methylene Chloride).
 OR-OSHA Admin. Order 3-1998, f. 7/7/98, ef. 7/7/98 (Respiratory Protection).
 OR-OSHA Admin. Order 6-1998, f. 10/15/98, ef. 10/15/98 (Slings 3/H).
 OR-OSHA Admin. Order 7-1998, f. 12/28/98, ef. 12/28/98 (Asbestos).
 OR-OSHA Admin. Order 1-1999, f. 3/22/99, e. 3/22/99 (Methylene Chloride).
 OR-OSHA Admin. Order 4-1999, f. 4/30/99, ef. 4/30/99.
 OR-OSHA Admin. Order 6-1999, f. 5/26/99, ef. 5/26/99.
 OR-OSHA Admin. Order 3-2000, f. 2/8/00, ef. 2/8/00.
 OR-OSHA Admin. Order 3-2001, f. 2/5/01, ef. 2/5/01 (Fall Protection/Oregon Exceptions).
 OR-OSHA Admin. Order 3-2002, f. 4/15/02, ef. 4/18/02 (Steel Erection).
 OR-OSHA Admin. Order 5-2002, f. 6/28/02, ef. 10/1/03 (GFCI 3/K).
 OR-OSHA Admin. Order 6-2002, f. 7/19/02, ef. 7/19/02 (Fall Protection/Steel Erection).
 OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03 (3/Q Masonry Wall Bracing).
 OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03 (3/G).
 OR-OSHA Admin. Order 7-2003, f. 12/5/03, ef. 12/5/03 (3/O).
 OR-OSHA Admin. Order 8-2003, f. 12/30/03, ef. 1/1/04 (3/R).
 OR-OSHA Admin. Order 1-2005, f. 4/12/05, ef. 4/12/05 (3/D and 3/Z).
 OR-OSHA Admin. Order 2-2006, f. 4/28/06, ef. 4/28/06 (3/R).
 OR-OSHA Admin. Order 4-2006, f. 7/24/06, ef. 7/24/06.
 OR-OSHA Admin. Order 5-2006, f. 8/7/06, ef. 1/1/07.
 OR-OSHA Admin. Order 6-2006, f. 8/30/06, ef. 8/30/06.
 OR-OSHA Admin. Order 10-2006, f. 11/30/06, ef. 11/30/06.
 OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07 (3/O).
 OR-OSHA Admin. Order 5-2008, f. 5/1/08, ef. 5/15/08 (PPE).
 OR-OSHA Admin. Order 5-2009, f. 5/29/09, ef. 5/29/09.

OR-OSHA Admin. Order 3-2010, f. 6/10/10, ef. 6/15/10.
OR-OSHA Admin. Order 1-2011, f. 2/9/11, ef. 2/9/11.
OR-OSHA Admin. Order 4-2011, f. 12/8/11, ef. 12/8/11.
OR-OSHA Admin. Order 5-2011, f. 12/8/11, ef. 7/1/12.
OR-OSHA Admin. Order 1-2012, f. 4/10/12, ef. 4/10/12.
OR-OSHA Admin. Order 5-2012, f. 9/25/12, ef. 9/25/12.
OR-OSHA Admin. Order 1-2013, f. 2/14/13, ef. 2/14/13.
OR-OSHA Admin. Order 2-2013, f. 2/15/13, ef. 4/1/13.
OR-OSHA Admin. Order 4-2013, f. 7/19/13, ef. 7/19/13.
OR-OSHA Admin. Order 5-2013, f. 9/13/13, ef. 9/13/13.
OR-OSHA Admin. Order 6-2013, f. 10/9/13, ef. 10/9/13.
OR-OSHA Admin. Order 7-2013, f. 12/12/13, ef. 12/12/13.
OR-OSHA Admin. Order 6-2014, f. 10/28/14, ef. 5/1/15.
OR-OSHA Admin. Order 7-2014, f. 11/7/14, ef. 11/9/14.

1926.20 General Safety and Health Provisions

(a) Contractor requirements.

- (1) Section 107 of the Act requires that it shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Number 14 of 1950 (64 Stat. 1267), as defined in 1926.12, and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety.

Other Structural Requirements

437-003-0905 *Flooring*

In buildings or other structures of wood floor construction, the under-flooring shall be laid on each tier of joists as the structure progresses, or if double floors are not to be used, the tier of joists next below where work is being performed shall be entirely floored over except for such spaces as are required for ladders and shaftways.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 5-1989, f. 3/1/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0910 *Temporary Floors*

Temporary floors shall be of sufficient strength to support expected loading.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 5-1989, f. 3/1/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0915 *Shoring, Bracing or Guying of Structures*

During erection, alteration, or repair, structures, including each part thereof, shall be braced or guyed as necessary to prevent overturning or collapse. All temporary shoring, bracing, or guying used for this purpose shall be maintained until the structure or any part of same is otherwise secured against overturning or collapse.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 5-1989, f. 3/1/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

437-003-0920 *Project Plans*

The Administrator of the Oregon Occupational Safety and Health Division (OR-OSHA) may require plans and specifications of temporary shoring and bracing used in the construction or alteration of any building, structure, or excavation project. Required plans shall be certified by a qualified engineer whenever there is a question as to compliance with requirements of this code.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 5-1989, f. 3/1/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

1926.20 (b) Accident prevention responsibilities

- (1) It shall be the responsibility of the employer to initiate and maintain such programs as may be necessary to comply with this part.
- (2) Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.
- (3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.
- (4) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

NOTE: Oregon did not adopt 1926.20(c), (d), and (e).

(f) Compliance duties owed to each employee.

- (1) Personal protective equipment. Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.
- (2) Training. Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 58 FR 35078, June 30, 1993; 73 FR 75588, Dec. 12, 2008]

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654-001 through 654.295.

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).

APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

OR-OSHA Admin. Order 5-2009, f. 5/29/09, ef. 5/29/09.

1926.21 Safety Training and Education

- (a) General requirements. The Secretary shall, pursuant to section 107(f) of the Act, establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe conditions in employments covered by the act.
- (b) Employer responsibility.
 - (1) The employer should avail himself of the safety and health training programs the Secretary provides.
 - (2) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

- (3) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.
- (4) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.
- (5) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Subparts D, F, and other applicable subparts of this part.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 80 FR 25518, May 4, 2015]

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).
OR-OSHA Order 6-2012, f. 9/28/12, ef. 4/1/13.

1926.22 Recording and Reporting of Injuries (RESERVED)

1926.23 First Aid and Medical Attention

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations.

Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

1926.24 Fire Protection and Prevention

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by Subpart F of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

1926.25 Housekeeping

- (a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.
- (b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.
- (c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

1926.26 Illumination

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

1926.27 Sanitation

Health and sanitation requirements for drinking water are contained in Subpart D of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

NOTE: Oregon OSHA did not adopt 1926.28 Personal Protective Equipment, and repealed OAR 437-003-0128 High Visibility Garments, with Administrative Order 2-2013. In Oregon, [OAR 437-003-0134](#) Personal Protective Equipment, in Division 3/E applies.

1926.29 Acceptable Certifications

- (a) Pressure vessels. Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.
- (b) Boilers. Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.
- (c) Other requirements. Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in Subparts F and O of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

1926.30 Shipbuilding and Ship Repairing

- (a) General. Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.
- (b) Applicable safety and health standards. For the purpose of work carried out under this section, the safety and health regulations in Part 1915 of this title, Shipyard Employment, shall apply.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 61 FR 9249, March 7, 1996]

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).

APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

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

1926.31 Reserved

1926.32 Definitions

The following definitions shall apply in the application of the regulations in this part:

- (a) **Act** means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).
- (b) **ANSI** means American National Standards Institute.
- (c) **Approved** means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.
- (d) **Authorized person** means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.
- (e) **Administration** means the Occupational Safety and Health Administration.
- (f) **Competent person** means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
- (g) **Construction work**. For purposes of this section, "Construction work" means work for construction, alteration, and/or repair, including painting and decorating.
- (h) **Defect** means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.
- (i) **Designated person** means "authorized person" as defined in paragraph (d) of this section.

- (j) **Employee** means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. "Laborer" generally means one who performs manual labor or who labors at an occupation requiring physical strength; "mechanic" generally means a worker skilled with tools. See 18 Comp. Gen. 341.
- (k) **Employer** means contractor or subcontractor within the meaning of the Act and of this part.
- (l) **Hazardous** substance means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.
- (m) **Qualified** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.
- (n) **Safety factor** means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.
- (o) **Secretary** means the Secretary of Labor.
- (p) **SAE** means Society of Automotive Engineers.
- (q) **Shall** means mandatory.
- (r) **Should** means recommended.
- (s) **Suitable** means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 58 FR 35078, June 30, 1993]

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.
OR-OSHA Admin Order 3-2000, f. 2/8/00, ef. 2/8/00.

437-003-0011 Additional Definitions

The following definitions are in addition to those found in 29 CFR 1926.32:

- (1) **Department** – The Department of Consumer and Business Services.*
- (2) **Employee** – Any individual, including a minor whether lawfully or unlawfully employed, who engages to furnish his services for a remuneration, financial or otherwise, subject to the direction and control of an employer, and includes salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations, or any individual who is provided with workers' compensation coverage as a subject worker pursuant to ORS Chapter 656, whether by operation of law or by election.*
- (3) **Employer** – Any person who has one or more employees, or any sole proprietor or member of a partnership who elects workers' compensation coverage as a subject worker pursuant to ORS 656.128.*

Stat. Auth.: ORS 654.025(2) and 656.726(4).
Stats. Implemented: ORS 654.001 through 654.295.
Hist: APD Admin. Order 5-1989, f. 3/31/89, ef. 5/1/89.
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89.

1926.33 Access to Employee Exposure and Medical Records

NOTE: The requirements applicable to construction work under this section are identical to those set forth at 1910.1020 of this chapter.

1926.34 Means of Egress

- (a) General. In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.
- (b) Exit marking. Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.
- (c) Maintenance and workmanship. Means of egress shall be continually maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

[58 FR 35083, June 30, 1993.]

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin Order 3-2000, f. 2/8/00, ef. 2/8/00.

Historical Notes for Subdivision C

Note: The accident prevention division has adopted new and revised federal occupational health and safety rules for the construction industry on an emergency basis effective May 1, 1989. The new rules cover masonry and concrete construction standards, and limits the use of construction cranes and derricks as personnel hoists. The revised rules reduce occupational exposures to asbestos, tremolite, anthophyllite, and actinolite. Hazard communication rules are now included in Division 3, construction. The emergency adoption also includes the repeal of Division 83, construction, and Division 84, Electrical Transmission and Distribution Facilities, effective May 1, 1989. However, some individual rules from each of these divisions are retained and adopted into the new Division 3, construction, as Oregon-initiated rules.

This is Oregon OSHA Administrative Order 5-1989 (temp), Adopted March 1, 1989, and effective May 1, 1989.

Note: The Accident Prevention Division adopted Division 3, Construction on a temporary basis effective May 1, 1989. It contained new and revised federal occupational health and safety rules for the construction industry. APD is now announcing that these same rules have been duly filed for permanent adoption, effective July 7, 1989. In the interim between the temporary and permanent rules, some revisions and minor editorial changes were made.

Redesignation of 29 CFR 1926.550(g)(3)(i)(D) to 1926.550(g)(3)(ii)(D) due to confusion caused by the location of the rule.

Correction of a conflict in federal language contained in separate documents regarding 1926.58(j)(2)(iv). The word "or" has been corrected to read "and".

Federal rules 1926.52 and 1926.55 have been replaced by Oregon-Initiated rules 437-03-027 and 030, which apply appropriate rules for noise and hearing protection and air contaminants to the construction industry.

This is Oregon OSHA Administrative Order 8-1989 (perm), Adopted and effective on July 7, 1989.

Note: Oregon OSHA adopts by reference corrections and technical amendments issued by federal OSHA. OSHA made simple corrections, deleted redundant provisions, and clarified and reorganized various other provisions throughout the standards. Thirteen similar standards for carcinogenic chemicals are consolidated under one single rule in general industry and maritime activities. This action does not change the substantive requirements of the standards. These changes affect general industry, construction, and maritime activities standards.

This is Oregon OSHA Administrative Order 4-1997, Adopted and effective April 2, 1997.

Note: On June 30, 1993, Federal OSHA incorporated a large number of its 1910 general industry standards into its 1926 construction standard in order to consolidate all standards actually applicable to the construction industry in one place. This was done at the request of both employers and employees in construction work in order to facilitate compliance with all the applicable standards from general industry. Oregon OSHA proposed to adopt most of the applicable general industry standards into Division 3, Construction. This will help achieve more uniform reporting information and compliance, with a safer work environment for construction workers.

1926.501(b)(13), which was originally adopted from the federal construction standard, is being repealed because of confusion between this rule for residential construction and the other fall protection rules governing specific activities such as roofing or leading edge work. The more specific standards in 1926.501 will now be used for all industries. The current residential exceptions will be retained.

There should be no additional financial impact generated by the incorporation of applicable general industry standards into construction because the construction industry has been subject to these standards for a number of years. This action is to better provide access to all standards applicable to the construction industry.

This is Oregon OSHA Administrative Order 3-2000, Adopted and effective February 8, 2000.

Note: In this rulemaking, Oregon OSHA is amending its standards to add language clarifying that the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that noncompliance may expose the employer to liability on a per-employee basis. The amendments consist of new paragraphs added to the introductory sections of the affected rules and changes to the language of some existing respirator and training requirements.

These federal OSHA changes are in general industry, construction, and maritime and were published in the December 12, 2008 federal register.

This is Oregon administrative order 5-2009, adopted and effective May 29, 2009.

Note: Oregon OSHA adopts new rule, OAR 437-002-0146 Confined Spaces, which replaces 1910.146 Permit-Required Confined Spaces, in Division 2/J General Environmental Controls. This expands the scope of the new rule to include the construction industry.

During the 2011 proposal, several issues were discovered that needed to be resolved. We reconvened our stakeholder groups to resolve those issues and addressed any other areas for clarification. The identified issues include: revising and including several definitions, language for closing permits, ensuring employee access to written materials, ensuring all actions required by the permit are followed, and clarifying when alternate entry cannot be used.

Other areas amended for clarification include:

Permit Space Program.

- Changed the requirement to catalog all confined spaces to catalog all permit spaces.
- If the permit program needs to be revised, the language was changed that prohibiting entry into any space; to any space that is affected by that revision until the revision is complete.

Evacuation. Added language on what to do if entrants need to evacuate a permit space.

Decontamination. There was language requiring patient decontamination. The group consensus was to move this language to the appendix on rescue. In its place, language was added requiring MSDSs and providing them to the medical providers.

Rescue.

- For non-entry rescue – modified the language to include a rescue person, as the rescue “team” may only consist of the attendant retrieving the entrant from the space.
- For entry rescue – language change from ensuring the rescue team can proficiently perform rescues to ensuring rescue teams can efficiently perform rescues.
- Added language requiring that, if a third-party rescue service is used, that the agreement is in writing.

Alternate Entry.

- Changed the language in the exception for alternate entry.
- Added language to specify which parts of the rule don’t apply when one uses alternate entry.
- Added a condition on when the space must be evacuated during alternate entry (new hazard or conditions change).

Training. Moved the awareness training piece to the bottom of the training section to avoid confusion and clarified that it is only for employees who work around permit spaces.

Records. Modified the record retention section to refer back to the rule that requires a review of the permit program.

The requirements of this standard are similar to the requirements of the existing general industry standard, but are written to clarify employer obligations and eliminate confusing requirements.

This rulemaking amends Oregon-initiated rules OAR 437-002-0182, 437-002-0256, and 437-002-0312 to update the rule reference to the new Oregon rule 437-002-0146 Confined Spaces. Also amended to reflect the new Confined Spaces rules are 1910.120 Appendix E, and 1910.269 that currently refer the reader to 1910.146. We also repeal 1926.21(b)(6) in Division 3/C, and place a note referring the reader to Division 2/J, 437-002-0146 Confined Spaces.

This is Oregon OSHA Administrative Order 6-2012, adopted September 25, 2012, and effective April 1, 2013.

Note: Oregon OSHA is revising the personal protective equipment (PPE) sections of its construction standards regarding requirements for eye and face protective devices, head protection, foot protection, extremities and torso to include protective clothing, respiratory devices, and protective shields and barriers. Oregon OSHA updated the Division 2, subdivision I, Personal Protective Equipment references in its regulations on December 8, 2011. The update referenced more recent editions of applicable national consensus standards and removed requirements that employers prepare and maintain written training certification records. Oregon OSHA repealed all of Division 2/I rules with some exceptions and replaced them with a new Oregon initiated rule, 437-002-0134 Personal Protective Equipment, that includes sections covering the scope/application, hazard assessment, equipment, training, payment, fall protection, clothing, high visibility garments, and eye, head, foot, leg, hand and skin protection. The change was mostly a format change that simplified the existing text while making little change to the overall rule requirements with a few exceptions. Oregon OSHA modified the hazard assessment requirement to clarify that employers must identify hazards to the entire body, including the torso and extremities, when performing the assessment. The assessment previously was limited to head, hands, eyes and face and foot protection.

We are removing the current PPE requirements in various locations of the construction standard and replacing them with the same requirements that are in General Industry standards of Division 2, Subdivision I. These requirements (with the exception of a written assessment certification) will be substantially similar allowing for greater consistency in construction and general industry. The design requirements for eye and face-protective devices, head protection, and foot protection are currently the same in Division 2 General Industry, Shipyard Employment, Marine Terminals, Longshoring, and Division 3 Construction. These revisions are a continuation of Oregon OSHA's effort to update consensus and industry standards.

Personal Protective Equipment in General Industry: Oregon OSHA is also amending the general industry PPE rule 437-002-0134, to include ANSI Z89.1-2009, American National Standard for Industrial Head Protection, as another option of compliance, as published in the June 22, 2012 Federal Register. http://www.osha.gov/FedReg_oshapdf/FED20120622A.pdf

Hole Openings (including skylights) in General Industry: Oregon OSHA is also changing the hole covering requirements for holes in floors, roofs, and other walking/working surfaces (to include skylights and skylight screens). Currently employers in construction and general industry have different hole cover strength criteria. To eliminate the confusion and inconsistency, Oregon OSHA is changing the general industry requirements to be the same as the construction requirements as referenced in the Federal OSHA proposal for walking working surfaces and personal protective equipment (fall protection) found in the May 24, 2010 Federal Register http://www.osha.gov/FedReg_oshapdf/FED20100524.pdf.

This is Oregon OSHA Administrative Order 2-2013, Adopted February 5, 2013, and effective April 1, 2013