



Oregon
Kate Brown, Governor

Department of Consumer and Business Services
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June 8, 2016

[Text of changes](#)

Oregon OSHA – Proposed Changes to Eye and Face Protection Consensus Standards in General Industry, Construction, and Maritime Activities

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Some Oregon OSHA general industry, maritime and construction rules for personal protective equipment reference ANSI consensus standards Z87.1-1989 and Z87.1-1968. This rulemaking removes those older standards and will recognize ANSI/ISEA Z87.1-2010, ANSI Z87.1-2003, and ANSI Z87.1-1989 (R-1998).

The ANSI/ISEA Z87.1-2010 provides requirements for the selection, testing, use, and maintenance of protectors intended to minimize or prevent eye and face injuries including impact, non-ionizing radiation, and chemical exposures in occupational and educational environments. ANSI Z87.1-2003 and ANSI Z87.1-1989 (R-1998) are prior versions of this standard which are also incorporated by reference as alternative means of compliance with Oregon OSHA's eye and face protection requirements.

Oregon initiated PPE rules in Division 2, general industry and Division 3, construction will be amended with the ANSI updates, as well as references in Oregon Rules for Firefighters in Division 2/L.

Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

When does this happen: Adoption tentatively will be September 2016

To get a copy: Our web site – www.orosha.org Rules, then Proposed Rules
Or call 503-947-7449

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
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Fax – 503-947-7461

Comment period closes: August 12, 2016

Oregon OSHA contact: Ken Langley, Central Office @ 503-947-7454;
or email at ken.e.langley@oregon.gov

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
6-8-16 9:23 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Consumer and Business Services, Oregon Occupational Safety and Health

437

Agency and Division

Administrative Rules Chapter Number

Sue C. Joye

(503) 947-7449

Rules Coordinator

Telephone

Department of Consumer and Business Services, Oregon Occupational Safety and Health Division, 350 Winter St. NE, Salem, OR 97301

Address

RULE CAPTION

Adopt federal OSHA updates to standards based on National Consensus Standards; eye and face protection.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

437-002-0005, 437-002-0134, 437-002-0182, 437-003-0001, 437-003-0134, 437-005-0001, 437-005-0002, 437-005-0003

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

654.025(2), 656.726(4)

Other Authority:

Statutes Implemented:

654.001 through 654.295

RULE SUMMARY

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Some Oregon OSHA general industry, maritime and construction rules for personal protective equipment reference ANSI consensus standards Z87.1-1989 and Z87.1-1968. This rulemaking removes those older standards and will recognize ANSI/ISEA Z87.1-2010, ANSI Z87.1-2003, and ANSI Z87.1-1989 (R-1998).

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Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

08-12-2016 5:00 p.m.	Sue C. Joye	Sue.C.Joye@state.or.us
Last Day (<i>m/d/yyyy</i>) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

FILED
6-8-16 9:23 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Consumer and Business Services, Oregon Occupational Safety and Health
Agency and Division

437

Administrative Rules Chapter Number

Adopt federal OSHA updates to standards based on National Consensus Standards: eye and face protection.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 437-002-0005, 437-002-0134, 437-002-0182, 437-003-0001, 437-003-0134, 437-005-0001, 437-005-0002, 437-005-0003.

Statutory Authority:

654.025(2), 656.726(4)

Other Authority:

Statutes Implemented:

654.001 through 654.295

Need for the Rule(s):

This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Some Oregon OSHA general industry, maritime and construction rules for personal protective equipment reference ANSI consensus standards Z87.1-1989 and Z87.1-1968. This rulemaking removes those older standards and will recognize ANSI/ISEA Z87.1-2010, ANSI Z87.1-2003, and ANSI Z87.1-1989 (R-1998).

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Oregon initiated PPE rules in Division 2, general industry and Division 3, construction will be amended with the ANSI updates, as well as references in Oregon Rules for Firefighters in Division 2/L.

Documents Relied Upon, and where they are available:

Federal Register, Volume 81, Number 58, Friday March 25, 2016 https://www.osha.gov/FedReg_osha_pdf/FED20160325A.pdf

OAR 437-002, general industry, Division 2/I
http://www.orosha.org/pdf/rules/division_2/div2_i.pdf#0134

OAR 437-002, general industry, Division 2/K
http://www.orosha.org/pdf/rules/division_2/div2_k.pdf

OAR 437-002, general industry, Division 2/A
http://www.orosha.org/pdf/rules/division_2/div2_a.pdf

OAR 437-003, construction, Division 3/E
http://www.orosha.org/pdf/rules/division_3/div3e.pdf#0134

OAR 437-003, construction, Division 3/A
http://www.orosha.org/pdf/rules/division_3/div3a.pdf

ANSI/ISEA Z87.1-2010 (Copy available in Oregon OSHA Library)

ANSI Z87.1-2003 (Copy available in Oregon OSHA Library)

ANSI Z87.1-1989 (R-1998) (Copy available in Oregon OSHA Library)

Fiscal and Economic Impact:

This rulemaking will not impose any additional or more stringent requirements on employers. Employers can comply with the final rule by following their current usual and customary practice in providing eye and face protection to their employees. This final rule expands the options available to employers without removing any existing option and thus has no costs. Therefore, the final rule is not economically significant.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Oregon OSHA's own cost in administering the rules are limited to the rulemaking itself. All state agencies as well as units of local government are affected in the sense that they are employers under the Oregon Safe Employment Act.

This rulemaking imposes no additional costs on any private-sector or public-sector entity.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

All small businesses and types of business and industries with small businesses who are subject to the Oregon Safe Employment Act and who use personal protective equipment are subject to the rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

There are no additional reporting, recordkeeping or other administrative activities required for compliance with these rules.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor or increased administration is required for compliance with these rules.

How were small businesses involved in the development of this rule?

Federal OSHA developed these rule changes in cooperation with the Advisory Committee on Construction Safety and Health. Federal OSHA received no significant adverse comment to the proposed rule changes.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

The nature of this rule change is to update reference standards and the rule itself is not significantly changed, so it was not necessary to form or consult an advisory committee.

08-12-2016 5:00 p.m.	Sue C. Joye	Sue.C.Joye@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address