

Issued: March 12, 1997

Revised: February 24, 2011, November 13, 2023

Kevin Drake
Safety and Health Manager
Department of Fish and Wildlife
4034 Fairview Industrial Dr. SE
Salem Oregon 97302

Dear Mr. Drake,

A letter of interpretation regarding walking/working surfaces around fish ponds and fish runs (raceways) at fish hatcheries was issued to your agency on February 25, 2011, in response to a letter submitted to Oregon OSHA dated January 24, 2011. Oregon OSHA's letter of interpretation was reviewed, and in response to this review the answer to a couple of the questions have been updated to reflect the changes in Oregon OSHA policy. Specific to the operation of fish hatcheries and guidance for walking working surface and fish pond or fish run (raceway), you will find Oregon OSHA's response in bold following each statement. As stated in the original 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 to a lower level, 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.

In our discussion, we determined that the actual distance from the walkway (walking/working surface) to the top of the water (lower level) is less than four feet. As long as there is a minimum of three feet of water depth in the pond or fish run, an injury from a fall of that distance is not reasonably anticipated. Per 437-004-1075(2)(a), when the water is greater than five feet in depth, a personal floatation device would be required.

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) or the utilization of 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 depth in the fish ponds but not more than 5 feet of depth without the use of a personal flotation device.

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.

4. 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. If we can be of further assistance, call Oregon OSHA's Technical Section at 503-378-3272. You are also invited to visit Oregon OSHA's website at [osha.oregon.gov](https://www.osha.oregon.gov)

Sincerely,



David J. McLaughlin, Standards & Technical Resources Manager
Oregon Occupational Safety & Health Division

History: SI 2023-01 Issued 3/12/1997 Revised 2/24/2011, 11/15/2023 (Formally ODFW)