



Oregon

Kate Brown, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (Oregon OSHA)
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September 25, 2018

[Text of proposed changes](#)

Oregon OSHA's Proposed Standards Improvement Project for Division 1

Public Hearings Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
November 1, 2018	10:00 am	Oregon OSHA Durham Plaza 16760 SW Upper Boones Ferry Rd Suite 200 Tigard, OR 97224

Oregon OSHA is making minor changes to its Division 1 rules. These are technical corrections to rectify inaccuracies and errors discovered through a comprehensive review of Division 1. These changes will correct several types of issues. Some are discrepancies between the Oregon OSHA codebooks and the Secretary of State administrative order filings that have grown through the years and now represent a relatively significant amount of dissonance between the organization's records. Many of the edits stem from rule reference errors, and other typos. Some are temporal in nature and simply update website and physical addresses, official positions holding delegated authority, and agency names that have changed through the years.

This rulemaking will correct an omission of the rest of the rule regarding electronic record keeping, Oregon Administrative Rule (OAR) 437-001-0700(24)(f)-(g) and the accompanying tables and appendices. These sections were inadvertently left out of the last administrative order filing with the Secretary of State. Oregon OSHA will update OAR 437-001-0060 to remove specific dollar amounts for citations in ORS 654.086, as this statute was amended by the legislature to remove dollar amounts. Oregon OSHA will also amend OAR 437-001-0096 to update the monetary penalty for a red tag removal, as this was not completed during the last penalties rulemaking, but was intended to be changed.

Please visit our web site osha.oregon.gov Click 'Rules and laws' in the Common resources column and view our proposed rules, or select other rule activity from this page.

When does this happen: Adoption tentatively will be in November 2018.

To get a copy: Our web site – osha.oregon.gov Rules and laws, then, Proposed rules
Or call 503-947-7449

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@oregon.gov
Fax – 503-947-7461

Comment period closes: November 16, 2018

Oregon OSHA contact: Jeff Carlson, Central Office @ 503-947-7407
or email at Jeffery.t.carlson@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 HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Heather Case 350 Winter Street NE Salem OR 97301-3882
Rules Coordinator Address

503-947-7449
Telephone

RULE CAPTION

Oregon OSHA's Standards Improvement Project for Division 1.

November 1, 2018	10:00 am	Oregon OSHA Durham Plaza 16760 SW Upper Boones Ferry Road Suite 200 Tigard, OR 97224	Heather Case
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Hearing Date	Time	Location	Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Amend: OARs: 437-001-0002, 437-001-0005, 437-001-0015, 437-001-0020, 437-001-0035, 437-001-0045, 437-001-0050, 437-001-0053, 437-001-0055, 437-001-0057, 437-001-0060, 437-001-0065, 437-001-0070, 437-001-0080, 437-001-0090, 437-001-0096, 437-001-0099, 437-001-0145, 437-001-0160, 437-001-0171, 437-001-0203, 437-001-0225, 437-001-0231, 437-001-0240, 437-001-0245, 437-001-0251, 437-001-0255, 437-001-0270, 437-001-0275, 437-001-0285, 437-001-0295, 437-001-0400, 437-001-0411, 437-001-0415, 437-001-0430, 437-001-0700, 437-001-0704, 437-001-0706, 437-001-0740, 437-001-0760, 437-001-0765, 437-001-0800, 437-001-0810, 437-001-1005, 437-001-1010, 437-001-1015, 437-001-1025, 437-001-1035, 437-001-1040, 437-001-1050, 437-001-1065

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULEMAKING SUMMARY

Oregon OSHA is making minor changes to its Division 1 rules. These are technical corrections to rectify inaccuracies and errors discovered through a comprehensive review of Division 1. These changes will correct several types of issues. Some are discrepancies between the Oregon OSHA codebooks and the Secretary of State administrative order filings that have grown through the years and now represent a relatively significant amount of dissonance between the organization's records. Many of the edits stem from rule reference errors, and other typos. Some are temporal in nature and simply update website and physical addresses, official positions holding delegated authority, and agency names that have changed through the years. This rulemaking will correct an omission of the rest of the rule regarding electronic record keeping, Oregon Administrative Rule (OAR) 437-001-0700(24)(f)-(g) and the accompanying tables and appendices. These sections were inadvertently left out of the last administrative order filing with the Secretary of State. Oregon OSHA will update OAR 437-001-0060 to remove specific dollar amounts for citations in ORS 654.086, as this statute was amended by the legislature to remove dollar amounts. Oregon OSHA will also amend OAR 437-001-0096 to update the monetary penalty for a red tag removal, as this was not completed during the last penalties rulemaking, but was intended to be changed.

INDIVIDUAL RULE SUMMARY (By rule number)

Provide a brief summary of the rule (if new adoption), or a brief summary of changes made to the rule (if amending)

- 437-001-0002- Updated organization name to reflect current usage. Updated organization website address. Grammar change to ease readability.
- 437-001-0005- Deleted page number reference to section contained on previous page of document.
- 437-001-0015- Grammar and tense changes to ease readability. Deleted note specifying obsolete edition of NAICS manual in definition of NAICS.
- 437-001-0020- Grammar change to ease readability.
- 437-001-0035- Clarified delegation of authority for adoption of rules.
- 437-001-0045- Added Oxford commas to clarify text meaning. Updated organization name and address. Updated Oregon OSHA maximum response time for responding to rule change requests. Corrected statutory authority reference.
- 437-001-0050- Added Oxford commas to clarify text meaning. Changed pronoun for readability. Corrected statutory authority reference.
- 437-001-0053- Corrected statutory authority reference.
- 437-001-0055- Added Oxford commas to clarify text meaning. Corrected statutory authority reference.
- 437-001-0057- Added Oxford commas to clarify text meaning. Clarified employer inspection exemption circumstances. Spelled out organizations and clarified sources in Table 1. Added ISO 45001 certification to list of criteria exempting places of employment from programmed inspections. Changed colons to dashes:
- 437-001-0060- Removed specific maximum penalty to reflect statutory amendment. Corrected statutory authority reference.
- 437-001-0065- Updated OAR reference to reflect past rule changes. Corrected statutory authority reference.
- 437-001-0070- Updated obsolete organization references to reflect current usage.
- 437-001-0080- Added Oxford commas to clarify text meaning. Corrected statutory authority reference.
- 437-001-0090- Added Oxford commas to clarify text meaning. Language change to reflect technological advances. Grammar changes to ease readability. Clarification of acceptable means to document interviews. Corrected statutory authority reference.
- 437-001-0096- Added Oxford commas to clarify text meaning. Updated penalty amounts to reflect rule changes. Corrected statutory authority reference.
- 437-001-0099- Updated organization name to reflect current usage. Grammar change to ease readability. Corrected statutory authority reference.

437-001-0145- Added Oxford commas, erased a preposition, and changed a pronoun to a noun to clarify text meaning.

437-001-0160- Added an Oxford comma to clarify text meaning.

437-001-0171- Added an Oxford comma to clarify text meaning.

437-001-0203- Made minor punctuation changes. Updated rule reference to reflect rule change. Updated organization name to reflect current usage.

437-001-0225- Added Oxford commas to clarify text meaning. Corrected statutory authority reference.

437-001-0231- Updated organization name to reflect current usage. Corrected statutory authority reference.

437-001-0240- Updated organization name to reflect current usage. Corrected transposition in organization mailing address.

437-001-0245- Added an Oxford comma to clarify text meaning. Corrected statutory authority reference.

437-001-0251- Added an Oxford comma to clarify text meaning. Corrected statutory authority reference.

437-001-0255- Added Oxford commas to clarify text meaning. Updated organization name to reflect current usage. Updated floor location and corrected transposition in organization mailing address.

437-001-0270- Added Oxford commas to clarify text meaning.

437-001-0275- Added Oxford commas to clarify text meaning. Updated organization name to reflect current usage. Corrected statutory authority reference.

437-001-0285- Added an Oxford comma to clarify text meaning. Changed "complaint" to "complainant" to reflect focus on person alleging a hazardous condition. Corrected statutory authority reference.

437-001-0295- Updated organization name to reflect current usage.

437-001-0400- Added an Oxford comma to clarify text meaning. Updated organization mailing address. Corrected typographical error of omission.

437-001-0411- Added an Oxford comma to clarify text meaning.

437-001-0415- Added Oxford commas to clarify text meaning.

437-001-0430- Added Oxford commas to clarify text meaning. Updated organization web address.

437-001-0700- Added Oxford commas to clarify text meaning. Simplified language to ease understanding. Expanded explanation of Table 1 to clarify recordkeeping exemption based on NAICS code list. Updated rule references to reflect rule changes. Added data omitted from previous rule filing but included in current code book, affecting this section from paragraph (24)(f) through to paragraph (24)(g)(B), including Tables 7 and 8 and Appendix A and B.

437-001-0704- Expanded list of criteria in rule title to reflect all instances covered in rule. Added Oxford commas to clarify text meaning. Updated field office addresses.

437-001-0706- Updated web address to access current Healthcare Assault Log. Corrected typo "State" to "Safe". Added "and" to lists to enhance readability. Added Appendices A and B as these were omitted from a previous rule filing.

437-001-0740- Changed rule reference number to reflect rule changes. Added Oxford commas to clarify text meaning.

437-001-0760- Added Oxford commas to clarify text meaning.

437-001-0765- Added Oxford commas to clarify text meaning. Updated organization name to reflect current usage. Added "to" in order to enhance readability.

437-001-0800- Added Oxford commas to clarify text meaning. Corrected statutory authority reference.

437-001-0810- Added Oxford commas to clarify text meaning. Corrected statutory authority reference.

437-001-1005- Updated organization names to reflect a name change and current usage. Corrected statutory authority reference.

437-001-1010- Updated organization name to reflect current usage. Corrected statutory authority reference.

437-001-1015- Corrected typo "of" to "or".

437-001-1025- Updated organization name to reflect a name change and current usage. Corrected statutory authority reference.

437-001-1035- Updated rule reference number to reflect rule changes. Corrected statutory authority reference.
437-001-1040- Added Oxford commas to clarify text meaning. Repealed obsolete "Appendix A". Corrected statutory authority reference.
437-001-1050- Corrected Typo "schedule" to "scheduling". Corrected statutory authority reference.
437-001-1065- Updated statute reference. Updated individual authorized to take action. Correct statutory authority reference.

Please visit our web site osha.oregon.gov Click 'Rule changes' in the Topics, rules, guidelines column and view our proposed rules; or, select other rule activity from the left vertical column on the Proposed Rules page.

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



Signature

November 16, 2018

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Michael A. Wood 9/25/18

Printed name

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:

Amending: OARs: 437-001-0002, 437-001-0005, 437-001-0015, 437-001-0020, 437-001-0035, 437-001-0045, 437-001-0050, 437-001-0053, 437-001-0055, 437-001-0057, 437-001-0060, 437-001-0065, 437-001-0070, 437-001-0080, 437-001-0090, 437-001-0096, 437-001-0099, 437-001-0145, 437-001-0160, 437-001-0171, 437-001-0203, 437-001-0225, 437-001-0231, 437-001-0240, 437-001-0245, 437-001-0251, 437-001-0255, 437-001-0270, 437-001-0275, 437-001-0285, 437-001-0295, 437-001-0400, 437-001-0411, 437-001-0415, 437-001-0430, 437-001-0700, 437-001-0704, 437-001-0706, 437-001-0740, 437-001-0760, 437-001-0765, 437-001-0800, 437-001-0810, 437-001-1005, 437-001-1010, 437-001-1015, 437-001-1025, 437-001-1035, 437-001-1040, 437-001-1050, 437-001-1065

Rule Caption: Oregon OSHA's Standards Improvement Project for Division 1.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

Oregon OSHA is making minor changes to its Division 1 rules. These are technical corrections to rectify inaccuracies and errors discovered through a comprehensive review of Division 1. These changes will correct several types of issues. Some are discrepancies between the Oregon OSHA codebooks and the Secretary of State administrative order filings that have grown through the years and now represent a relatively significant amount of dissonance between the organizations records. Many of the edits stem from rule reference errors, and other typos. Some are temporal in nature and simply update website and physical addresses, individuals holding delegated authority, and agency names that have changed through the years. This rulemaking will correct an omission of the rest of the rule regarding electronic record keeping, Oregon Administrative Rule (OAR) 437-001-0700(24)(f)-(g) and the accompanying tables and appendices. These sections were inadvertently left out of the last administrative order filing with the Secretary of State. Oregon OSHA will update OAR 437-001-0060 to remove specific dollar amounts for citations in ORS 654.086, as this statute was amended by the legislature to remove dollar amounts. Oregon OSHA will also amend OAR 437-001-0096 to update the monetary penalty for a red tag removal, as this was not completed during the last penalties rulemaking, but was intended to be changed.

Documents Relied Upon, and where they are available:

None

Fiscal and Economic Impact:**Statement of Cost of Compliance:**

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct). The public as a whole will be affected only to the degree that members of the public are employers and employees. There is expected to be little to no impact to agency, government or members of the public on operations or budgets for two reasons. The first

is that most changes are technical corrections of grammar, spelling, rule references and other minor edits. The second is that the substantial additions are already in the codebook and already being followed by compliant employers, but are being filed to correct discrepancies between the codebook and the Secretary of State's filed records.

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

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

All businesses and industries subject to the OSEAct will be affected but there are no foreseen costs associated with compliance to this rulemaking.

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

There are no foreseen increases or decreases of administrative activities required to comply with this rulemaking.

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

There are no foreseen effects on the amount or type of equipment, supplies or labor to comply with this rulemaking.

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

Small businesses were involved in the development of this rule insofar as their representatives could be represented on the Administrative Rule Advisory Committee and are free to make comments in response to the rule proposal.

Administrative Rule Advisory Committee consulted?: Yes, Oregon OSHA presented this rulemaking to the Partnership Advisory Committee for comment on the pre-draft language as well as any potential fiscal impact of these rules.

If not, why?:



Michael A. Wood

9/25/18

Signature

Printed name

Date

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)
FOR ADMINISTRATIVE RULES

AGENCY NAME: DCBS/Oregon OSHA
ADDRESS: 350 Winter Street NE
CITY/STATE: Salem OR 97301-3882
PHONE: 503-947-7449

PERMANENT: XX

HEARING DATE: Nov. 1, 2018

TEMPORARY:

EFFECTIVE DATE: Jan. 1, 2019

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.

IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)
See attached Notice of Proposed Rulemaking Hearing.

Description of the need for, and objectives of the rule:
See attached Notice of Proposed Rulemaking Hearing.

List of rules adopted or amended:

AMEND: OARs: 437-001-0002, 437-001-0005, 437-001-0015, 437-001-0020, 437-001-0035, 437-001-0045, 437-001-0050, 437-001-0053, 437-001-0055, 437-001-0057, 437-001-0060, 437-001-0065, 437-001-0070, 437-001-0080, 437-001-0090, 437-001-0096, 437-001-0099, 437-001-0145, 437-001-0160, 437-001-0171, 437-001-0203, 437-001-0225, 437-001-0231, 437-001-0240, 437-001-0245, 437-001-0251, 437-001-0255, 437-001-0270, 437-001-0275, 437-001-0285, 437-001-0295, 437-001-0400, 437-001-0411, 437-001-0415, 437-001-0430, 437-001-0700, 437-001-0704, 437-001-0706, 437-001-0740, 437-001-0760, 437-001-0765, 437-001-0800, 437-001-0810, 437-001-1005, 437-001-1010, 437-001-1015, 437-001-1025, 437-001-1035, 437-001-1040, 437-001-1050, 437-001-1065

Materials and labor costs increase or savings:
Oregon OSHA does not foresee any effect on labor costs.

Estimated administrative construction or other costs increase or savings:
Oregon OSHA does not foresee any effect on administrative costs.

Land costs increase or savings:
Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:
Oregon OSHA does not foresee any additional costs or savings.

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Jeff Carlson
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