



Oregon

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February 25, 2011

Jerry Cotter
Safety and Health Manager
Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem Oregon 97303

Dear Mr. Cotter:

This is in response to your letter dated January 24, 2011. You will find Oregon OSHA's response in bold following each statement. As stated in your letter, fish hatcheries are regulated under Division 4, Agriculture Rules.

437-004-0320 states that guard rails must be in place if there is a drop of 4' or greater from the walking-working surface.

1. Although the regulation requires guardrails if the distance from the walking/working surface is 4 feet or greater, in our discussions it was stated that if we kept a minimum of 3 feet of water in the ponds, that would mitigate the height issue. It was agreed that 3 feet of water depth would be sufficient to cushion the worker should they fall into the ponds.

Your rule statement is correct. In our discussion, we talked about the uncertainty of the depth of water that would not cause a fall injury to a lower surface. We agreed that a minimum of 3 feet of water should be sufficient to cushion a fall and that all sides of the walking/working surfaces must have a minimum of 3 feet of water in the absence of guard rails or other means of fall protection.

2. It is understood that we would deny entry onto walkways that are adjacent to empty ponds unless specifically doing maintenance on those ponds thus reducing exposure to a fall. Access would be allowed if ponds without fish were filled with water to a minimum depth of 3 feet.

Employees must be protected from fall hazards regardless of the specific job duty. This is not task dependent and would include maintenance activities. The rule requires guarding where there is employee exposure. Some of the newer fish hatchery locations have guarded walkways. However, many of the older locations do not. We made suggestions on how surfaces could be guarded (standard guardrails vs. cable systems) and on fall protection systems. In our discussion the solutions you mentioned were to deny access (barriers) to the walkways or walking/working surface thus eliminating employee exposure or having 3 feet of water in the fish ponds.

3. Guard rails would be placed around empty ponds if they are adjacent to main aisles where employees are exposed to a fall into those ponds.

This meets the standard's requirements.

437-004-0310 states that all walkways must be a minimum of 22 inches in width. You verified that the 22 inch width was the absolute minimum. Guard rails would be installed outside of that walkway width, never reducing that width.

1. You stated that walkways and aisles must be 22 inches wide in all situations where ODFW employees are going to access the site.

The requirement is 22 inches.

I hope this provides clarity to your questions. Please contact me if I can be of further assistance.

Sincerely,



Peggy Munsell
Manager Standards & Technical Resources
503-947-7446

cc: Marilyn Schuster